

PLANNING COMMITTEE – 3rd October 2023

Reference Number: 23/00154/FL

Application expiry: 06/10/23

Application Type: Full

Proposal Description: Change of use of existing building to 3 supported living units
(Amended Plans/Additional Information)

At: Garden House, Station Road, Pilsley, Chesterfield

For: IBC Healthcare

Third Party Reps: Objections

Parish: Pilsley

Ward: Pilsley and Morton

Report Author: Adrian Kirkham

Date of Report: 15th September 2023

MAIN RECOMMENDATION: Refuse planning permission



Figure 1: Site Location Plan

1.0 Reason for Report

- 1.1 The application has been called in for Planning Committee consideration and decision by Councillor Cooper to consider the objections made when assessed against the comments made by the Councils Environmental Health Officer.

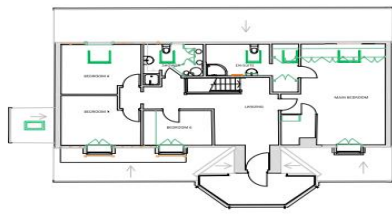
2.0 Proposal and Background

- 2.1 The application site comprises an existing residential property located off Station Street in Pilsley. The property formerly comprised 2 storey accommodation incorporating 7 bedrooms set within a residential curtilage. The site is set on an unmade track located between South Street and the unnamed track, addressed as Station Road (see Figure 1 above).
- 2.2 The application site (Figure 2 below) is bordered by three residential properties, South Street and the track accessing it within the settlement development limits identified for Pilsley in the Local Plan.

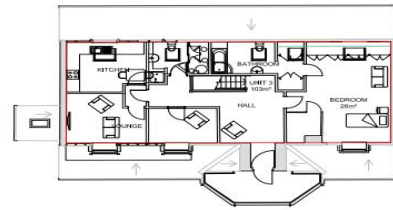


Figure 2: The application site

- 2.3 The application seeks consent to convert the property into three self-contained supported living units, two at ground floor and one at upper floor level. The applicant states that the units will be for people with autism and learning difficulties and each unit will have its own tenancy and council tax liability but not services. No external alterations to the building are proposed (although it is understood that the conversion works have already taken place). The existing and proposed layouts are given at Figure 3 below. Care is to be provided by IBC healthcare, the applicant, and each individual is anticipated to have no more than 2 carers on site at any one time, including through the night.



