



Appeal Decision

Site visit made on 19 July 2022

by Emma Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9TH August 2022

Appeal Ref: APP/W2845/W/21/3288251

29 Colonial Drive, Northampton NN4 0BL

- 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 Critchlow- on behalf of GAC Family Services Ltd against the decision of West Northamptonshire Council.
 - The application Ref N/2021/0363, dated 11 March 2021, was refused by notice dated 11 June 2021.
 - The development proposed is the change of use from C3 dwelling to C2 children's home to accommodate a maximum of 3 children 8-18 years old.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from C3 dwelling to C2 children's home to accommodate a maximum of 3 children 8-18 years old at 29 Colonial Drive, Northampton NN4 0BL in accordance with the terms of the application, Ref N/2021/0363, dated 11 March 2021, 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 plans: Location Plan at 1:1250 and A100
 - 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).

Preliminary Matters

2. Concern has been raised that adequate notice has not been served in relation to the planning application. The appeal documents indicate notice has been served. In any case neighbours have commented therefore no injustice could arise.

Main Issues

3. There main issues are the effect of the proposed development on a) the living conditions of the occupiers of surrounding properties, with specific regard to noise and disturbance and b) highway safety, having regard to parking.

Reasons

4. 29 Colonial Drive is a two-storey detached dwelling in a small cul-de-sac with a shared vehicular access and driveway which provides access from Colonial Drive. The immediate area comprises primarily detached properties with dedicated parking provision within their boundaries, accessed directly from Colonial Drive or via shared vehicular access drives, as in the case of the appeal site. The proposal is for the conversion of the existing 4 bedroomed dwelling to a children's home to provide care for up to 3 children aged 8 to 18 years old, by non-resident staff.

Living Conditions of the occupiers of surrounding properties

5. The children residing at the appeal property are unlikely to have cars themselves and their families are not allowed to visit the property. Vehicular movements to and from the children's home would therefore be limited to carers as well as occasional visits by other professionals such as Ofsted and social workers every few weeks. There would be 3 members of staff at the property during the day, including 2 support workers and a manager. A further on-call support worker would be stationed off site and would visit the property as and when necessary. There are proposed to be 2 support workers at the property overnight, with shift changes to take place at 8:00 and 20:00.
6. If occupied as a single family dwelling, it is quite possible that the 4 bedroom property would be occupied by a similar if not greater number of people, with associated vehicular movements, particularly if occupied by an adult household or a family that is supported by others. This would include comings and goings at varying times during the day and evening, including beyond the 8:00 and 20:00 shift change times as proposed. Therefore, the occupation of the property by up to 3 children, together with the visiting carers, would be unlikely to result in a notably greater level of comings and goings over and above that of a single family dwelling, or such activity during anti-social hours.
7. Therefore, a small children's home, such as that proposed at the appeal property, would not generate levels of comings and goings that would result in significant harm to the living conditions of the occupiers of the surrounding properties through noise and disturbance. As such, the proposal would not conflict with the aims of saved Policy H29 of the Northampton Local Plan 1993-2006 (LP) or Policy H1 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014 (JCS), which seek to ensure that development would not have a detrimental effect on amenity.

Highway Safety

8. The submitted 'Traffic Survey', which includes a series of photographs showing vehicles parked at the property, was not carried out by a qualified individual, is not verified, nor does it reach any conclusions. It therefore carries little weight in the determination of the appeal.
9. The appeal property benefits from 4 off road parking spaces. These include 2 spaces on the existing driveway to the front of the garage, one space within the detached double garage and an additional parking space on an area of hardstanding on land adjacent to the existing driveway. Staff vehicles, of which there would be a maximum of 4 at any one time, including the visiting on-call support worker, could therefore be accommodated on site without obstruction

to the private driveway. This would broadly accord with saved Policy H29 of the LP in so far as the everyday parking requirement can be accommodated within the appeal site.

10. There would be additional visitors to the property from time to time. At the time of my site visit, which I acknowledge is only a snapshot in time, there was very little evidence of on-street car parking on the main carriageway of Colonial Drive. Given the traffic speeds and width of the highway, together with the fact that there are no parking restrictions on Colonial Drive, there is ample opportunity for vehicles to park safely on Colonial Drive, beyond the appeal site and the shared cul-de-sac driveway, should the need arise for visitors or during shift changes.
11. No evidence has been presented to indicate that the proposed use would result in increased parking demand to the detriment of highway safety. I find therefore that there is no conflict with JCS Policy S10 or saved Policy H29 of the LP, in so far as they relate to highway safety.

Other Matters

12. I have been referred to Policies 1, 2, 3 and 4 of the Northampton Local Plan Part 2 (2011-2029) December 2020 submission version. Whilst these emerging policies make reference to various factors, including living conditions and safety, they do not significantly change the approach from those in the adopted plan.
13. My attention has been drawn to concerns regarding the potential for antisocial behaviour. However, there is no substantiated evidence that the proposal would give rise to such behaviour. Furthermore, the appellant has indicated that a Complaints Policy and Procedure is in place should issues arise.
14. There is ample space within the appeal site for the storage of bicycles and bins associated with the proposed use in order to avoid obstruction of the shared driveway.
15. Whilst I note the previous refusal of planning permission for the change of use of the dwelling to a children's home for 4 children, I have assessed the appeal on the basis of the proposal for 3 children and the information submitted therein.
16. In light of the fact that I find the appeal proposal to be acceptable, whether or not the property may have been in use as a house in multiple occupation is not relevant to the matter before me.
17. Notwithstanding concerns expressed regarding the robustness or otherwise of the submitted Travel Plan, in light of my findings above, I do not deem it necessary to secure mitigation measures through a Travel Plan.
18. I understand a number of local residents have expressed concern over the anxiety that the proposed development may cause them. From the representations I have seen, it would appear that said anxiety may arise out of the perceived adverse effects of the proposed development on their living conditions which I have, in any case, considered and found to be acceptable in regard to the main issue of the appeal.

Conditions

19. It is necessary to list the relevant plans in order to provide 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.
20. The Council have suggested a condition to restrict the numbers of staff on site at any one time to not more than 3. The appellant has indicated that the number of staff on site may fluctuate, with up to 4 members of staff present during the day, including the on-call carer, as well as other professionals who may visit the property on an ad hoc basis. In light of the above conclusions in relation to the main issues, a condition to restrict the number of staff on site to 3 would fail to meet the tests as it would be neither reasonable or necessary.

Conclusion

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

Emma Worley

INSPECTOR