



Appeal Decision

Site visit made on 11 June 2024

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2024

Appeal Ref: APP/K0235/W/23/3333658

292 Ampthill Road, Bedford MK42 9QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs S Kalirai (Forever 13 Care Ltd) against the decision of Bedford Borough Council.
 - The application Ref is 23/01003/FUL.
 - The development proposed is: Change of use from a single residential dwelling (Use Class C3(a)) to use as a children's home (Use Class C2) for up to three children. Erection of detached bin and cycle stores in connection with the proposed change of use.
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Decision

1. The appeal is allowed and planning permission is granted for 'Change of use from a single residential dwelling (Use Class C3(a)) to use as a children's home (Use Class C2) for up to three children. Erection of detached bin and cycle stores in connection with the proposed change of use' at 292 Ampthill Road, Bedford MK42 9QL in accordance with the terms of the application, Ref 23/01003/FUL, and the plans submitted with it subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos: PL.001 Existing Site and Location Plan, PL.002 Existing Floor Plans, PL.003 Proposed Floor Plans, PL.004 Proposed Site Plan, PL.005 Proposed Refuse & Recycling Store, PL.006 Bike Store.
 - 3) The premises shall be used as a Class C2 care home for up to 3 children and up to 3 carers only at any one time and for no other purpose including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
- 1) The children's care home hereby approved shall not be occupied until details of the bin collection point have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the bin collection point shall be retained thereafter.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was updated in December 2023, during this appeal. The Council's appeal statement and the appellant's final comments were submitted after that date. Therefore, I am satisfied both parties have had an opportunity to comment on the revised Framework.
3. I understand planning permission has been granted for change of use of the appeal premises to a children's home (Use Class C2) for up to two children¹.

Background and Main Issues

4. The Council's first reason for refusal identifies a conflict with criteria viii, ix and x of Policy 60 of the Bedford Borough Local Plan (BBLP). However, in its appeal statement the Council accepts criterion ix would be assessed under another regulatory regime were planning permission to be granted. I concur.
5. Therefore, the main issues are:
 - the effect of the proposal on highway safety, with particular reference to parking and access;
 - whether the proposal would be appropriate to the needs of staff and visitors; and
 - whether the proposal would be likely to lead to an improvement in the quality of care provided.

Reasons

Highway safety

6. The Council's Parking Standards for Sustainable Communities Supplementary Planning Document (SPD) sets maximum parking standards for different uses. It also identifies three Zones within the Borough and proportions of the maximum standards likely to be acceptable for new development in each Zone. The SPD states the appropriate level of provision within any specific proposal should also have regard to factors including the accessibility of the locality and local traffic issues.
7. The maximum parking standard for Class C2 residential institutions is one space per full time equivalent staff and one visitor space per three beds. The proposed use would have three staff at a time and three beds, so the maximum parking requirement would be four spaces. However, the appeal site is within Zone 2 where this requirement could be reduced to two or three spaces, having regard to the considerations identified in the SPD.
8. Ampthill Road is a relatively busy A road with on-street parking controls. There is some on-street parking in nearby side roads with few parking controls. I observed during my visit that Ampthill Road is served by several bus routes connecting the site to key destinations in and around the town, with bus stops in both directions close to the appeal site. There is also a dedicated cycle route running alongside Ampthill Road, separated from the footway, and the proposed development would include secure cycle storage.

¹ Application reference 23/01534/FUL

9. Therefore, the proposal would be well served by alternatives to the private car, and it would be reasonable to expect some staff and visitors to make use of these. Consequently, and bearing in mind some potential to park elsewhere near the site, I consider three on-site parking spaces would be sufficient to meet the needs of staff and visitors at the proposed development.
10. The existing dwelling is a four-bedroom house with potential for three cars to park on-site. The Council acknowledged in its decision report on application reference 23/01534/FUL that three cars could serve the current house if all bedrooms were occupied. It was also satisfied there was sufficient space for onsite turning for three cars in its assessment of that application, albeit the proposed care home in that application was for up to two children. On the evidence before me, I see no reason to reach a different conclusion based on a maximum parking provision of three spaces in this appeal, notwithstanding the additional child occupant proposed.
11. I have considered the comments about on-street parking stress in the vicinity of the site. The photograph showing cars parked on the verge on Ampthill Road is a snapshot in time and insufficient to persuade me there is a persistent problem. In any event, existing parking controls on this road would provide a basis for enforcement of any breaches. As regards on-street parking in side roads, there is no pertinent quantified evidence before me to demonstrate an excess of demand for available spaces. Consequently, these comments do not alter my finding on this main issue.
12. For the above reasons, I conclude the proposal would not have an unacceptably harmful effect on highway safety, with particular reference to parking and access. This accords with BBLP Policy 31, which states proposals should not have any significant adverse impact on access to the public highway, giving consideration to parking provision. It also accords with the Framework, which states development should only be refused on highways grounds if there would be an unacceptable impact on highway safety.

Needs of staff and visitors

13. The Council states the proposal would not be appropriate to the needs of staff and visitors because adequate on-site parking has not been demonstrated. I have found in the main issue above that there would be adequate on-site parking for staff and visitors, taking account of local circumstances including the alternative transport modes available.
14. I therefore conclude the proposal would be appropriate to the needs of staff and visitors in accordance with BBLP Policy 60 (viii). This also accords with the Framework, where it requires development proposals to ensure appropriate opportunities to promote sustainable transport modes can be taken up, given the type of development and its location.

Quality of care

15. BBLP Policy 60 (x) requires proposals for new residential institutions to lead to an improvement in the quality of care provided. No guidance on how this should be measured has been brought to my attention.
16. The appellant's Planning Statement describes the type of children who would be placed in the home, the anticipated length of placements and the nature of the care to be provided. Given the home would also have to undergo a

separate registration process under another regulatory regime, I see no reason to question the quality of care proposed. I am also satisfied on the evidence before me that the proposal would contribute to an overall improvement in care provision for children in the area. I therefore find no reasonable basis to require additional information about the current care of children who might be placed in the new home.

17. Furthermore, I note that the Council was satisfied in this regard when it approved application reference 23/01534/FUL. This weighs in favour of the proposal.
18. For the above reasons, I conclude the proposal would be likely to lead to an improvement in the quality of care provided in accordance with BBLP Policy 60 (x). This also accords with the Framework, where it seeks to ensure the needs of groups with specific housing requirements are addressed.

Other Matters

19. There is no pertinent evidence to substantiate the suggestion that future occupants of the home would engage in violence or anti-social behaviour, or cause disruption to the local community. I am therefore not persuaded there would be a significant adverse impact on the health, well-being or safety of neighbouring occupiers.
20. The Council's procedures in advertising the application are outside my remit in determining this appeal.

Conditions

21. I have considered the conditions put forward by the Council and have amended the wording where necessary in the interests of clarity and simplicity. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty.
22. The condition restricting the type of C2 use and the number of occupants and staff is necessary to protect the living conditions of neighbouring occupiers and for highway safety.
23. I have considered the appellant's comments about the condition relating to bin collection. I find it necessary and reasonable to secure appropriate bin collection arrangements for the duration of the use to accord with the requirements of BBLP Policy 31. I also note a similar condition was imposed on permission reference 23/01534/FUL.

Conclusion

24. For the above reasons the proposal accords with the development plan, read as a whole. Material considerations, including the Framework, do not indicate that a decision should be taken otherwise than in accordance with it. I therefore conclude the appeal should be allowed.

C Carpenter

INSPECTOR