



Appeal Decision

Site visit made on 28 January 2020

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 18th February 2020

Appeal Ref: APP/M4320/W/19/3239836
106 Cambridge Road, Southport PR9 9RZ

- 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 Peter Mckeown (Inspire Initiative Ltd) against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2018/01959, dated 26 October 2018, was refused by notice dated 01 August 2019.
 - The development proposed is change of use from C3 "dwelling house" to a C2 "residential institution". The proposal is to provide parenting support and assessments in a Residential Family Centre.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed change of use on the living conditions of the occupiers of neighbouring residential properties, with particular regard to noise and disturbance.

Reasons

3. No 106 is a large 3 storey semi-detached dwelling in an area designated as Primarily Residential in the Sefton Local Plan Adopted April 2017 (the LP). It is set back from the road with a front garden and there are outbuildings and a garden to the rear, accessed via a private driveway to the side of the property.
4. In May 2018, planning permission was refused, and the decision was upheld on appeal¹, for a change of use from a dwellinghouse to a residential family centre. The grounds for dismissal of the appeal related to harm to the living conditions of the occupiers of the attached property No 108, with particular regard to internal noise and disturbance.
5. The appeal proposal sought to overcome the reason the appeal was dismissed. On the basis of the evidence, and from what I saw at the time of my visit, there do not appear to have been any significant changes in circumstance since the time of the previous appeal. Therefore, I see no reason to disagree with the previous Inspector's findings in terms of the likely increase in activity at the appeal property and consequent impacts on the neighbouring occupiers.

¹ Ref APP/M4320/W/18/3202427

6. The Internal Noise Assessment establishes the level of noise that would be generated within the property and evaluates its impact on the occupiers of No 108. Based on a worst-case scenario, it concludes that a higher standard of sound insulation than is required to protect normal domestic uses would be appropriate. I am satisfied that with the implementation of the recommended internal noise mitigation measures, the proposal would not result in harm to the internal living conditions of the occupiers of No 108, as a result of noise generated within the appeal property.
7. However, the likely considerable increase in activity at the site, which was noted by the previous Inspector, would be not only within the property but also around it, including in the rear garden and at the front of the property.
8. The proposal is for 5 mothers (the service users), collectively with between 5 and 7 babies. There would be 4 members of staff during the day and 2 during the overnight period. There would also be private and professional visitors to the property. Many of the service users would be likely to be under the age of 18 and therefore children themselves. Moreover, they would be likely to have complex issues, including learning difficulties and emotional problems. A typical length of stay would be 12 weeks, resulting in short-term and transient occupation of the property.
9. The appeal property is suitable to be occupied by a large family. However, it is unlikely that a single family would permanently be comprised of 4 adults, 5 young mothers and at least 5 babies under 6 months of age. Based on the nature of the proposal and the number of people involved, the change of use would therefore be markedly dissimilar from normal family occupation.
10. The appellant is committed to avoiding adverse effects on neighbouring residential occupiers. In this respect, the Statement of Purpose and the Management Plan set out the terms of the assessment and the acceptable use of the property and behaviours of service users.
11. The predicted increase in vehicular movements would not be significant in the context of Cambridge Road, which is a busy through road with a high volume of traffic. Moreover, there would be relatively few vehicular movements between 20:00 and 08:00 hours. However, any vehicles arriving during the overnight period, including in response to emergencies and in exceptional circumstances, would be likely to be disruptive. Furthermore, while unscheduled and out of hours visitors would only be allowed into the property in exceptional circumstances, this would not prevent any such visitors that were trying to gain entry to the property from disturbing the neighbouring occupiers.
12. There would be provision for cycle parking and 5 car parking spaces to the front of the property, although I note that the plans illustrate 4 parking bays adjacent to the shared boundary with No 108. Service users would not bring their own cars to the property and the spaces would therefore be available for staff and visitors. However, while the property is in an accessible location and staff would be encouraged to use sustainable forms of transport, there would be nothing to prevent them driving to work. Moreover, the proposed vehicular movements include 3 daily trips where staff members would transport service users. Therefore, it appears likely that the 6 staff would travel by car.
13. Vehicular activity associated with the proposal during the day would coincide with times when neighbouring occupiers might reasonably be expected to be

away from their properties. However, there would be an intensification of vehicular activity during the evenings, including around the curfew time and during the staff changeover, when 6 vehicles would be manoeuvring in and out of the 4 parking spaces to the front of the property. While family occupation would also be likely to result in increased activity during the mornings and evenings, it would be unlikely to be concentrated over short periods of time or involve such large number of vehicles.

