



NORWICH City Council

Committee name: Planning applications

Committee date: 13/06/2024

Report title: Application no 23/01551/U – 3 The Hedgerows

Report from: Head of planning and regulatory services

OPEN PUBLIC ITEM

Purpose:

To determine:

Application no: 23/01551/U

Site Address: 3 The Hedgerows Norwich NR5 9BP

Decision due by: 24/06/2024

Proposal: Change of use from dwellinghouse (Class C3) to residential institution for children with special educational needs and disabilities, learning difficulties or emotional and behavioural difficulties (Class C2).

Key considerations:

1. Loss of existing dwelling and merits of new use
2. Amenity impacts
3. Highways

Ward: Bowthorpe

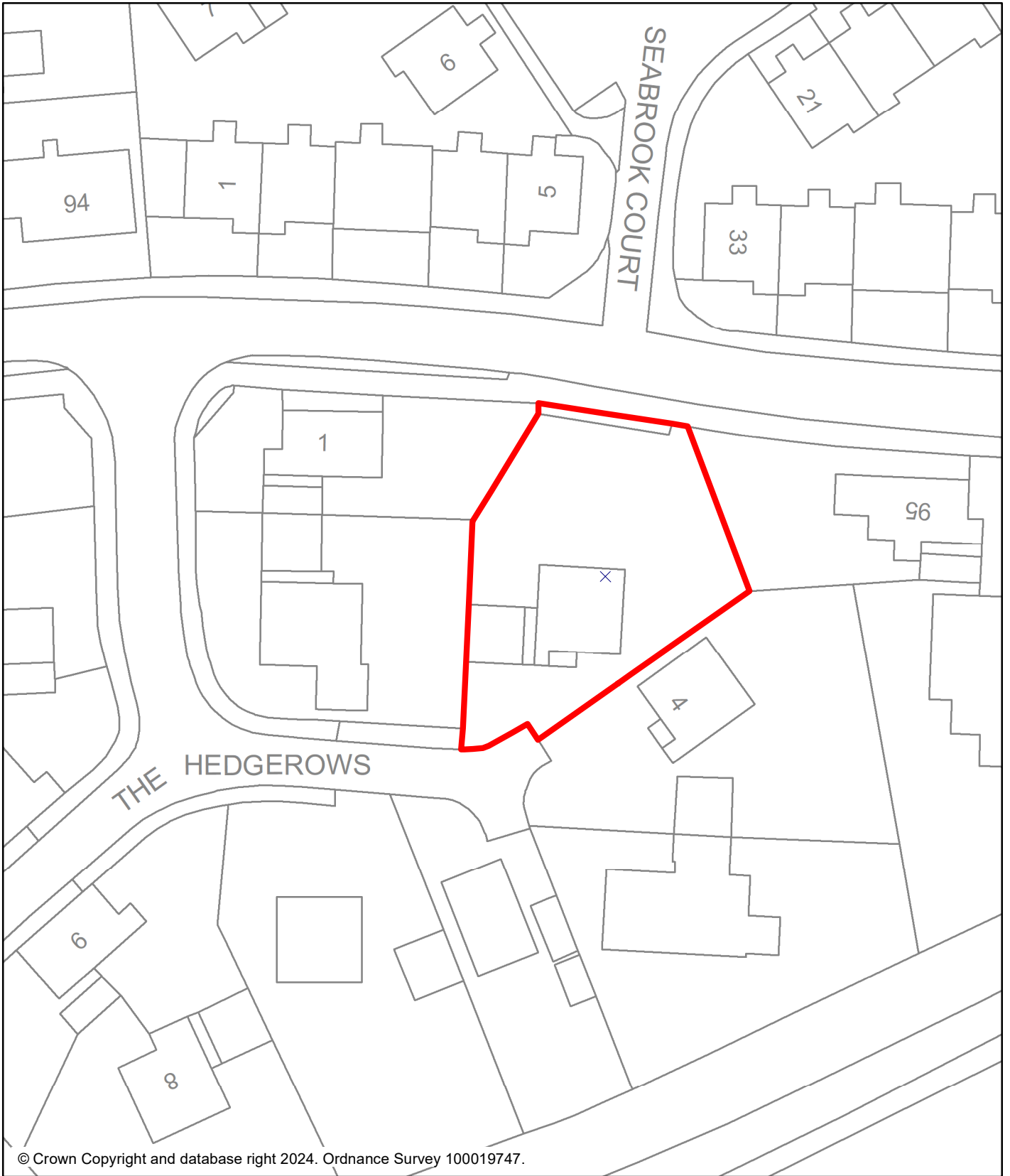
Case Officer: Maria Hammond

Applicant/agent: Mr Joshua Nyamse, Specialist Care Ltd.

