



Ashfield
DISTRICT COUNCIL

MAP SCALE 1: 1250
CREATED DATE: 05/01/2024

COMMITTEE DATE 24/01/2024 **WARD** Hucknall West

APP REF V/2023/0578

APPLICANT Mr Tajinder Ubhi

PROPOSAL Change of Use from C3 Dwelling to C2 Residential Institution

LOCATION 35 Lovesey Avenue, Hucknall, Nottingham, NG15 6WQ

WEB-LINK <https://www.google.com/maps/place/35+Lovesey+Ave,+Nottingham+NG15+6WQ/@53.0165011,-1.228349,17z/data=!3m1!4b1!4m5!3m4!1s0x4879ea95136d9e89:0xa3ad50c61f6b03ad!8m2!3d53.0165011!4d-1.2257741?entry=ttu>

BACKGROUND PAPERS A, C & D

App Registered: 31/10/2023

Expiry Date: 25/12/2023

Consideration has been given to The Equality Act 2010 in processing this application.

This application has been referred to Planning Committee by Cllr Rostance to discuss the transparency of the application and impact on neighbouring properties.

The Application:

Planning permission is sought for a change of use; from a 4 bedroom dwellinghouse (use class C3) to a residential care home (use class C2). The information submitted initially did not provide sufficient detail to make a full assessment and additional information was requested. The agent has clarified through additional information that the occupants will be a maximum of 3 individuals who will be adults between the ages of 18 to 65 with diagnosed learning difficulties. Members of staff will not live on site but there may be an element of 24-hour care dictated by the specific needs of potential occupants. The use would entail 4 full-time and 1 part-time members of staff, operating on a shift basis.

Consultations:

A site notice has been posted together with individual notifications to surrounding residents.

The following responses have been received:

Resident comments:

130 written representations have been received from residents, objecting to the proposal on the following grounds

- Not needed on a quiet estate
- Goes against covenants on house deeds
- Negative impact on properties, privacy concerns
- Individuals housed within will bring antisocial behaviour and crime
- Concerns for safety of nearby children
- Lack of transparency with the application
- Limited space for parking
- Impact on house price
- Increased speeding and noise
- Loss of a family home
- Conflicts with the 2002 Local Plan
- Disruption to nearby community

A petition was also received on the 21/11/2023 containing 187 signatures that states objection to the planning application in the letter alongside.

Nottinghamshire County Council Highways:

Comments dated 07/11/2023:

No details are provided with the application in relation to the scale and nature of the proposed use. Details of the uses of the various spaces within the existing dwelling and the number of clients, and/or bed spaces, are required.

The application form confirms that there will be 4.5 full-time equivalent staff, comprising 4 full-time staff and 1 part-time staff member. The application does not confirm the maximum number of staff members who will be present on-site at any one time nor whether, and what proportion of, staff will be resident.

The application form confirms that the site has one car parking space. Assuming that the garage is available for parking, the site appears to have three car parking

spaces, with one space within the garage and two spaces in tandem on the driveway. If the garage is unavailable for parking, there will be two car parking spaces. The applicant should confirm the intention in relation to use of the garage.

Without the above information, the highway authority is unable to assess the highway impact of the proposed development. The applicant should provide further information as referred to above.

In the meantime, the highway authority objects to the proposed development due to the lack of information. The highway authority will reconsider its position once sufficient details are provided.

Comments dated 21/12/2023:

A plan has since been provided which confirms the availability of three car parking spaces within the curtilage of the property. One space is shown within the existing garage and two spaces are shown in tandem on the driveway.

No rota is attached to the response document posted on the local planning authority's planning web page.

The highway authority asked for the following information in its 7/12/23 observations: "The application form confirms that there will be 4.5 full-time equivalent staff, comprising 4 full-time staff and 1 part-time staff member. The application does not confirm the maximum number of staff members who will be present on-site at any one time nor whether, and what proportion of, staff will be resident." Such information has not been forthcoming. Without this information, the highway authority is unable to assess the highway impact of the proposed development. The applicant should provide further information as referred to above.