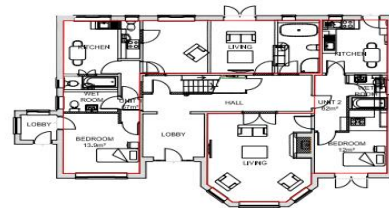
EXISTING FIRST FLOOR PLAN



PROPOSED FIRST FLOOR PLAN



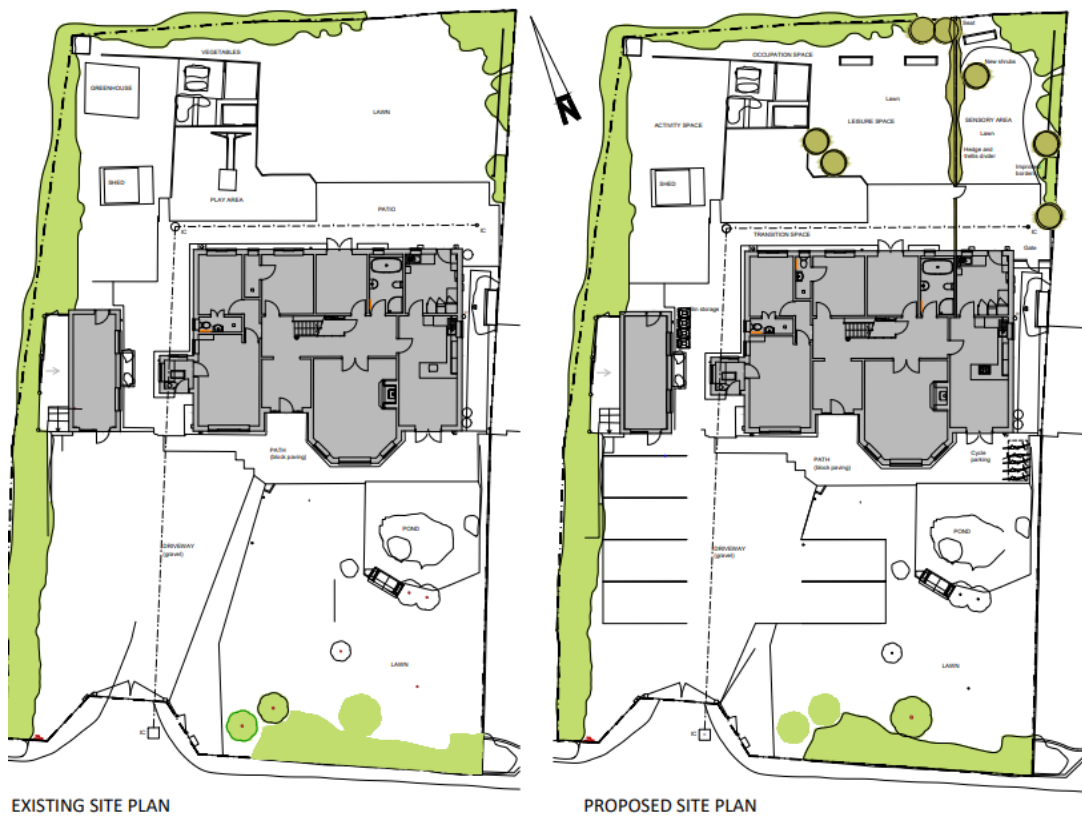
EXISTING GROUND FLOOR PLAN



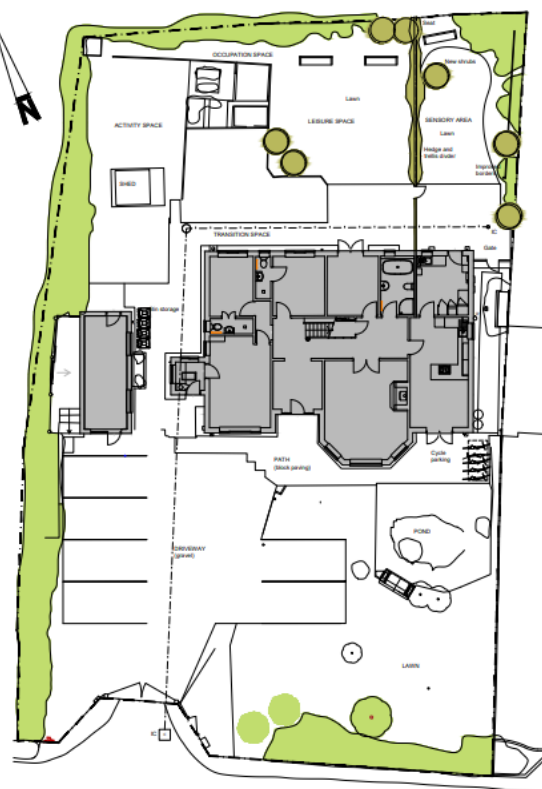
PROPOSED GROUND FLOOR PLAN

Figure 3: Existing and proposed floor layouts (not to scale).

- 2.4 Certain works are proposed to the wider site and are shown in Figure 4 below. These include the formal provision of 6 car parking spaces to the front of the property and space set aside to the rear for “activity”, “leisure” and “sensory” [activities].



EXISTING SITE PLAN



PROPOSED SITE PLAN

Figure 4: Existing and proposed site layouts.