Reason at Committee: Called in by Councillor M Sands

Recommendation:

It is recommended to approve the application for the reasons given in the report and subject to the planning conditions set out in paragraph 58 of this report, and grant planning permission.



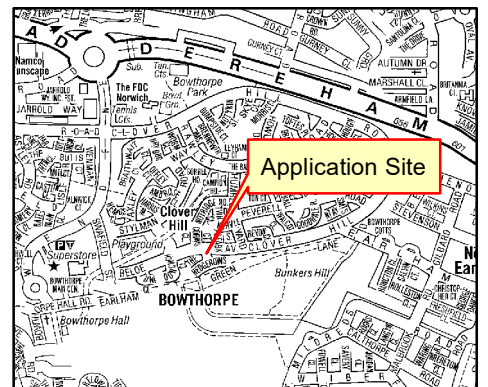
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Planning Application No:

23/01551/U

Site Address:

3 The Hedgerows
Norwich



NORWICH
City Council
PLANNING SERVICES

The site and surroundings

1. The property subject to this application is a two storey detached dwellinghouse within The Hedgerows cul-de-sac off Beloe Avenue in Bowthorpe.
2. It is one of 17 similarly designed detached dwellings arranged around this 'Y' shaped cul-de-sac which has a relatively quiet, suburban character. The property lies on the eastern branch of the cul-de-sac which gives access to two other houses and a bungalow.
3. There is a driveway to access an attached double garage at the front of the property and a generous private garden to the rear which backs on to Beloe Avenue. Internally, the dwelling provides four bedrooms on the first floor above living accommodation on the ground floor.
4. Three of the dwellings closest to the junction with Beloe Avenue are licensed houses of multiple occupation but these do not alter the character of the area which is dominated by family housing.

Constraints

5. The site is not subject to any policy designations or other identified constraints.

Relevant Planning History

6. There have not been any previous planning applications on the site.

The Proposal

7. The proposal is to change the use of this dwellinghouse to a Use Class C2 residential institution. It is intended to be occupied by young people with special educational needs and disabilities, learning difficulties or emotional and behavioural difficulties.
8. There would be a maximum of three young people aged between 10 and 18 years occupying the property with staff supervision 24/7. Each child would have a bespoke care package, be chaperoned to/from school and elsewhere and be supported with regards education and future careers.
9. Staff would use the existing parking on site and one of the existing four bedrooms would be used as an office. There would be two staff at any one time, working shifts of 07:00 to 19:00 and 19:00 to 07:00, with up to 10 minutes overlap. Young people would not be alone in the property without staff at any time.
10. No alterations are proposed to the property.

Representations

11. Adjacent and neighbouring properties have been notified in writing. Eight letters of representation have been received (two from the same address) citing the issues as summarised in the table below.

Issues raised	Response
Doesn't fit the quiet residential area, detrimental impact on it.	See main issue 2

Issues raised	Response
Environmental impact of extra vehicles	See main issue 3
Impact on neighbours' access to driveways, turning space and access for emergency, delivery and refuse vehicles on narrow single-width carriageway cul-de-sac.	See main issue 3
Vehicle movements unlikely to be comparable to a domestic dwelling.	See main issue 3
Already 3 HMOs, further loss of family housing in The Hedgerows and city more widely	See main issue 1
Building is not up to standard for proposal. No evidence it is fit for purpose.	The standards and requirements for residential institutions are subject to other regulations.
Impact on well-being from additional people coming and going, including at night.	See main issue 2
Additional noise and possible anti-social behaviour.	See main issue 2
External amenity space far below that expected for an institutional setting.	See main issue 2
Management plan needed before determining the application to assess impact on residential amenity.	See main issue 2
Claims of need are not evidenced.	See main issue 1
Existing vacant purpose-built property for people with learning difficulties (Lambert House, Notridge Road).	See main issue 1
Existing covenant support change of use	Covenants are a private legal matter that are not a material planning consideration.
Inconsistencies and misleading information in application	Officers are satisfied that the applicant has provided clarification and there is sufficient information to determine the application.
No prior consultation with neighbours	This is not a requirement on applications of this scale.
Disruption from renovation and building work	No external alterations are proposed.