14. It is proposed that visitor numbers, both private and professional, would be strictly limited to one per day. However, the Management Plan states that sufficient time be allowed between visitor time slots to avoid unnecessary crossover, which suggests that visitors would not be strictly limited. Irrespective, it is not clear that a severe restriction on visitors would be practical or reasonable or that it could be enforced. Furthermore, it would not prevent activity such as friends and family picking up and dropping off service users at the front of the property.
15. Even allowing for times when they would go out into the community, it seems likely that the majority of staff and service users would spend a greater proportion of their time at the property. Therefore, particularly during pleasant weather and in the interests of health and wellbeing, there could be up to 5 young mothers and their babies and several members of staff in the rear garden at any one time. While crying babies would be taken inside, the regular use of the garden by such a large number of people and babies would be likely to contribute to cumulative adverse effects on neighbouring occupiers.
16. Disruptive behaviour by service users could jeopardise their assessments. Nevertheless, given the high number of service users, their young age, complex issues and family backgrounds, it seems reasonably likely that a proportion of placements would fail for reasons including disruptive and anti-social behaviour. Moreover, while disturbance, noise and anti-social behaviour would not be tolerated, there is a lack of clarity in respect of what would constitute unacceptable noise and disturbance, how it would be monitored or actioned. In this respect, it would not be acceptable or reasonable to expect nearby residents to monitor the scheme.
17. The individual occurrences of noise, including car doors slamming, would not result in significant adverse noise levels. However, the Planning Practice Guidance sets out that the subjective nature of noise means that there is no simple relationship between noise levels and the impacts on those affected. In any case, I have a broad duty to consider the living conditions of surrounding residential occupiers, having regard to planning policy. In this respect, even if the management plan could be implemented in full, the proposed change of use and the associated noise and disturbance would be materially different to use of the property as a family dwellinghouse.
18. Therefore, the proposed change of use would result in harm to the living conditions of nearby residential occupiers, with particular regard to noise and disturbance. It would conflict with Policy EQ4 of the LP which requires development to be appropriate to its location, taking into account the likely adverse impacts of noise on amenity and health and wellbeing, and avoiding significant adverse effects on health and quality of life.

Other Matters

19. I accept that a proportion of residential family centres in England operate from semi-detached and terraced properties. However, on the basis of the very limited information before me, I cannot be certain that premises elsewhere are directly comparable to the appeal scheme including in terms of the service offer or the users, the property or its relationship to nearby residential uses. Family centres elsewhere do not therefore provide a justification for the proposal.
20. My attention has been drawn to an appeal for a change of use of a dwellinghouse to a centre for children with emotional and behavioural issues². In that case, the Inspector took into account the particular circumstances of the case in coming to a conclusion that it would harm the living conditions of neighbours. I agree that the 2 schemes are not identical. However, the service users of the scheme before me would be likely to be children with complex, including emotional, issues and from problematic family backgrounds. In this respect, there do appear to be similarities between the 2 schemes.
21. There are properties on Cambridge Road that are currently or were historically in use as residential care homes. However, there is no substantive evidence to demonstrate that they are directly comparable to the appeal scheme.
22. Even allowing for apparent discrepancies and similarities in the third party representations, there are nevertheless a significant number of objections to the proposal. The small number of duplicate or erroneous representations do not weigh in favour of the scheme.

Conclusion

23. I have found that the proposed change of use would conflict with the development plan and there are no material considerations that would outweigh that conflict. For this reason, the appeal should therefore be dismissed.

Sarah Manchester

INSPECTOR

² Ref APP/M4320/W/19/3231962