2.5 The applicant concludes the submission by stating that the property will remain within Class C3, i.e. in use as a dwelling house(s), and as supported living for single adults. Daytime carers will work from 09:00 to 20:00 and nighttime carers from 20:00 to 09:00. It is stated there will be no other comings or goings other than would be expected from a normal family home. Finally, it is stated by the applicant that staff will be sourced generally locally and many will arrive by public transport or bicycle.

3.0 **Relevant Planning History**

3.1 NED/03/00304/OL: Application for one dwelling. Approved 2003

3.2 NED/82/00860/OL: Application for one bungalow. Refused 1989

3.3 NED/82/00852/OL; Application for one bungalow. Refused 1998

4.0 **Consultations and Representations**

4.1 **Ward Councillor** – Requests that Planning Committee determine this application to assess the issues raised in the EHO's first comments and whether or not this is an appropriate place for this sort of operation.

4.2 **Parish Council (PC)** – Commented raising concerns over increased traffic in an already congested area.

4.3 Subsequent to listening to the views of local residents the PC object to the application on the following issues:

- Highway safety: The development will generate more than usual traffic in an area that suffers from heavy traffic.
- Noise/disturbance: This is a quiet residential area and the 24 hour a day use is out of keeping with the area. There will be a significant increase in noise impacting negatively on neighbouring homes.
- Incompatible use: There is a fear of crime undermining the quality of life and community cohesion (para 92a of the NPPF).
- NPPF: Guidance has not been followed. There has been no early engagement as required by para 39 of the NPPF and residents feel the developer is unconcerned about their views, a stance the parish council agree with.

4.4 **Highways Authority** – No objections subject to conditions.

4.5 **NEDDC Planning Policy**: Consider the location of the proposal generally acceptable and compliant with policy SS7 and LC4 of the Local Plan.

4.6 **Derbyshire Constabulary Designing Out Crime Officer (DOCO)**: Comments that the proposal is set in the context of a national policy drive to move residential care services away from institutional settings to more traditional family environments which has led to a significant number of applications to change the use of family homes.

- 4.7 For this application the use class is not specified, but the application description seems to fit with a change in use class, with permanent staffing on site and 24-hour care provision, to the C2 use class for a residential care home, and the suggestion of three individual units operating separately from each other being presented for expediency.
- 4.8 There appears no provision at all for care staff within the design submitted. The DOCO's own experience of such applications is that, where there are community tensions because of the proposal, applications have been withdrawn, and care providers have sought to locate their operations elsewhere.
- 4.9 There have been decisions made and appeals decided stating both that the behaviour of residents is and is not material to planning. There is no inevitability that those in care will bring with them problematic behaviour. There is the possibility of this but the likelihood rests with the individual resident and the quality of care provided and governance is the responsibility of the Care Quality Commission.
- 4.10 Experience shows that if this balance is not struck then community problems follow, and police resourcing is required.
- 4.11 Site specifically, the site is set along an unlit stone surfaced private driveway, within a quiet residential area of detached homes, on the edge of a rural setting. The tenure is evidently gentrified and fearful of the proposal disturbing their quality of life. An apparent lack of consultation by the applicants has clearly not helped to allay these fears.
- 4.12 The rift in community cohesion approval of this application would bring, has the potential to alter the hierarchy of space for this cul-de-sac, which would negatively affect territoriality, and consequently, in my view, have a detrimental effect upon community safety.
- 4.13 The NPPF is clear that all development should promote healthy, inclusive and safe places. Considering the scale and type of objections received this aspiration does not look to have been met.
- 4.14 Local plan policy sets out that applications should include measures to minimise the opportunity for crime and anti-social behaviour, which the DOCO expects could be addressed by setting conditions in respect of occupancy numbers, management practices, enclosure and sound attenuation.
- 4.15 **Environmental Health Officer (EHO)** – Noted in March 2023 that the location of the application site in a quiet residential area and any significant increase in noise is likely to impact on neighbouring residential properties. In view of the potential for the use to impact on neighbouring amenity the EHO requested further information from the applicant.
- 4.16 Further to the receipt of a submitted noise management plan, the EHO raises no objection to the application, subject to conditions. The complete contents

of the Environmental Health Officers (EHO) comments are set out on the Council's planning portal as required. In short, the EHO consider there is no substantial evidence that supported living is unacceptable in a residential area on grounds of amenity and that the management controls proposed appear reasonable and can be achieved by way of condition.