Consultation responses

12. Consultation responses are summarised below the full responses are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Statutory and non-statutory consultees

Highways (local highways authority) (Norfolk County Council)

13. There is adequate parking on site for 2 cars and there are no objections on highway grounds.

Police Architectural Liaison Officer

14. I appreciate that this application is for a “Change of Use” but it would be wise to consider the content of the “New Homes Guide” to make sound use of over thirty years’ experience the Constabulary has had in providing appropriate information regarding home security.

Childrens Services (Norfolk County Council)

15. We can confirm that as a county we have a need for children’s residential services, as is indicated in our Children’s Sufficiency Strategy. Like all registered Children’s Homes, they would need to be compliant and registered with OFSTED.

16. Within commissioning, at Norfolk County Council, we do not support any individual providers and so we do not engage in the whole process. Our view is that each independent provider act on their own, as such we wouldn’t be able to provide a assessment on their application and any planning processes.

Assessment of Planning Considerations

Relevant Development Plan Policies

17. Greater Norwich Local Plan for Broadland, Norwich and South Norfolk adopted March 2024 (GNLP)

- GNLP2 Sustainable Communities
- GNLP5 Homes

18. Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM13 Communal development and multiple occupation
- DM15 Safeguarding the city’s housing stock
- DM30 Access and highway safety
- DM31 Car parking and servicing

Other material considerations

19. Relevant sections of the National Planning Policy Framework 2023 (NPPF):

- NPPF4 Decision-making
- NPPF5 Delivering a sufficient supply of homes
- NPPF8 Promoting healthy and safe communities
- NPPF9 Promoting sustainable transport

Case Assessment

20. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Policy Framework (NPPF), the council's standing duties, other policy documents and guidance detailed above, and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

Main Issue 1. Principle of development

21. Key policies and NPPF paragraphs – GNLP5, DM12, DM13, DM15, NPPF Paragraph 11 and Section 5.
22. The proposal would result in the loss of the existing dwelling. Given the identified need for more housing across the city, Policy DM15 seeks to protect and retain existing dwellings other than in the following circumstances where it involves:
- a) exceptional benefits to sustainability (defined in terms of the overall sustainable development criteria set out in policy DM1) which clearly and justifiably outweigh the loss of housing; or*
 - b) overriding conservation or regeneration benefits which cannot be delivered in any other way; or*
 - c) an overriding community gain through the provision or enhancement of essential community facilities; or*
 - d) a net improvement in the standard of housing through upgrading, replacement, reconfiguration or re-provision of existing dwellings.*
23. This policy primarily seeks to protect the loss of existing housing to development for other uses but does acknowledge that alternative development may provide benefits that weigh against the loss.
24. In this case, although there would be a change of use from a C3 dwelling to a C2 residential institution, the new use would remain one which provides living accommodation so the overall objective to retain existing housing would be achieved. The NPPF and GNLP both require housing supply to meet the needs of the local community, including through provision of housing with care and for people with disabilities and other support needs.
25. GNLP5 particularly highlights that the identification by Norfolk County Council of a strategic need for specialist housing which a proposal can address will be a material consideration.
26. Therefore, although it would not strictly comply with criteria a), b), c) or d), the provision of residential care for young people with identified needs is a benefit that attracts weight in the planning balance, and could be argued to meet criterion c).

