

**Location** 12 Larkspur Grove Edgware HA8 9GB

**Reference:** 21/5309/RCU Received: 6th October 2021  
Accepted: 6th October 2021

Ward: Hale Expiry 1st December 2021

**Case Officer:** Wilf Foster

Applicant: Ms Henry

Proposal: Use of the existing dwelling for a children's home to accommodate 2 children (Retrospective application)

### **OFFICER'S RECOMMENDATION**

Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in their absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

Drawings: 583-00-01 revA; 583-EX-00 revA; 583-EX-01 revA.

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 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 Details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is occupied, a minimum of 1 long stay cycle parking space in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of cycles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012, Policy DM17 of Development Management Policies (Adopted) September 2012, and Policy T5 of the London Plan (2021).

- 4 The use hereby permitted shall be carried on only by the applicant, Mrs Andrea Henry, and by no other person, organisation or operation.

Reason: To ensure that the consented use is operated by the specified responsible individual as assessed by the Council only, to protect the residential amenities of neighbouring occupiers in accordance with Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012), and to safeguard housing choice for vulnerable residents in accordance with Policy CS4 and CS11 of the Local Plan Core Strategy DPD (adopted September 2012).

#### **Informative(s):**

- 1 In accordance with paragraphs 38-57 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. 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**

Members of Planning Committee C 17<sup>th</sup> January 2022 deferred this application to assess the impact of the care home on the neighbourhood by seeking more information on the following which has been incorporated within the body of the report:

- a) officers to explore and find any evidence to noise and disturbance including why the police and paramedics were called out on different occasions;
- b) how the care home is run including Ofsted reports;
- c) request further comments from the Children's Services ;

d) information on the petition signed by 54 residents.

## **1. Site Description**

The site is located at the northern end of Larkspur Grove, which is a cul-de sac within the Hale ward. It contains a two storey end of terrace dwelling house.

The site is bounded by Edgware Way and Nos. 1-6 Iris Walk to the north; Aster Court to the north west; to the east are Nos 37 & 39 Magnolia Gardens, and to the south is No. 10 Larkspur Grove. The surrounding area predominantly consists of single family dwellinghouses and flats. The 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**

Reference: 16/6320/FUL

Address: 12 Larkspur Grove Edgware HA8 9GB

Decision: Approved subject to legal agreement

Decision Date: 30 August 2017

Description: Use of the existing dwelling for a children's home to accommodate 2 children

## **3. Proposal**

This application seeks planning permission for the "Use of the existing dwelling for a children's home to accommodate 2 children." Although the use has ceased at the point of the application being made, it is sought to resume an existing use without planning permission and therefore consent is sought retrospectively.

The proposals do not involve any external changes requiring planning permission.

## **4. Public Consultation**

A site notice was erected 21 October 2021.

Consultation letters were sent to 51 neighbouring properties.

A total of 55 responses have been received, comprising 54 letters of objection and 1 letter of support.

The objections received can be summarised as follows:

- Concerns regarding noise and disturbance, including anti social behaviour, arising from the proposed use.
- Impact of the proposals on the character of the area.
- Loss of single family housing.
- Concern regarding increased parking congestion and vehicular movements as a result of the proposed development.
- Concern regarding impact on local property values.
- Increase in litter in the surrounding area.

A petition was submitted to the council in August 2020 in relation to the continued use of the host property as a care home following the end of the temporary permission. The petition is signed by a total of 47no people. Its contents are summarised below:

- The impact on neighbouring properties is detrimental due to noise, disturbance, anti-social behaviour and disruption.
- Frequent visits to the property by emergency services causing disruption to parking and vehicular access.

The applicant has posted a comment for support stating:

"Sadly, since the introduction of covid restrictions in March 2020; families, schools and child care providers have experienced overwhelming shortages in Child Adolescent and Mental Health Services (CAMHS) - not only in Barnet, but throughout the UK.

Consequently, this has had a severe impact on the health and well-being of children nationwide."

## **5. Planning Considerations**

### 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 revised National Planning Policy Framework (NPPF) was published on 20 July 2021. 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 2021

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous Plan.

### 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 Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02.

The Council's approach to development as set out in Policy DM01 is to minimise the

impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

#### Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

#### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

Residential Design Guidance SPD (adopted October 2016)

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether the principle of development is acceptable;
- Whether harm would be caused to the character and appearance of the street scene and the surrounding area;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to the living conditions of future residents;
- Whether harm would be caused to highways and parking;
- Any other material considerations

### **5.3 Assessment of proposals**

#### Principle of development:

The proposal seeks retrospective consent to use the dwelling house (Use Class C3) at 12 Larkspur Grove as a children's home (Use Class C2) to accommodate 2no children. Policy DM07 of Barnet's Development Management Policies Document states that the loss of residential accommodation will not be permitted unless:

a. the proposed use is for a local facility (children's nursery, educational or health use) provided that it is not detrimental to residential amenity and;

- b. where need can be demonstrated and;
  - c. the demand for the proposed use cannot adequately be met elsewhere and is in line with other policies
- or;
- d. the location is no longer environmentally suitable and viable for residential use
- or;
- e. it involves identified regeneration areas with large scale demolition of housing and estates which provides for the net replacement of the total residential units

Paragraph 8.1.3 of this document states:

"There may be specific circumstances where the loss of residential uses may be acceptable. Changes of use may be permitted where a clear local need can be demonstrated to provide the following local facilities; health facilities, a children's nursery or educational use. Any proposal should be of a small scale and will be considered on its merits having regard to the impact on the amenity of residents, car parking and traffic. In line with Policy CS10: Enabling Inclusive and Integrated Community Facilities and Uses the co-location of facilities will be supported in the right locations. Policy DM13: Community, Health and Education Uses sets out our approach to access to community facilities."

