

12 Larkspur Grove Edgware HA8 9GB

Location

Reference:	16/6320/FUL	Received: 29th September 2016 Accepted: 22nd November 2016
Ward:	Hale	Expiry 17th January 2017
Applicant:	Ms Henry	
Proposal:	Use of the existing dwelling for a children's home to accommodate 2 children	

Recommendation: Approve subject to s106

RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;

All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

And in accordance with a Section 106 agreement to secure the following:

That the premises shall only be used by the applicant Ms Andrea Henry as a residential care home for children 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, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Monitoring of the Agreement £500.00

Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

That upon completion of the agreement the Planning Performance and Business Development Manager approve the planning application under delegated powers subject to the following conditions:

1 The development hereby permitted shall be carried out in accordance with the following approved plans:

The development hereby permitted shall be carried out in accordance with the following approved plans: 583-00-01 Rev A - Site Plan, 583-EX-00 Rev A - Existing Floor Plan, 583-EX-01 Rev A, Existing Floor Plan, Planning Statement, Location Plan.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

2 The use hereby permitted shall be carried on for a limited period being the period of 3 years from the date of this letter.

Reason: To ensure that there is no undue loss of valuable housing stock and the residential care home for children meets local need that would not be detrimental to the amenities of the neighbouring occupiers.

3 The use hereby permitted shall be carried on only by Mrs Andrea Henry and shall be for a limited period being the period of 3 years from the date of this letter.

Reason: To ensure that there is no undue loss of valuable housing stock and the residential care home for children meets local need that would not be detrimental to the amenities of the neighbouring occupiers.

RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 28/04/2017, unless otherwise agreed in writing, the Head of Development Management REFUSE the application under delegated powers for the following reason(s):

1. The loss of single family dwelling house (C3) would harm the character of the surrounding area and would reduce the availability of general needs housing in the Borough. As such, the proposed development would be contrary to Policies DM01 and DM07 of the Adopted Local Plan Development Management Policies Document (2012) and Policies CS1 and CS NPPF of the Local Plan Core Strategy (2012).

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Officer's Assessment

1. Site Description

The site is located at the northern end of Larkspur Grove a cul-de sac, in the ward of Hale. The property is an end of terrace two bedroom dwelling house and it is currently occupied by the applicant.

The site is bounded by Edgware Way and nos.1 - 6 Iris Walk to the north; Aster Court (flatted development) to the north west; to the east are Nos 37 & 39 Magnolia Gardens, and to the south is No. 10 Larkspur Grove. The street and locality is dominated by single family dwellinghouses and flats. The application site benefits from a large rear garden.

The application site is not a listed building and does not lie within a Conservation Area.

2. Site History

n/a

3. Proposal

The proposed development includes:

- Use of the existing dwelling (C3) for a children's home (C2) to accommodate 2 children.

4. Public Consultation

Consultation letters were sent to 52 neighbouring properties.

1 letter of objection has been received.

A summary of the comments are as follows:

- o It's a private housing estate; regrettably do not want children with emotional problem living in close proximity.
- o Property values will be affected negatively
- o Noise and disturbance
- o Respondent has a similar experience and it was a nightmare. The children were moved after many complaints from all the neighbours.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies document. Both were adopted in September 2012. The following policy documents were consulted:

Core Strategy Policies:

- National Planning Policy Framework (NPPF) (2012)
- Relevant Core Strategy Policies: CS NPPF, CS1, CS4 and CS11.
- Relevant Development Management Policies: DM01 and DM07.

Supplementary Planning Documents

Residential Design Guidance SPD (Adopted 2016)

Sustainable Design and Construction SPD (Adopted 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- i. The principle of proposed use
- ii. The impact on the appearance and character of the area
- iii. The impact on the amenities of neighbouring occupiers
- iv. The impact on highways safety
- vi. Refuse and Recycling

5.3 Assessment of proposals

The principle of a Residential Care Home in this location

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings.

The Council recognises that Residential Care Homes can make an important contribution to housing provision. However, they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through; for example, the provision of car parking and refuse facilities and increased noise, and that can consequently have an unacceptable impact on the established character of an area.

In assessing whether a residential care home would be appropriate in this location, policy DM01 of Barnet's Development Management Policies states that consideration should be given to the character of the road and where proposals involve the loss of houses in roads characterised by houses, this will not normally be appropriate. Policy DM07 'Protecting housing in Barnet' expands further and states that the loss of residential accommodation will not be permitted unless where need can be demonstrated.

The application proposes a care home for 2 children which would involve the loss of a 2 bedroom end of terrace dwelling. There will be no alterations to the existing layout and external fabric would remain the same. The care home would provide short term accommodation to allow local authorities time to find an alternative placement provision.

The care home would provide 24 hours, with two staff on duty per shift.