27. In terms of need, the applicants have discussed the proposal with Norfolk County Council's Children's Services. They have confirmed there is a need for children's residential services in Norfolk but not commented on the specifics of this proposal or location.
28. A demonstrable need for the specific facility proposed would provide more weight in its favour under GNLP5 than this statement about the need across the county more generally. However, as it could contribute to this wider need and there is no policy objection weighing against the proposal, the change of use can be considered favourable in principle with regards GNLP5 and DM15.
29. Policy DM13, with regards residential institutions, supports these where they are in sustainable locations suitable for housing, are not designated for alternative non-residential uses, are conveniently located with direct pedestrian access to local facilities and bus routes, have satisfactory shared amenity space and satisfactory servicing can be demonstrated.
30. The property is within a half mile walk of the Bowthorpe district centre and also frequent bus services. The existing house is therefore considered appropriately located. Provision of amenity space and the protection of residential amenity is considered further below, but in principle provision of two staff 24/7 to care for three young people is considered adequate in planning terms to satisfy Policy DM13.
31. The applicants have identified five other properties locally which they considered but discounted as being unsuitable for the proposed use. This did not include Lambert House on Notridge Road which a representation has highlighted as a vacant, purpose-built residential care home within 200 metres of the site. This is a more substantial institution, rather than a small residential setting and there is no policy requirement for the applicant to demonstrate whether this is any more suitable than their chosen location.
32. A local area risk assessment has been submitted which identifies the proximity to local services, places of interest and low levels of crime locally and concludes the property is appropriate for their needs. Young people absconding is said to be the main risk which would be managed by risk assessing each referral and keyworkers would educate on local dangers. The placing authority also has a responsibility to assess the location and risk factors before determining if a young person should be referred to a particular home. Operation of the property would need to be subject to Children's Homes Regulations, quality standards and be registered with OFSTED. It is not appropriate for the planning system to duplicate or impose different requirements to these.
33. On balance, the proposal does not result in the total loss of housing as the existing dwellinghouse would be converted to an alternative residential use. The principle of the proposal to provide a residential institution for young people satisfactorily complies with Policies GNLP5, DM12 and DM13 and does not conflict with DM15.

Main Issue 2. Amenity

34. Key policies and NPPF Section – DM2, DM11, GNLP2, NPPF Section 12.
35. The proposed use of an existing four bedroom detached house to accommodate three young people with supervision from two staff is considered to provide future occupiers and staff with an acceptable standard of living and working. There is an existing private, enclosed garden to the rear which is considered to provide ample external space.
36. Representations have raised concerns about the construction work that may be necessary to adapt the property to comply with regulatory standards and operational requirements. There are no external works proposed in the application and internal works and compliance with other regimes are beyond planning control. Any future external alterations are likely to require separate planning permission.
37. The representations received also raise significant concern about the suitability of the location for the development and the resulting impacts on residential amenity. As recognised in the representations, this is a quiet, suburban cul-de-sac of predominantly family housing. Three properties are in use as HMOs and this proposal would change the use of another. In principle, this has potential to impact on the character of the area to the detriment of residential amenity.
38. It is, however, appreciated that the proposal is for only three young people to occupy the four bedroom house which could otherwise be occupied by a family with three or more children (or an HMO with up to six residents without requiring planning permission). It would not, therefore, significantly alter or intensify the use of the property beyond that of a four bedroom dwelling. With two staff at a time working two shifts a day, the volume and frequency of comings and goings is also unlikely to significantly intensify.
39. In order to manage the potential for increased activity to cause detriment to the quiet enjoyment of neighbouring dwellings, it is considered necessary to limit the occupancy of the property to a maximum of three young people. Subject to this condition, it is not considered that any additional noise, activity or comings and goings would be at a level that would result in unacceptable harm to residential amenity. Furthermore, the staff provision would enable management of any anti-social behaviour. The indicated shift changeovers at 07:00 and 19:00 would avoid causing any additional disruption at anti-social hours.
40. The applicant has also advised they intend to hold an open event and further outreach prior to first use to share information with the local community and key stakeholders.
41. In summary, it is appreciated that the introduction of a residential institution for young people within a quiet, residential setting has potential to cause disturbance and harm to the amenity of neighbouring occupiers and character of the close. On balance, the scale of the change is not considered so significant as to cause any unacceptable harm subject to limiting the maximum number of young people resident to three.