4.17 29 submissions have been made to the application objecting to it. They have come from 15 individuals. They make the following points (in precis):

- The change proposed is from a C3 residential use to a C4 House of Multiple Occupation. It will change the character of the area and it could be extended further under permitted rights. The site is distant from other public land and unsuitable for the use proposed.
- Significant detrimental impact on privacy and safety.
- The site does not overlook countryside as stated and, despite claims by the applicant, the garden is not well vegetated and the site boundaries are poor.
- The comments of the EHO are questioned.
- There will be excessive noise and disturbance. The area is very quiet. There will be noise from residents, staff and vehicles and the new use will impact on the peace and tranquillity of the area. There will be 6 full time staff plus visitors and employees are unlikely to arrive by bicycle or on foot. The level of carers and residents is unlike a family home.
- Adults with challenging behaviours can create excess levels of noise and anti-social behaviour. Existing residents will feel vulnerable and future residents of the property will not be provided with suitable accommodation.
- Access Issues. The lane is single track and in a poor state of repair. It is not suitable for further traffic in addition to the future houses that already have planning consent. Parking on the land would obstruct other users/create trespass. The access to the main highway network is poor.
- There will be inadequate parking created and there should be 18 spaces plus turning.
- The lane is privately owned and additional use will increase maintenance costs for all. There is no lighting, and it is dark.
- There has been no consultation from the applicant. Can the applicants guarantee the existing residents safety? The suggested safeguards will be inadequate and raise the fact that the applicant considers special provision needs to be put in place to accommodate future residents.
- The site notice was displayed late and consultation has been poor.
- There will be an adverse impact on the mental health of existing residents, many of whom are elderly and several of which are disabled.
- Refuse vehicles can't access the lane.
- Concern is raised that the works of conversion of the property has already been carried out.

4.18 Additionally, the local MP has submitted comments reiterating the concerns of residents on the suitability of the property along a single width unmade track, with no lighting, pavements, turning space or off-track parking. He also sets out his concerns about the access for emergency vehicles and submits

pictures for information. He also reiterates concerns about safety and security of both potential, future, and existing residents.

- 4.19 The full transcripts of all/any comments made can be seen on the Council's planning portal.

5.0 Planning Policy Considerations

- 5.1 The Development Plan comprises the **North East Derbyshire Local Plan**.

The following policies are considered those most relevant to the determination of this application:

- SS1 Sustainable Development
- SS2 Spatial Strategy and the Distribution of Development
- SS7 Development on Unallocated Land within Settlement with defined Settlement Development Limits
- LC4 Type and Mix of Housing
- SDC12 High Quality Design and Place Making

- 5.2 The **National Planning Policy Framework (NPPF)** is also material to the determination of this application. In particular, chapters 8 and 12 are pertinent to the issues raised by the application.

6.0 Planning Issues

Principle of Development

- 6.1 The application site is located within the confines of Pilsley where new development is generally considered to be acceptable. The site is unallocated for development but, as per policy SS7 of the Local Plan (LP), development will generally be acceptable where it is appropriate in scale, design and location to the character and function of the settlement; does not result in the loss of any valued facility, is compatible with the use of adjacent sites and land uses and accords with other policies of the Plan.
- 6.2 Policy LC4 of the LP refers to the type and mix of housing. It states, in respect of specialist housing, that the Council will support the provision of specialist housing in appropriate locations, close to services and facilities for specialist housing providers.
- 6.3 Policy SDC12 of the LP refers to design and place making and, amongst its various criteria, seeks to ensure that new development will respond positively to local character and context to preserve and, where possible, enhance the quality and local identity of existing communities and their surroundings.
- 6.4 These policies are contained in a newly adopted LP and so are considered in full conformity with the NPPF which in turn advises that new development should foster well designed and safe places, deliver new homes for different groups, promote social interaction and result in safe and accessible

communities.

