

Case Number	21/03684/CHU
Application Type	Planning Application for Change of Use
Proposal	Change of use of dwellinghouse (Use Class C3) to supported living accommodation for children and young persons (Use Class C2)
Location	24 Norwood Drive Sheffield S5 7BH
Date Received	13/08/2021
Team	West and North
Applicant/Agent	Barber Design
Recommendation	Grant Conditionally

Time Limit for Commencement of Development

1. The development shall be begun not later than the expiration of three years from the date of this decision.

Reason: In order to comply with the requirements of the Town and Country Planning Act.

Approved/Refused Plan(s)

2. The development shall be carried out in accordance with the following drawing published 13 August 2021:

Drawing No. 429 01 Revision A (Proposed floor Plans, elevation and Site Plan)

Reason: In order to define the permission.

Pre-Commencement Condition(s)

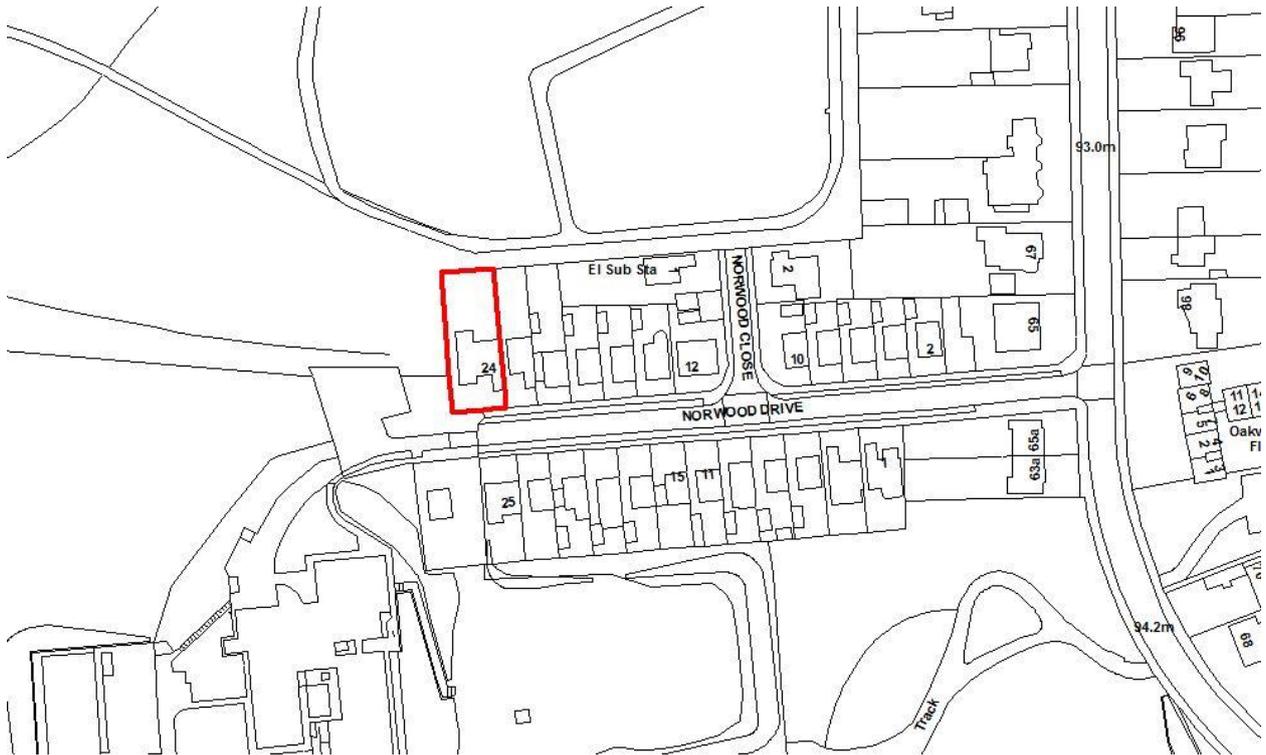
Pre-Occupancy and Other Stage of Development Condition(s)

Other Compliance Conditions

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought to solve any problems where necessary in accordance with the requirements of the National Planning Policy Framework.

Site Location



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INTRODUCTION

The application relates to 24 Norwood Drive, a large two storey detached dwellinghouse that is situated at the western end of Norwood Drive, a residential cul de sac in Firshill.