Main Issue 3. Transport

42. Key policies and NPPF Sections – GNLP2, GNLP4, DM28, DM30, DM31, NPPF Section 9.
43. As set out above, the site is sustainably located in relatively close proximity to bus routes, a local centre and cycle routes. Some staff and visitors may, therefore, travel to and from the site using modes other than the private car.
44. There would be a maximum of two staff on shift at anytime and the young people resident at the property are unlikely to own cars. On this basis, the existing garage and driveway provide ample car and cycle parking space and there is unlikely to be any greater volume or frequency of vehicles accessing the property than the existing dwelling.
45. There would be an overlap when one shift ends and another begins, at which time there could be as many as four staff cars. There may also be times when there are other visitors.
46. Any car parked in the garage would be blocked if another is parking in the driveway immediately outside. Due to the width of the carriageway and position of many other driveways around the cul-de-sac, on-street parking risks impeding access for other users and constraining visibility. This is a concern that has been raised in many of the representations.
47. In response, the applicants have submitted a Parking Management Plan. This proposes that the day shift would be allocated the left side of the garage and drive to use and the night shift, the right side. This arrangement would ensure the staff of one shift do not block in those of the previous shift, thus avoiding the need for multiple vehicle manoeuvres at changeover times or for cars to wait or park on the carriageway.
48. Subject to a condition securing compliance with this Plan, it is considered that the site can provide adequate access and parking for the new use and the risk of overspill parking or obstructed access can be satisfactorily managed.

Main Issue 4. Nutrient Neutrality

49. Assessment of Impacts under the Conservation of Habitats & Species Regulations 2017 (as amended)

Site Affected: (a) Broads SAC/Broadland Ramsar
 (b) River Wensum SAC

Potential effect: (a) Increased nitrogen and phosphorus loading
 (b) Increased phosphorous loading

The application represents a 'proposal or project' under the above regulations. Before deciding whether approval can be granted, the Council as a competent authority must determine whether or not the proposal is likely, either on its own or in combination with other projects, to have any likely significant effects upon the Broads & Wensum SACs, and if so, whether or not those effects can be mitigated against.

The Council's assessment is set out below and is based on advice contained in the letter from Natural England to LPA Chief Executives and Heads of Planning dated 16th March 2022.

(a) Broads SAC/Broadland Ramsar

- i. Does the plan or project create a source of water pollution or have an impact on water quality (e.g. alters dilution)? AND
- ii. Is the plan or project within the hydrological catchment of a habitats site which includes interest features that are sensitive to the water quality impacts from the plan or project?

Answer: NO

The proposal does not:-

- Result in an increase in overnight accommodation in the catchment area of the SAC;
- By virtue of its scale, draw people into the catchment area of the SAC
- Result in additional or unusual pollution to surface water as a result of processes forming part of the proposal.

Consequently, the proposal would not result in an increase in nutrients flowing into the SAC in the form of either nitrogen or phosphorous.

Conclusion: It is not necessary to carry out an assessment under the Habitats regs.

(b) River Wensum SAC

- i. Does the plan or project create a source of water pollution or have an impact on water quality (e.g. alters dilution)? AND
- ii. Is the plan or project within the hydrological catchment of a habitats site which includes interest features that are sensitive to the water quality impacts from the plan or project?

Answer: NO

The proposal does not:-

- Result in an increase in overnight accommodation in the catchment area of the SAC;
- By virtue of its scale, draw people into the catchment area of the SAC
- Result in additional or unusual pollution to surface water as a result of processes forming part of the proposal.

In addition, the discharge for the relevant WwTW is downstream of the SAC.

Consequently, the proposal would not result in an increase in nutrients flowing into the SAC in the form of either nitrogen or phosphorous.

Conclusion: It is not necessary to carry out an assessment under the Habitats regs.

Equalities and diversity issues

50. There are no equality or diversity issues.

Local finance considerations

51. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority. In this case local finance considerations are not considered to be material to the case.

Human Rights Act 1998

52. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

Section 17 of the Crime and Disorder Act 1998.

53. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

Planning Balance and Conclusion

54. The proposed change of use from a C3 dwelling to C2 residential institution to house young people with special educational needs and disabilities, learning difficulties or emotional and behavioural difficulties requires careful consideration.

55. Existing dwellings should be retained, other than where there are overwhelming other benefits. In this case, the proposal would retain the property in a class C residential use and meet a specialist need to provide a home for three young people. This is in broad accordance with the objectives of Policy DM15 as well as DM12, DM13, GNLP5 and the NPPF.

