

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

337 Derby Road, Nottingham

1 SUMMARY

Application No: 15/02961/PFUL3 for planning permission

Application by: William Saunders on behalf of Chapel Bar Securities Ltd

Proposal: Change of use to 5 bedroom children's care home (Class C2).

The application is brought to Committee at the request of a Ward Councillor.

To meet the Council's Performance Targets this application should have been determined by 19th January 2016

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to the listed in the draft decision notice at the end of this report.

Power to determine the final details of the conditions to be delegated to the Head of Development Management.

3 BACKGROUND

3.1 337 Derby Road is a large three storey detached property located on the southern side of Derby Road. It is currently in use as a 6 bedroom Class C4 House in Multiple Occupation (HMO) occupied by students. The property has two vehicle access points off Derby Road, serving 4/5 off street parking spaces. There is a large garden to the rear of the property.

3.2 The property has undergone significant modernisation which has involved a single storey extension to the rear and two new roof dormers; all of which constituted permitted development for which planning permission was not required. Planning permission was granted for a further dormer to the front roof slope in December 2014 (14/02436/PFUL3).

3.3 The property sits within a primarily residential area and is adjoined on either side by two detached properties, both of which are in use as student C4 HMOs. Further residential properties are located to the rear on Rathmines Close. 5 Rathmines Close whose garden immediately backs onto the property, is also in use as a student HMO.

4 DETAILS OF THE PROPOSAL

The application seeks permission to use the property as a 5 bedroom children's home (Class C2) which will be operated by the private care home provider, Homes

to Inspire. The home would accommodate young people between the ages of 10-17 years. To support the children a minimum of two members of staff would be on duty during the day, and during the night there would be one member of staff on duty and another at the home. There would also be additional staff on call. Staff would work on a 2 shift rotation.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

Eight letters have been sent to surrounding properties on Derby Road and Rathmines Close to the rear. No comments have been received.

A ward councillor has written objecting to the proposed care home on the grounds that the location of the property and its environment could be harmful to the respiratory health of children. They highlight research from Queen Mary University, London which has shown that children living near polluted roads have stunted lungs and subsequent vulnerability to disease in later life. They suggest that Derby Road is a very busy arterial route with much diesel-powered bus traffic. The property is on a stretch of road where the houses have shallow front gardens and so are not set back far from the traffic.

They have been advised by Pollution Control that pollution is likely to be considerably higher on the north side of Derby Road due to wind directions and that this property, on the south side, is much less exposed. However, the research in London shows that children walking 30 minutes to school every day on busy roads can be harmed by pollutants. Notwithstanding the comments from Pollution Control, they are still concerned that the young children living in this property would be exposed over a period of time to excessive and harmful pollutants and on this basis they still wish to raise objection to the proposal.

Additional consultation letters sent to:

Pollution Control: No objections. A condition relating to a noise assessment and sound insulation scheme is recommended.

Pollution Control do not consider that it would be possible to sustain an objection to the application on the grounds of air pollution/air quality and as such it cannot be said that existing pollutants would be a danger to users of the proposed development.

6 RELEVANT POLICIES AND GUIDANCE

Nottingham Local Plan (November 2005):

ST1: Sustainable Communities

H8: Residential Homes and Hostels

NE9: Pollution

T3: Car, Cycle and Servicing Parking

Aligned Core Strategy (September 2014):

Policy A: Presumption in Favour of Sustainable

Policy 8: Housing Size, Mix and Choice

Policy 10: Design and Enhancing Local Identity

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

The main issues in relation to the proposed development are:

- i) The principle of the development;
- ii) The impact on the amenities of the future occupiers and neighbouring properties;
- iii) Whether the proposal raises any highway safety issues.

i) Principal of the development (Aligned Core Strategy Policy 8 and Local Plan Policies ST1 and H8)

- 7.1 As a residential care home the proposal would form an acceptable use within this primarily residential area. The proposal would provide supported living and accommodation for children from Nottingham and Nottinghamshire who may otherwise be placed in residential care outside the county. In line with government and corporate objectives the proposal would provide a local resource for local people and allow children to be closer to their families and attend local schools.
- 7.2 This is a large dwelling which has good sized bedrooms, all with ensuite bathrooms, served by an open plan kitchen/dining living area, two further communal lounges, a separate bathroom and large rear garden. It has parking for a minimum of 4 cars and is accessible to public transport and other services along Derby Road.
- 7.3 In line with Local Plan Policy H8 it would not result in an over concentration of similar uses in the area. Relating to an existing C4 HMO the proposal would also not result in the loss of a family house.
- 7.4 It is considered that the principle of the proposed care home for children would be acceptable and in accordance with Local Policies ST1 and H8, which promote the creation sustainable balanced communities, through the provision of appropriate residential accommodation to allow children in care to stay close to their local communities
- ii) The impact on the amenities of the future occupiers and neighbouring properties (Aligned Core Strategy 10 and Local Plan Policy NE9)
- 7.5 This is a small care home for five children, supported by care staff, which aims to replicate a family orientated living environment for its residents. Given the small scale of the care home it is considered that the use of the property would not result in further impact on the amenities of neighbouring residents above that resulting from its current use as a 6 bedroom HMO in terms of noise/disturbance and activity, comings and goings etc.

