
Appeal Decision

Site visit made on 11 July 2017

by Rachael A Bust BSc (Hons) MA MSc LLM MEnvSci MInstLM MCMI MRTPI

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

Decision date: 15 August 2017

Appeal Ref: APP/N3020/W/17/3169386
48 Northcliffe Avenue, Mapperley NG3 6DA

- 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 Joseph Rafter of Footsteps to Futures Ltd against the decision of Gedling Borough Council.
 - The application Ref 2016/0768, dated 14 June 2016, was refused by notice dated 16 November 2016.
 - The development proposed is a change of use from a C3 to a C2 use as a children's home for up to and no more than 3 children aged 11-18.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from a C3 to a C2 for use as a children's home for up to and no more than 3 children aged 11-18 at 48 Northcliffe Avenue, Mapperley NG3 6DA. The permission is granted in accordance with the terms of the application, Ref 2016/0768, dated 14 June 2016, subject to the following 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 unreferenced plans: 1:1250 scale location plan and a 1:500 scale plan.
 - 3) Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that order with or without modification) the premises shall be used only as a children's care home for up to 3 children and for no other purpose (including any other use falling within Class C2 of the Order).
 - 4) The use shall not operate other than in accordance with the Statement of Purpose 2016 - (Proposed) Oak Tree House Residential Home 2016.

Preliminary and Procedural Matters

2. I have used the first sentence from the lengthy explanatory version on the planning application form to describe the appeal proposal since it gives sufficient detail on the nature and scale of the use.
3. The rear (north western) half of the appeal site boundary is fenced off and appears not to be accessible to the occupiers of No 48. It is my understanding that although this area is shown to be part of the appeal site, there is a

planning application for this area to be used for residential development. I have determined this appeal on the basis that the fenced off area would not be available for the use by the proposed children's home.

Main Issue

4. The main issue is whether this is an appropriate location for the proposed children's home, having regard to the living conditions of the occupiers of surrounding properties, with particular regard to noise and disturbance.

Reasons

5. Paragraph 69 of the National Planning policy Framework (the Framework) promotes social interaction and the creation of healthy, inclusive communities. Saved Policy H13 of the Gedling Borough Replacement Local Plan (LP) seeks to ensure that residential homes are permitted within the urban area where there are no adverse impacts on the character of the area, living conditions of the existing residents or road safety. The policy also seeks to prevent an over concentration of such uses. The Council has also referred to saved Policy ENV1 is a general development policy and which amongst other things, seeks to protect living conditions for adjoining occupiers or the locality, including traffic generation. I consider that these policies are broadly in accordance with the Framework.
6. No 48 Northcliffe Avenue is detached four bedroom dwelling house within the residential area of Mapperley.
7. The existing driveway of No 48 could accommodate 2 cars parked in tandem. The topography of this area is varied and although No 48 sits at road level, the driveway and land to the rear fall away very steeply in parallel with Bennett Road. When viewing the rear of the property from Bennett Road, there is an area of decking that projects out from the rear elevation and runs across the whole width of the plot and is enclosed by a timber fence.
8. The Statement of Purpose submitted in support of the proposal, indicates that the accommodation will provide a bedroom for each child and a staff bedroom with integrated office. There would be 24 hour care provision by staff with a shift changeover between 10am and 11am. In addition, a residential house manager would be on-site between the hours of 09:00 and 17:00. Other adults would attend in official capacities on a regular basis, for example a psychologist would visit twice each week, and there would be visitors to the property. Whilst there could be a number of comings and goings, I do not find these to be materially different to those expected of a four bedroomed family dwelling. Therefore in relation to disturbance I conclude that no harm would arise.
9. The Statement of Purpose also sets out how the home would be managed. It states that the intention is to provide a safe, warm and family environment and prepare the young people for independent living. In general terms, the management of the home would also be required to operate within the minimum national standards for children's homes and would be subject to Ofsted regulation and inspections. The management plan for home could be secured by a planning condition. This would be reasonable and necessary to ensure operations run smoothly and in a way that enforces safeguarding

aspects for the children and minimises the impact of the use on the surrounding area.

10. If retained as a single family dwelling the appeal premises it is quite possible that it would be occupied by a greater number of people. Therefore, the occupation of the property by up to 3 children would be unlikely to result in a greater level of noise being generated from activity within the house than would be the case if the property was retained as a single family dwelling.
11. I find that the appeal proposal would be an appropriate location for the proposed children's home and there would be no adverse impacts on the living conditions of the occupiers of surrounding properties, with particular regard to noise and disturbance. Accordingly the proposal complies with saved Policies H13 and ENV1 of the LP.

Other Matters

12. A number of interested people at the application and appeal stages have raised other matters. There is no cogent evidence to support the other concerns raised by interested parties.
13. In terms of the suggestion that the proposal constitutes an overdevelopment of the site with a lack amenity space. I find that the existing dwelling with outside space is sufficient with the level of use proposed. There is no evidence to suggest that the appeal proposal is likely to result in any increase in criminal activity. In relation to the concern regarding precedent as each application and appeal must be determined on its individual merits, a generalised concern of this nature does not justify withholding permission in this case.
14. My attention has been drawn to the concerns regarding the potential for anti-social behaviour. Whilst I consider that these concerns can be viewed as a material consideration, in this case there is no substantiated evidence that the proposal would give rise to anti-social behaviour.
15. Concern has been expressed that the proposed use would attract greater vehicle use, resulting in pressure on on-street car parking in the local area. There are 2 on-site parking spaces proposed utilising the existing driveway. Whilst I appreciate that due to the topography drivers might not wish to park on the driveway, this is not a reason in itself to withhold permission.
16. There are no parking restrictions on Northcliffe Avenue and as such within the surrounding streets there should be sufficient parking opportunities for visitors. The appeal property is in a sustainable urban location with a variety of bus routes available in the locality. At the time of my site visit there were a number of on-street car parking spaces available on Northcliffe Avenue and indeed the surrounding residential streets. Evidence has not been presented to indicate that the proposed use would result in unacceptable pressure on car parking space which would result in harm to the safety of users of the highway. The Council does not object to the proposal with respect to its effect on car parking and I attach limited weight to these concerns in my determination of this appeal.

Conditions

17. The Council has not suggested any conditions; therefore I have provided both the appellant and the Council the opportunity to comment on the conditions. In addition to the standard time limit on the commencement of development (condition 1), it is necessary to list the relevant plans (condition 2) as it provides certainty. Given that use Class C2 includes other uses which may have different impacts that should be assessed on a case by case basis, a condition to restrict the use to a children's home within Use Class C2 for up to 3 children is necessary (condition 3). For reasons given previously I also attach a condition requiring the use of the home to be in accordance with the Statement of Purpose (management plan) (condition 4).

Conclusion

18. For all the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed subject to the conditions specified.

Rachael A Bust

INSPECTOR