- 6.5 The application site at present exhibits all the characteristics of a traditional dwelling house. It is two storey property, although it takes on the appearance of a dormer bungalow (see Figure 2 above). The submitted plans show 7 existing bedrooms and it is set within a large garden. It has parking to the site frontage. The area is typically residential with dwelling houses surrounding the site and access to it is via an unmade road that as it passes the site reduces in width to form a single track.
- 6.6 The applicant seeks to convert the property into 3 self-contained supported living units each containing a single bedroom, a living area, bathroom and kitchen. The applicant indicates that residents will be supported by non-resident carers but by no more than two per individual resident at any one time. The applicant concludes that the use of the property will not deviate from its use as a Class C3 use, i.e. as dwelling houses. The carers would operate on a two shift per day basis.
- 6.7 Notwithstanding the issue of which specific use class any newly converted and occupied dwelling(s) would have, it is clear that the converted property is intended to run on the basis that 24-hour care on site is provided, but not by residents living at the property, but by visiting, albeit permanently embedded, carers across the three units.
- 6.8 Whilst the operation of a single residential property on that basis may not result in the character of a site altering, the consequence of three separate units being occupied and run in that way would inevitably result in a more intensively used property. Added to that activity, there would be the normal comings and goings associated with the three domestic units, including family and friends visiting the site and the other activities associated with any residential unit.
- 6.9 The front drive/garden to the property would also be altered to form formally laid out car parking spaces for 6 vehicles along with turning. Officers would normally expect to see 3 spaces to support 3 single bedded residential units. In this case, the applicants state that up to 2 carers will attend the site at any one time, for all 3 residents. This would potentially add a further 6 vehicles being present on the site at any one point resulting in the potential need for 9 spaces to be provided. In addition, it is noted that, to the rear, formal areas for the residents (and others) to use would also be created.
- 6.10 Officers consider that the overall level of activity associated with the new use and how it would be physically accommodated on the site would impact on how the existing property operated and adversely on the character of the area.
- 6.11 The comments made by the DOCO are noted and the impact any new use would have on community cohesion. This adds some weight to the concerns of Officers in this case.

Impact on Residential Amenity

- 6.12 Comments that have been received in respect of how the newly converted

property would impact on the amenity of the adjoining residents. LP policies seek to ensure that any new use does not impact detrimentally on neighbouring amenity.

- 6.13 It is noted that there are no external alterations proposed to the property. The site will continue to be used for ongoing residential purposes and so it is considered there will be no greater impact on the day-to-day amenity of neighbouring residents from any new use of the property itself.
- 6.14 It is considered that the garden to the premises will be more intensively used than previously in view of its proposed specific demarcation and in a manner that will be more akin to a supported environment than a domestic garden.
- 6.15 However, the comments of the EHO are noted on this issue and so, notwithstanding the comments of the DOCO, it is considered on this issue that, subject to appropriate conditioning of the noise management controls proposed, there is unlikely to be any demonstrable impact on the specific amenity of the neighbouring dwelling houses from the new use proposed by reason of overlooking or overbearing.