- 7.6 It is considered that the proposed care home would provide an appropriate for its residents with good sized bedrooms and large communal.
- 7.7 Concerns have been raised by the local ward councillor regarding the impact of poor air quality on the health of the children. Derby Road forms one of the main transport corridors into the City and it is recognised that air quality along these roads can suffer from higher levels of pollution, from vehicle fumes. Pollution Control have confirmed that the air quality on this stretch of Derby Road has been, and will continue to be, periodically reviewed as part of the Local Air Quality Management process. However, the air quality modelling previously undertaken for this stretch of Derby Road concluded that air quality objectives for nitrogen are currently not being breached at the facades of sensitive buildings, such as dwellings, schools and hospitals. For this reason this part of Derby Road is not a designated Air Quality Management Area. Pollution Control do not consider that it would be possible to sustain an objection to the application on the grounds of air pollution/air quality and as such it cannot be said that existing pollutants would be a danger to users of the proposed development.
- 7.8 As requested by Pollution Control conditions would be included seeking the submission of a noise assessment and sound insulation scheme.
- 7.9 The proposal would therefore be in accordance with Aligned Core Strategy 10 and Local Plan Policy NE9.
- iii) Whether the proposal raises any highway safety issues (Local Plan Policy T3)
- 7.10 The applicant has stated that an average of two members of staff would be on duty during the day and night. Whilst parking for 4/5 cars is available at the property, it is envisaged that given its highly sustainable location most staff would travel to the site by public transport. One family sized people carrier is proposed to be based at the home to provide transport for the children, together with the use of public transport.
- 7.11 It is considered that the traffic generation associated with the operation of the home would be unlikely to result in parking and traffic problems in the area and the proposal would be in accordance with Local Plan Policy T3.

8. SUSTAINABILITY / BIODIVERSITY

None.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Improving life chances for young people. Ensuring people are even safer.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

16 List of background papers other than published works or those disclosing confidential or exempt information

1. Application No: 15/02961/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NY1YATLYCB000>

2. Pollution Control comments 07.12.15 and 18.01.16

3. Comments from local Ward Councillor 21.01.16.

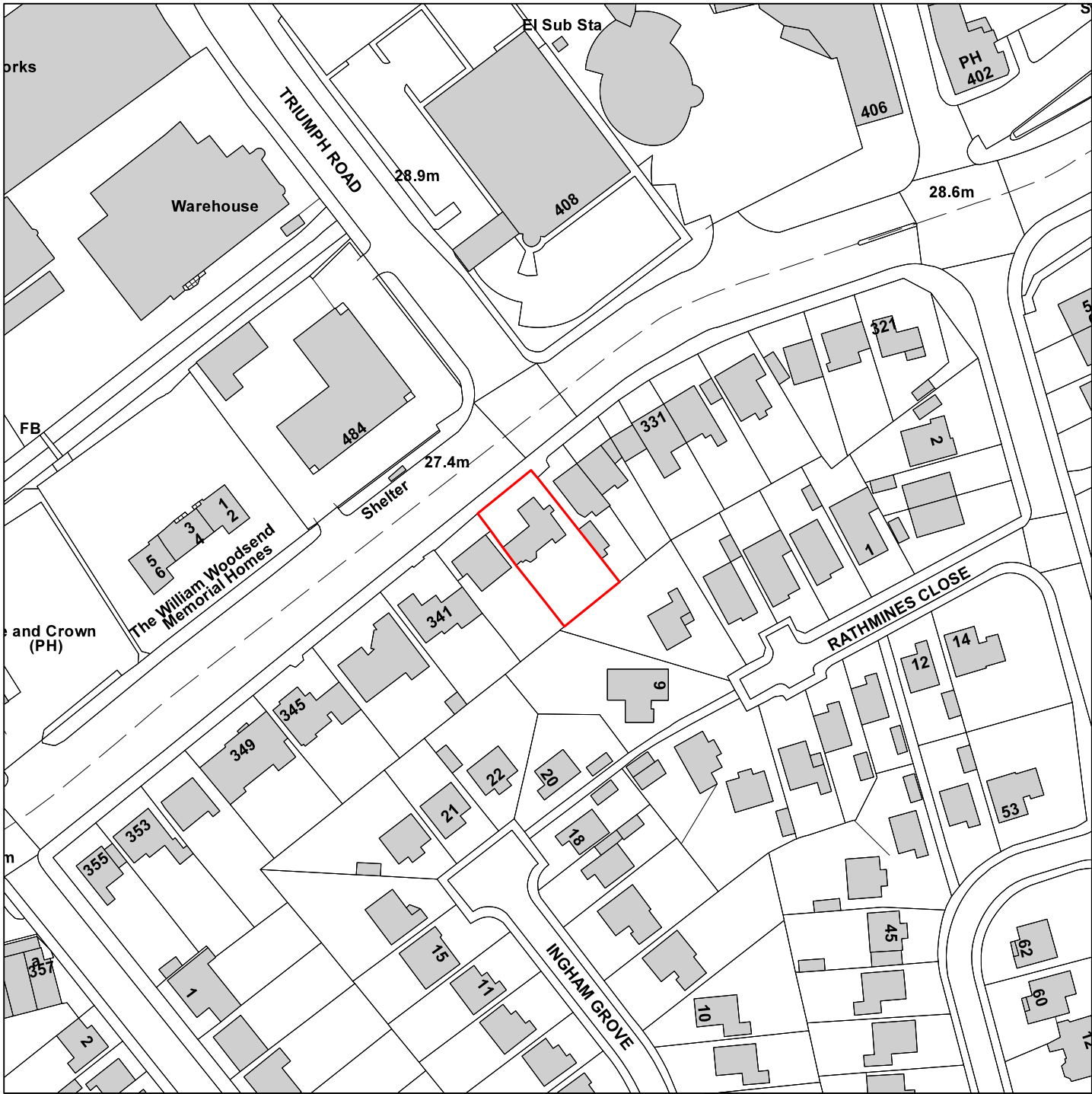
17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