In September 2019, a Certificate of Lawful Development (CLUD) was refused by the Local Planning Authority (LPA) under application 19/02828/LD2. The applicant sought to demonstrate that the use of the property as a young people's residential home for the care of up to four children/young adults would fall within the same use class as a dwellinghouse (Use Class C3(b) - up to 6 people living together as a single household and receiving care) and did not represent a change of use requiring planning permission. In refusing the CLUD, the LPA concluded that the provision of on-site care by staff working on a shift pattern as opposed to living on site prevented the use benefiting from the provisions of Use Class C3(b), and instead would fall within Use Class C2 of the Use Classes Order and would require full planning permission.

The application has been submitted in response to this earlier decision.

LOCATION AND SITE SURROUNDINGS

No. 24 Norwood Drive is a two storey detached dwellinghouse that comprises five first floor bedrooms and generous ground floor accommodation that includes two living rooms, a dining room, kitchen and an attached flat roofed garage. To the rear is a large garden, approximately 225 square metres in area, that is enclosed by timber fencing and high hedging. To the front of the property is a driveway and hardstanding that together with the property's attached garage allows for off-street parking for 4 vehicles.

Norwood Drive is a residential street, characterised by two-storey brick-faced detached dwellinghouses, accessed off Norwood Road to the east. The property is bound by a detached dwellinghouse on its eastern side (No. 22) and by allotment gardens to the north. To the west is a wooded area and across Norwood Drive to the south is a row of detached dwellinghouses (Nos. 11-25). The Sheaf Training Centre, which provides specialist education and training to young people, is located to the south-west at the head of Norwood Drive.

The site is situated in a Housing Area as identified on the Sheffield Unitary Development Plan (UDP) Proposal Map.

PROPOSAL

Full planning permission is being sought to change the use of the dwellinghouse (Use Class C3 (a)) to supported living accommodation (Use Class C2). The submission states that the property would provide assisted living accommodation for up to three children or young people (between the ages of 10-17 years) with up to three full time resident carers (7 days a week). The time of occupancy for each resident would be around 6 months to 2 years, although this could vary dependent upon the level of need and care required by the individual.

The proposal includes no internal or external works to the building as part of the change of use.

19/02828/LD2 Application for lawful development certificate for use of building as residential use for up to 4 no. children/young people and up to 2 no. full-time carers (use class C3 (b) (Application under Section 192) – Refused 27 September 2019.

REPRESENTATIONS

The application received 16 objections from residents of neighbouring properties.

In addition a petition has been signed against the development by 22 residents, sent in by Councillor Dr Mark Jones.

The concerns raised include:

Highway Issues

- Norwood Drive already has parking issues, which would be multiplied by staff, visiting doctors and ambulances arriving day and night in connection with the proposed use. Parking would be worse at weekends when most people visit family and friends.
- Sheaf Training Centre already causes problems for many of the residents. Between Monday to Friday, the road has an influx of transportation dropping off children to the training centre during peak times when many residents are leaving for work or to drop kids to school. Regularly, residents are unable to access our drives due to the parking issues from the employees of the Sheaf Training Centre. This is exacerbated by visitors and staff from the Northern General Hospital.

Amenity Issues

- The development would result in anti-social behaviour.
- It will not be safe for children to play out on the street.
- Changing the use of the dwellinghouse for children aged 10 – 17 with a 'turbulent upbringing' will change the character of the neighbourhood.
- The proposed use will likely increase noise and disturbance in the area.
- Norwood Drive is a residential neighbourhood and the application site should not be turned into a business spoiling the neighbours enjoyment of their homes.
- Norwood Drive is situated in an area of already recognised deprivation. Moving 'turbulent' children into the area will not help them.
- There are several temporary accommodation and young offender homes in the area and adding another would mean more risk to the community.
- It would be in the children's best interests to be placed in a neighbourhood where they would be able to develop independence in an area with less crime and where they would be able to be more positively influenced by those around them.
- Residents already experience antisocial behaviour from teenagers attending the training centre at the end of the cul-de sac.
- The wood surrounding the application site is a security concern.
- There are a lot of homes along Norwood Drive with young families and elderly and vulnerable residents. These residents are worried for their safety.

Other Matters

- Lack of consultation.

Non-Material Matters

- The application states that the adjacent Sheaf Training Centre use would sit harmoniously with the new use. Would the children/young people will be educated there as at the moment this establishment is for older teenagers not children of 10 years old.
- Devaluation of property.

PLANNING ASSESSMENT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan for the site is the Sheffield Local Plan which includes the Sheffield Core Strategy and the saved policies and proposals map of the Sheffield Unitary Development Plan (UDP).

The National Planning Policy Framework (NPPF) is also a material consideration in planning decisions. The NPPF was published in 2012 and has subsequently been revised in 2018, 2019 and 2021 with consequent changes to some paragraph numbering.