Highway Safety

- 6.16 The site is accessed along an unmade private road that, where it leaves Station Road, is of considerable width but which, as it approaches the site, reduces to a single width track.
- 6.17 The area close to the access point onto the primary highway is well used for vehicle parking, but the additional traffic likely to be associated with the new use will be limited and, as visibility is good, and as per the comments of the Highway Authority, will not be detrimental to highway safety.
- 6.18 The nature of the access track itself is noted. Its capacity is limited and there will be additional traffic using it, not only by the subdivision of the dwelling into the three units with the associated impact on traffic levels, but also by the carers who will occupy the site and come and go at least twice a day.
- 6.19 However, Officers are of the view that the speed at which the track is used is self-regulating due to its finish and character, as such the impact of the additional traffic is likely to be to cause inconvenience at worst rather than any harmful highway safety impact.
- 6.20 Officers conclude on this issue in accordance with the comments of the statutory consultee and that the proposal will not harm highway safety.

Other Issues

- 6.21 A number of other issues have been raised by stakeholders. Those relating to private matters, such as the increased cost of maintaining the access road, are not ones that can be considered in the planning balance. Additionally, some areas of disagreement with the applicant's submissions are raised but Officers have set out above how the site currently operates and how it will be

used and conclude on its overall impact. The Planning Committee will be able to do likewise.

- 6.22 The issue of the needs of future residents has been raised. The policies of the Council seek to secure housing to accommodate all members of society and so there is support for supported housing of the nature proposed here in general terms.
- 6.23 The DOCO does provide some commentary on experience of similar developments. However, as accepted by the EHO, properly controlled, there is no reason necessarily why there should be any unacceptable impact on the safety and welfare of either future residents or nearby existing residents, particularly as full-time supervision is to be provided and could be controlled as required.
- 6.24 It is commented that refuse vehicles cannot access the site. However, that is a current situation and other residential units occupy land further along the track from the site and do not appear to have insurmountable problems in terms of refuse collection. In addition, refuse bins will currently be collected from the site. The issue of refuse vehicles attending the site in this case, therefore, is considered neutral in the planning balance.
- 6.25 During consideration of the application, it has been reported to Officers that the works to convert the property have been undertaken and that a single resident has been moved in. Whilst this is regrettable, this carries no weight in the determination of the application, which should be judged on its merits. The works of conversion have not entailed any changes to the external appearance of the property.
- 6.26 Finally, the issue of consultation has been raised, not least by the Parish Council. The DOCO also refers to this issue. Officers concluded, in view of the DOCO's comments, that the application process may be assisted if a consultation by the applicant with residents took place. This has been arranged and will have taken place prior to the Planning Committee meeting to determine the application, but it has been arranged after a resident has been placed at the property. Notwithstanding this, the fact that consultation is raised as an issue should not weigh in the planning balance, as all the necessary statutory consultation has been carried out by the Council in any case.

Summary and Conclusion

- 6.27 The application site is located in a residential area of Pilsley. The property will be divided up into 3 independently occupied properties with ongoing support for the individuals living there with communal outside areas.
- 6.28 The level of activity associated with the new property is not considered compatible with a residential area and will result in activity, comings and goings and physical alterations that will adversely alter its character.
- 6.29 The Council's policies seek to provide a mix of housing. However, the level of

change associated with the new use is assessed as considerable and damaging to the locality.

- 6.30 Notwithstanding this, there is not considered any technical reason why the development should be resisted and, subject to controls, the specific and day to day residential amenity of the near neighbours could, it is concluded, be protected by condition to avoid unacceptable impacts.
- 6.31 In conclusion, therefore, the new use for the site is not considered acceptable and contrary to the policies of the Development Plan and there are no other material matters to outweigh that conclusion. As such, the application is recommended for refusal.

7.0 Recommendation

- 7.1 **REFUSE** planning permission for the following reason:

The application is considered to be unacceptable as it would result in 3 supported living units being formed with care provided on a 24-hour basis by up to two carers per unit. This level of activity, the associated comings and goings and infrastructure required to support the new uses would result in a change in the character and use of the site/property that would be incompatible with, detrimental to, and not sympathetic with the area and which would lead to a lower standard of amenity for existing residents.

As such, the proposal would be contrary to policies SS1, SS7 and SDC12 of the North East Derbyshire Local Plan and the National Planning Policy Framework when read as a whole.