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My Ref: 15/02961/PFUL3 (PP-04605036)

Your Ref:

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Date of decision:

**TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR PLANNING PERMISSION**

Application No: 15/02961/PFUL3 (PP-04605036)
Application by: Chapel Bar Securities Ltd
Location: 337 Derby Road, Nottingham, NG7 2DZ
Proposal: Change of use to home for young people with special needs (Class C2).

Nottingham City Council as Local Planning Authority hereby **GRANTS PLANNING PERMISSION** for the development described in the above application subject to the following conditions:-

Time limit

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Pre-commencement conditions

(The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)

2. Prior to the commencement of the development, an environmental noise assessment and sound insulation scheme shall be submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment shall take into account the impact of road traffic noise and be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating. In addition it shall include predicted noise levels for any plant and equipment which will form part of the development, octave band analysis and all assumptions made (e.g. glazing and façade areas).

The sound insulation scheme shall include the specification and acoustic data sheets for glazed areas of the development and any complementary acoustical ventilation scheme and be designed to achieve the following internal noise levels:



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Nottingham
A city we're all proud of

DRAFT ¹ ONLY
Not for issue

Continued...

- i. Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
- ii. Not exceeding 35dB LAeq(1 hour) and not exceeding NR 30 for bedrooms and living rooms for any hour between 07.00 and 23.00,
- iii. Not more than 45dB LAmax(5 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,
- iv. Not more than 50dB LAeq(1 hour) for garden areas (including garden areas associated with residential homes or similar properties).

The approved sound insulation scheme shall be installed prior to the occupation of the care home.

Reason: To safeguard the health and residential amenity of the occupants of the proposed accommodation to comply with Policy NE9 of the Nottingham Local Plan.

Pre-occupation conditions

(The conditions in this section must be complied with before the development is occupied)

There are no conditions in this section.

Regulatory/ongoing conditions

(Conditions relating to the subsequent use of the development and other regulatory matters)

There are no conditions in this section.

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 24 November 2015.

Reason: To determine the scope of this permission.

Informatives

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.

2. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

3. Environmental Noise Assessment

The environmental noise assessment shall be suitable and sufficient, and shall be undertaken by a competent person having regard to BS 7445: 2003 Description and Measurement of Environmental Noise. The internal noise levels referred to are derived from BS 8233: 2014 Sound Insulation and Noise Reduction for Buildings. The approved sound insulation scheme must be maintained &, in



the case of mechanical ventilation, must be maintained, serviced and operated in accordance with manufacturer's recommendations.

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

Your attention is drawn to the rights of appeal set out on the attached sheet.

RIGHTS OF APPEAL

Application No: 15/02961/PFUL3 (PP-04605036)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/pes.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

PURCHASE NOTICES

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.