Staff Shifts: 10am - 6pm - Housekeeping/M Meal time x 2 staff
6pm - 10am - Waking Night staff x 2 staff

Children Services department was consulted to understand whether there was a demonstrable need for a care home for children in this location. The children's services stated that there are no privately run children's homes within the borough and there is a need to keep Looked After children in Barnet, close to their families and continue with education. In addition they indicated that currently Barnet two children's homes are currently full, although every effort would always be made to accommodate children and young people in foster placements however due to the need of the child or young person; they may be placed in residential children's homes. If there is need to place a young person in a registered children's home the Children services would look at the needs of the child and would typically place the child outside of borough.

Although there is local need for residential children's home, the Children services cannot make a determination if they would be commissioning the provider unless the property has planning permission and the quality of care that would be available has been assessed. Without a clear commitment from children services to use the facilities, it is considered that the need cannot be proved beyond reasonable doubt. In view of the above, if approved the application would be a departure from the plan.

To ensure that the proposal would meet Barnet's local need, a temporary planning permission for duration of three years would be imposed. The three years' time limit imposed would enable Children Services to assess the quality of provision and determine if the provider can fill a local need.

Furthermore the planning permission would be personal to the applicant and the property would have to revert back to residential if the applicant should cease operations. To continue the use after the end of the 3 years, an application for continued use would be required prior to expiry date of the planning permission.

Although it would involve the loss of a dwelling house, it is considered that the proposal to change the use of the property from residential (C3) to care home (C2) for 2 children would not have a detrimental impact upon the existing character of the street. The change of use would be a departure from the plan as the requirement to ensure it complies with policy DM07 cannot be fully justified, however given potential for the proposed use to meet a potential need within the borough, the change of use to a care home provision for 2 children in this location is deemed to be acceptable, in this instance.

If approved, the applicant would be required to enter into a s106 agreement to ensure that the requirement for granting planning permission is adhered to.

The Impact on the appearance and character of the area

The Barnet Local Plan Core Strategy (10.2.6) states that the main source of supply to meet demand is largely provided by suburban housing stock. Therefore there is a need to protect such housing within established residential streets which, because of their rhythm and cohesiveness, contribute to local character.

Although the street housing stock would be reduced, the proposed change of use would not have a significant impact on the existing character of the street as no change is proposed to the built form. In addition the activity of the proposed use would not be very intensive due to the number of children to be accommodated.

Overall, it is deemed that the proposed application would not have an impact on the established architectural character of the properties along Larkspur Road as there is no likelihood of the proposed use leading to increased vehicular and pedestrian activity.

The impact on the amenities of neighbouring occupiers

The use of no.12 as a residential care home would directly provide a care home for two 11 - 16 year olds with emotional, social and behavioural directly against the party wall shared with a residential dwellinghouse. Although there could be associated noise implications it is not anticipated that the disturbance would be continuous as the accommodation is for short term stay. Furthermore noise and disturbance can be controlled by Environmental health if it becomes significant and has an unacceptable impact on neighbouring residential properties.

The temporary permission would allow the effect of the proposal to be monitored and would be taken into account if an application is made to continue the use at the end of the three years.

It is deemed that the proposed change of use would not have an impact on neighbouring occupiers, due to the number of children.

Whether the proposal provides a satisfactory living environment for future occupiers

There are no changes proposed to the layout of the dwelling house. The proposal is therefore considered to be acceptable in this regard.

Amenity Space:

Table 2.3 of Barnet's Sustainable Design SPD (Oct 2016) outlines the amount of quality outdoor amenity space that should be provided for occupants. The site benefits from a large rear garden which exceeds the minimum outdoor amenity space standards and is deemed acceptable for the use of future residents.

The impact on highways safety

There would be 2 members of staff on duty daily with night time staff available. There are currently 2 parking spaces allocated to the property, which is in line with highways requirements for staff. There is no requirement for cycle parking provision.

There are no objections to the proposal on highways ground.

Refuse and recycling storage

Refuse and recycling provision and storage would remain as existing.

5.4 Response to Public Consultation

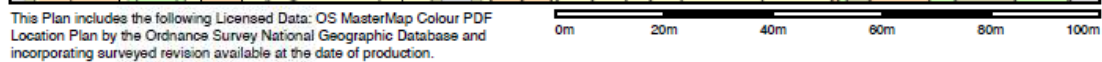
The impact of the proposed use on property values is not a planning issue and cannot form the basis of determining the planning application. All other comments have been addressed within the body of the report.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and support the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that the proposed development would not have an adverse impact on the character and appearance of the application site and the general locality. Information provided by Children services shows that there is a demonstrable need for a residential care home for children within the borough. To ensure that the development does meet a local need, it is considered that a temporary planning permission for three years should be granted. This would also enable the impact of the development on the locality to be monitored. This application is therefore recommended for approval



This Plan includes the following Licensed Data: OS MasterMap Colour PDF Location Plan by the Ordnance Survey National Geographic Database and incorporating surveyed revision available at the date of production.