In the meantime, the highway authority objects to the proposed development due to the lack of information. The highway authority will reconsider its position once sufficient details are provided.

Nottinghamshire Police Designing Out Crime Officer

Comments dated 05/12/2023:

Nottinghamshire Police have **no holding objections** at this time considering the limited detail available with regards to this application, however, please see the comments below:

is noted that there is no detail with regard to this proposal or information concerning what form the, "residential institution" will take making specific comments difficult, however, that would not of itself present a situation that would result in an objection, but the requirement for additional information remains.

It is necessary to establish if the, "institution" will be provided by a company with a proven track record of delivering satisfactory facilities of this nature whatever it is

(effectively vetted), and will not give rise to anti-social behaviour in the immediate vicinity due to the poor management of the facility.

This should include details of how the premises will be operated, managed, and conflict resolution procedures for issues that may affect the local neighbourhood, including, “good neighbour agreements” or similar such integration, mitigation and resolution agreements that may become necessary.

Policy:

Under the Planning and Compulsory Purchase Act 2004, section 38(6) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Therefore, the starting point for decision-making are the policies set out in the Ashfield Local Plan Review 2002 (saved policies). The National Planning Policy Framework (NPPF) is a material consideration.

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

National Planning Policy Framework (NPPF) (December 2023):

Part 5 – Delivering a Sufficient Supply of Homes.

Part 8 – Promoting Healthy and Safe Communities.

Part 9 – Promoting Sustainable Transport.

Part 12 – Achieving Well Designed and Beautiful Places.

Ashfield Local Plan Review (ALPR) (2002):

ST1 – Development.

ST2 – Main Urban Area.

HG8 – Residential Care Facilities, Houses in Multiple Occupation, Bedsits, Flats and Hostels.

Supplementary Planning Documents:

Residential Design Guide (2014).

Residential Car Parking Standards (2014).

Nottinghamshire Highway Design Guide (2021).

Relevant Planning History:

None

Material Considerations:

- Principle of Development.
- Visual Amenity
- Residential Amenity.
- Highway Safety
- Conclusions.

Section 70(2) of the Town and Country Planning Act 1990 provides that, in dealing with proposals for planning permission, regard must be had to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that, if regard is to be had to the development plan for any determination, then that determination must be made in accordance with the plan, unless material considerations indicate otherwise. Therefore, the starting point for decision-making are the policies set out in the Ashfield Local Plan Review 2002 (saved policies).

The National Planning Policy Framework (NPPF) (December 2023) is a material consideration. The policies in the development plan have to be considered in relation to their degree of consistency with the provisions of the NPPF (NPPF paragraph 225). This will depend on the specific terms of the policies and of the corresponding parts of the NPPF when both are read in their full context. An overall judgement must be formed as to whether or not development plan policies, taken as a whole, are to be regarded as out of date for the purpose of the decision.

Principle of Development:

The application site is located within the main urban area of Hucknall, where the principle of development is acceptable under Policy ST2 of the Ashfield Local Plan Review 2002.

Due regard is also had to Policy ST1 (ALPR) (2002) which states that development will be permitted where it will not conflict other policies in the Local Plan.

Visual Amenity:

Policy HG8(b) (ALPR) (2002) has regard to the acceptability of residential care facilities, setting out that in order for planning permission to be granted, development should not adversely affect the visual amenity of the locality.

Paragraph 135(a) of the NPPF sets out that development should function well and add to the overall quality of the area, not just for the short term, but over the lifetime of the development. Paragraph 135(b) requires development to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

This application relates strictly to a change of use, from class C3 to class C2. The agent has stated that there are no internal or external works planned for the building. For this reason, there would be no adverse impacts on the visual amenity of the area.

Residential Amenity:

Retained Policy HG8(a) (ALPR) (2002) seeks to ensure that the development of residential care homes does not adversely affect the amenity of neighbouring properties. Paragraph 5.89 of the policy subtext sets out that all proposals must ensure that the amenity of residents in the neighbourhood is protected and that undue disturbance or an adverse change in the character of the locality will not arise.