Assessment of a development proposal also needs to be considered in light of paragraph 11 of the NPPF, which provides that when making decisions, a presumption in favour of sustainable development should be applied, and that where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date (e.g. because they are inconsistent with the NPPF), this means that planning permission should be granted unless:

- the application of policies in the NPPF which relate to protection of certain areas or assets of particular importance which are identified in the NPPF as such (for example SSSIs, Green Belt, certain heritage assets and areas at risk of flooding) provide a clear reason for refusal; or
- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

It is considered that the main issues relevant to this application are:

- The principle of development – policy and land use;
- Highway matters;
 - Residential amenity;
 - Management/operation of the facility; and
 - Other matters.

The Principle of Development – Policy and Land Use

A children's home can either fall within Use Class C2 (residential institutions) or Use Class C3(b) (dwellinghouses) of the Town and Country Planning (Use Classes) Order 2015. The distinction largely depends on whether or not the children are in themselves capable of living together as a single household and, as described above, whether the care provided is on a permanent basis or on shift patterns. If the children are being looked after by a permanent occupant of the dwelling, then the use would normally fall within class C3(b). However, when the care is based on shift patterns and the carers

are not resident they are not regarded as living together in a single household and the use would fall within Class C2. In this case the full time carers are not resident so in respect of this application, the use would fall within Use Class C2 requiring planning permission.

The application site lies within a designated Housing Area. The development should therefore be assessed against UDP Policies H8, H10 and H14.

Policy H8 relates to housing for people in need of care. This includes supportive accommodation which is defined as purpose-built or converted exclusively for specific groups of people, consisting of grouped self-contained accommodation or a shared house with resident or visiting caring support. This definition applies to this proposal and while the reasons for the policy suggest that it was mainly intended to apply to adult accommodation, this is not explicit. Policy H8 states that supportive accommodation will be permitted provided it would:

- Be within easy reach of a shopping centre and public transport;
- Be suitable for people with disabilities;
- Provide a reasonable and attractive area of accessible private open space or be immediately next to an area of public open space; and
- Not involve extensions which would remove essential open space.

The supporting text to this policy states that there is an increasing demand for accommodation which meets the needs of a range of people in the community, and that residents of accommodation for people in need of care should be able to enjoy a good quality of environment.

Policy H10 states that housing is the preferred use of land in Housing Areas and residential institutions (Use Class C2) are described as acceptable uses. The supporting text to this policy states that residential institutions in Housing Areas allow residents to live in the community and enjoy the same housing environment as everyone else.

Policy H14 says that non-housing uses must occupy only a small area and not lead to a concentration of uses that would threaten the residential character of the area.

UDP Policies H8 and H10 are considered to be consistent with government guidance contained in the NPPF, which states at paragraph 62 that the needs of groups within the community with specific housing requirements should be addressed.

Policy H14 is broadly in line with government policy contained in paragraph 130 f) of the NPPF which states that decisions should ensure that development create places that are safe, inclusive and accessible and which promote health and well-being with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

In relation to Policy H8, the site is located within relatively easy reach of the Firvale shopping centre by foot and is located within very easy walking distance of the bus route along Norwood Road that serves the city centre, though it should be recognised that access to a shopping centre is less relevant in this case as the site will house children or young people who would not be expected to travel to these facilities on their own. The very close proximity of the site to the Sheaf Training Centre may be of benefit.

The house currently has bedrooms on the first floor but could be easily adapted to offer ground level accommodation for people with disabilities. It also has an attractive and

generous private garden and will not involve extensions that would remove essential outdoor open space.

The application relates to a detached 5-bedroomed dwellinghouse which would accommodate up to 3 children or young people, with two overnight support staff and a day time staff member. Whilst additional specialist staff may sometimes be required, it is considered that this number of people would not be unusual in a property of this size, and the good-sized accommodation, including ample reception rooms, will allow it to cater for the individual needs of the children whilst maintaining a comfortable family setting.

Given the family-home style setting, it is considered that the development would not lead to a concentration of uses that would threaten the residential character of the area or be of a scale that would be inconsistent with its character.

Based on the above, there is no objection in principle to the development to change the use of the dwellinghouse to provide assisted living for up to three children or young people (10-17 years old).

Highway Matters

UDP Policy H14 sets out at part (d) that in Housing Areas, new development will be permitted provided that it would provide safe access to the highway network, be provided with appropriate off-street parking and not endanger pedestrians.

This generally aligns with paragraph 111 of the NPPF, which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The requirement for appropriate off-street parking is not directly reflected in the NPPF, with government policy suggesting that a shortfall in off-street parking should only be refused in instances where this would result in an unacceptable impact on highway safety or lead to severe impacts on the road network.