56. It is appreciated that this change of use raises the potential for increased noise, disturbance, traffic and parking congestion and the application has attracted local concern and objection. On the basis that only three young people would be resident at the property, it is not considered that there would be any

significant intensification in use and activity that would unacceptably harm residential amenity and the risk of parking issues can be satisfactorily addressed with agreement of a travel and parking management plan.

57. The development is therefore in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

Recommendation

58. To approve application 23/01551/U 3 The Hedgerows, Norwich and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Compliance with parking management plan;
4. Maximum of three residents.

Background papers: None

Appendices: None

Contact officer: Planner

Name: Maria Hammond

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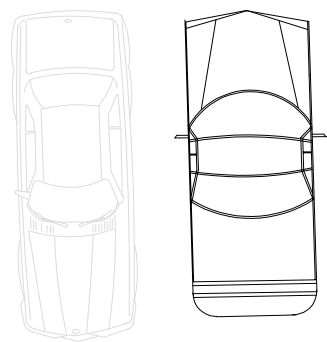
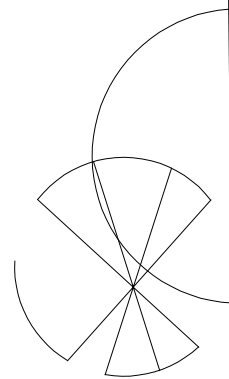
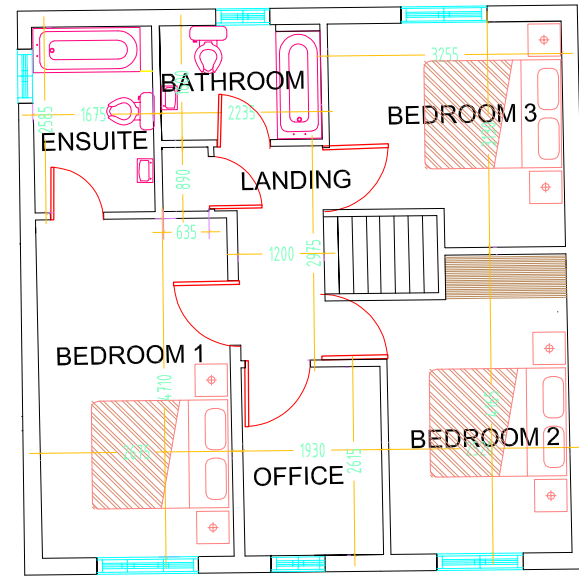
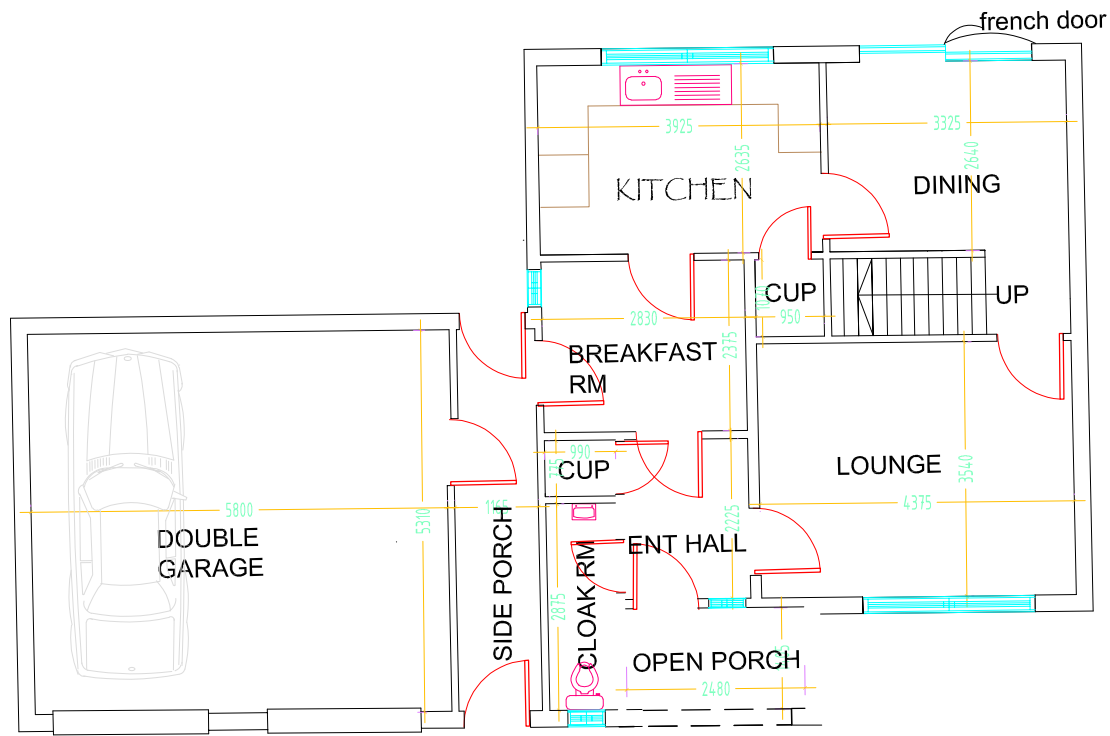
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GROUND FLOOR PLAN