Criterion (c) of Policy HG8 details that, residential care homes will be permitted where the outlook from bedrooms and communal rooms is adequate. Each of the three bedrooms benefit from existing window openings which would provide adequate outlook and lighting. Similarly, the existing rear garden would be provided as satisfactory amenity space for future occupants. Such amenity space is bound by extant fences and a wall, which affords suitable screening for privacy. For these reasons, the development would accord with criteria (c), (d) and (e) of Policy HG8 (ALPR) (2002).

Due to the location of the site, being in a residential area, potential use and number of bedrooms, the proposal will not result in a material increase over the existing baseline level of noise than what would be expected of an ordinary dwellinghouse.

Highway Safety:

A number of resident comments raise concerns over parking and highway safety. Nottinghamshire County Council as Highway Authority (HA) have been consulted on this application and it is considered that their comments carry significant weight. The HA have confirmed that without specific information in regards to staff numbers, they are unable to fully assess the potential highway impact and must maintain an objection from a highway safety perspective.

Without the benefit of a knowing the exact number of staff at any given time, it is difficult to quantify the exact number of car parking spaces required. However, even without this information, the proposed layout raises concerns. The internal measurements of the garage have not been provided and so it is unclear if these meet the requirements to 'count' as a space. In addition, given the tandem parking layout indicated on the submitted plan, it has not been satisfactorily demonstrated

that a vehicle can enter/exit the garage and leave the site in a forward gear, without encountering an obstruction.

If a vehicle was parked on the driveway this would restrict vehicle movements into/out of the garage and if a singular vehicle was parked on the driveway, it has not been demonstrated that this in itself would be able to manoeuvre within the site and leave in a forward gear. Given the proposed use, it is also assumed that there may be additional visits above that of the regular staff, such as social workers, medical professionals and family members, which may result in an increase in on-street parking within the vicinity of the site, to the detriment of highway safety.

Overall it is considered the potential intensification of vehicle use at the address would result in vehicles being unable to suitably manoeuvre within the application site boundary, and thus resulting in them likely reversing out onto the Adopted Highway. This is considered to represent a significant highway safety risk, especially in consideration of the dwelling being located on a corner where visibility is reduced.

Opportune parking on the highway would also affect highway safety, represent an obstruction to the free flow of traffic, and affect the capacity of the local highway network.

The proposal is therefore considered to be contrary to paragraphs 114 and 115 of the NPPF (December 2023), which states that development should be refused where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Other Matters:

Several resident comments raise that the proposed change of use would be in conflict with legal covenants placed on the house, and others on the same estate. However, matters of a legal nature are not a material planning consideration in the determination of this application.

It has been suggested that the proposed use would lead to an increase in anti-social behaviour and crime. Officers have not been provided with any substantive evidence to suggest that a C2 residential institution would lead to a direct increase in crime and anti-social behaviour, nor raise concerns for the safety of children and others.

The impact on house prices is not a material planning consideration.

Conclusion:

During the application process case officers asked the agent to provide additional information on how the proposed change of use would function in practice so that concerns regarding amenity and highway safety could be addressed. Despite the

submission of additional information, it is held this does not satisfactorily address the concerns raised.

The proposed car parking arrangement is considered to be insufficient and likely to result in an increase in on-street parking, taking into account the number of staff and potential visitors to the address, and would therefore have an unacceptable impact upon the highway network.

As such, it is recommended this application be refused planning permission, for the reasons as outlined below:

Recommendation: Refuse planning permission.

Reasons:

Highways:

It is considered that the proposed development fails to provide safe and suitable access for all users, and is considered to result in an unacceptable impact upon the safety and capacity of the local highway network as a result of the contrived parking arrangements and manoeuvring space. Consequently the proposal is considered to conflict with Policies ST1 (a, b and c) and HG8 (f and g) of the Ashfield Local Plan Review (2002), and paragraphs 114 and 115 of the NPPF (December 2023), which states that development should be refused where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.