The submission states that there will be 2 carers present on site overnight, working on a 24 hour or 48 hour rota basis, and one additional staff member would work during the day and evening, from 0800 hours to 2300 hours. Additional staffing would be provided in times of need dependent upon the individual requirements of the respective child.

It is acknowledged that a number of residents are concerned that the development would increase traffic in the area. However, it is considered that the amount of vehicular traffic over and above the use of the property as a dwellinghouse would not be significant that would result in an unacceptable impact on highway safety or lead to severe impacts on the road network.

As described above, the site benefits from off-street parking for four vehicles. This level of parking is considered to be acceptable based on the proposed occupancy of the site. While it is expected that there would be occasional visitors to the site (teachers, therapists and relatives), this is unlikely to lead to pressure for on-street parking that would prejudice highway safety.

Residential Amenity

UDP Policy H14 says that for non-housing uses, change of use will be permitted provided that it would not lead to air pollution, noise, smell, excessive traffic levels or other nuisance or risk to health and safety for people living nearby. Further, it states that sites should not be overdeveloped or deprive residents of light, privacy, or security.

This is consistent with NPPF paragraph 130 f) which states that developments should promote health and well-being, with a high standard of amenity for existing and future users.

There is no reason why overlooking from the use of the property as a children's home would be significantly different to overlooking from a family house. The property is a large family house with a large garden which provides generous private amenity space sufficient to meet the needs of the intended number of occupants.

There is no reason to suppose that the occupation of the house as a children's home will create more noise and disturbance than a normal family house, other than noise caused by the additional visitors which is discussed above.

It is concluded that the amount of additional traffic attracted to the development will not be at a level that it will have a significant impact on air quality/pollution or undermine the residential character of the area.

There is no evidence that the proposal would cause an increase in anti-social behaviour, crime or danger to existing residents' children. The planning system exercises no control over the behaviour or character of who might occupy a property, whether it is a dwelling house or a children's home. Whilst fear of crime can be a planning consideration it needs to be clearly supported by evidence that this would be likely to be a problem. There is no such evidence which would be robust enough to justify a reason for refusing planning permission in this case given the small scale nature of the use.

Management/Operation of Facility

Local Planning Authority decisions should focus on whether the proposed development is an acceptable use of land. Planning decisions should assume that separate legislation which controls the operation of a children's homes will operate effectively and it is not for the planning authority to duplicate these controls. This principle applies even if the operators of children's home do not have a track record and it is a new business venture. The Children's Homes (England) Regulations 2015 provides quality standards for children's homes. Ofsted is the registration authority for children's homes and as registration authority regulates and inspects children's homes.

Other Issues

Due to concerns regarding the lack of consultation, a site notice was posted outside of the property on the 15 September 2021. Officers are satisfied that an adequate level of neighbour consultation has been made in respect of this minor application.

SUMMARY AND RECOMMENDATION

The application relates to 24 Norwood Drive, a large two storey detached dwellinghouse that is situated along the western end of Norwood Drive.

Full planning permission is being sought to change the use of the dwellinghouse (Use Class C3) into supported living accommodation (Use Class C2) for the care of up to three children or young people (between the ages of 10-17 years).

The application site is located in a Housing Area, where residential institutions (Use Class C2) are included within the menu of acceptable uses under UDP Policy H10. There is no policy objection to changing the use of the dwellinghouse to provide 24 hour

care and support for up to three children or young people in this residential neighbourhood.

It is not considered that the proposed development would lead to an unacceptable impact on highway safety. The site benefits from off-street parking that would meet the expected user requirements. Occasional on street parking would not have an unacceptable impact on highway safety.

The development would not lead to a concentration of similar uses that would impact on the character of the residential neighbourhood. While concerns have been raised regarding noise and anti-social behaviour, it is considered that this would not be materially greater than that created by a large single-family household. Furthermore, staff will be present on site at all times.

The Council 's Children and Young People's Service use independent children's homes to place some of Sheffield's children in care. There are insufficient placements currently locally and nationally which makes it difficult to find the right placements for children and young people and more placements are needed in the city. Therefore, there is a clear need for facilities and this fits with the NPPF requirement to meet the differing housing needs of the community. This benefit should be given weight in determining this application.

It is considered that the proposal complies with the Local Development Plan when considered as a whole and is also consistent with the aims of the NPPF as it is considered to be sustainable development for which planning permission should be granted.

It is therefore recommended that the application be approved subject to the proposed conditions.

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