It is not considered that the location is no longer environmentally suitable and viable for residential use (DM07.d) and the application site does not involve an identified regeneration areas with large scale demolition of housing and estates which provides for the net replacement of the total residential units (DM07.e).

With regards to part a) of Policy DM07, the proposed use is for a children's home, which is deemed to be a local facility as defined in the policy. With regards to residential amenity, consideration is given to the small scale of the facility, accommodating 2no children only. It is noted that there would be a different pattern of use compared with a single dwellinghouse, including comings and goings of staff and visitors. The applicant has stated that "the care home would provide 24 hours, with two staff on duty per shift." Staff shifts are as below:

10am - 6pm - Housekeeping/Meal time x 2 staff  
6pm - 10am - Waking Night staff x 2 staff

It is considered that the above frequency and pattern of comings and goings would be relatively comparable to that associated with a single dwellinghouse.

It is noted that a large number of objections have been received following public consultation, with many citing concerns about noise and disruption from the proposed use and referring to the previous operation of the use. These concerns are noted and taken into consideration. However, it must be noted that no complaints were made to the Council's Environmental Health team during the operation of Larkspur House between 2017 and 2021. Environmental Health officers have been consulted on the application and have not raised an objection to the use and its impact on residential amenity.

Officers have requested additional information during the course of this application in relation to reports of incidents involving emergency services being called to the property during the previous use as a children's home. The applicant has provided a record of such incidents, comprising a total of five instances over the entire period 2017-2021. Three of the incidents were during the period 15<sup>th</sup> July 2021 and 13<sup>th</sup> August 2021 and involved one young person whose placement was terminated shortly following the third incident. The

applicant has also provided an Ofsted report from the most recent visit in October 2020. This “did not identify any serious or widespread concerns in relation to the care or protection of children” and found improvements in terms of the effective running of the home. This assessment is considered to provide additional reassurance that the proposed use would be operated effectively to mitigate the potential for disruptive incidents.

Considering the scale of the proposed use and taking into account all information available to officers, it is not on balance considered that the proposed use would be likely to result in unacceptable harm to neighbouring amenity. As such, it is not considered that this would warrant a reason to object to the proposals or that there would be a conflict with Policy DM07.a.

Policy DM07 further requires that 'need can be demonstrated' (point b) and 'the demand for the proposed use cannot adequately be met elsewhere and is in line with other policies'. In relation to the local need for accommodation such as that being proposed, the London Borough of Barnet's Director of Children Social Care (Family Services) has provided the following response:

"As Director of Corporate Parenting I can say that there is currently a crisis across London in relation to insufficient residential resources for children in our care and in Barnet there is definitely a local need for this type of provision."

In light of the above, Planning Officers are satisfied that there is a demonstrable local need for the proposed use which is not currently being met elsewhere. The proposals are therefore considered to be in accordance with parts b) and c) of DM07. A condition is attached to restrict the operation of the use to the applicant, Mrs Andrea Henry only and no other person, organisation or operation. This is considered prudent to ensure that the use is linked in perpetuity to the identified local need.

Taking all material considerations into account, in this particular instance, the loss of residential accommodation is considered to be acceptable and in accordance with local planning policy. Therefore, the principle of development is found to be acceptable.

#### Impact on character and appearance:

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The proposals do not involve any external changes to the existing building requiring planning permission to facilitate the proposed use. While it is noted that changes of use can impact the local character through associated changes to the pattern and intensity of use of a site, as discussed above, given the small scale of the proposed facility, it is not considered that the proposed use would be detrimental to the established local character. The proposed development is therefore considered to be in accordance with Policy DM01 in this respect.

#### Impact on amenity of future occupiers:

The proposed accommodation is unchanged from the previous consent 16/6320/FUL. It comprises two bedrooms at first floor level, both benefitting from good light and outlook, and a kitchen and living room at ground floor. The property benefits from a generous garden to the rear. Overall, the proposal is considered to provide an adequate level of amenity for future occupiers and is satisfactory for the proposed use.

#### Impact on amenity of neighbouring occupiers:

The impact of the proposed use as a children's home for two children is discussed in relation to the principle of development and considered to be acceptable. There are no external changes proposed to the existing building that would impact neighbouring amenity. As such, officers are satisfied that the proposals would not result in unacceptable harm to the residential amenities of neighbouring occupiers.

#### Impact on highways and parking:

The proposed use involves two members of staff on site at one time. There are currently 2 parking spaces allocated to the property, which is considered to be an acceptable provision that would not result in harmful overspill parking.

With regards to cycle parking, Table 10.2 of the London Plan (2021) states that the minimum standard for uses within Use Class C2 is 1 space per 5 FTE staff. As such, the proposals would be expected to provide a minimum of 1 no cycle parking space. Although this has not been indicated on the submitted plans, there is sufficient space to accommodate this on site. A condition is attached to ensure this would be provided, which is considered to be satisfactory.

Therefore, there are not considered to be any material reasons to object to the proposed development on highways grounds.

### **5.4 Response to Public Consultation**

- Concerns regarding noise and disturbance, including anti social behaviour, arising from the proposed use.
- Impact of the proposals on the character of the area.
- Loss of single family housing.
- Concern regarding increased parking congestion and vehicular movements as a result of the proposed development.

The above issues are all considered to have been addressed in the above assessment of the proposals.

- Concern regarding impact on local property values.
- Increase in litter in the surrounding area.

These are not considered to be material planning considerations.

The issues raised in the petition, submitted prior to the validation of this planning application, are considered to be similar to those detailed above and therefore the above comments also apply.

### **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 supports the Council in meeting its statutory equality responsibilities.

### **7. Conclusion**

The proposed development would result in the loss of residential accommodation; however, the proposed use is for a local facility which would not cause harm to residential