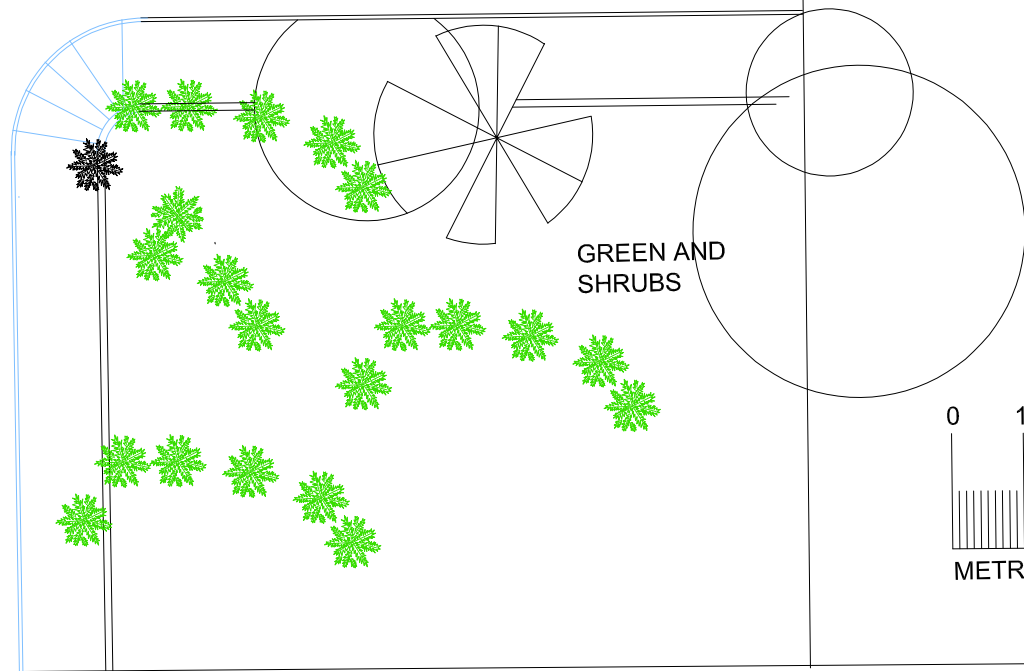
FIRST FLOOR PLAN

1.8M FENCE

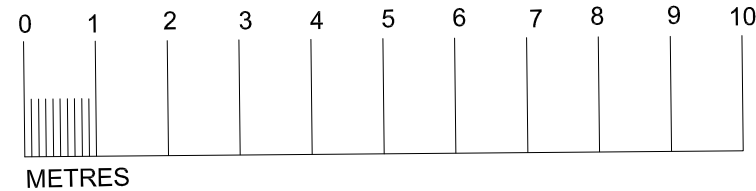
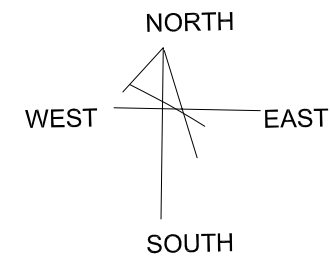
1.8M FENCE



FRONT GARDEN PARKING



GREEN AND SHRUBS



ARIZ + MAAZ LTD
9 Hare Crescent
NR9 3RQ
07428128777

CLIENT-
MR JOSHUA. N.

LOCATION-
3 Hedgerows,
Norwich
NR5 9BP

SCALE- 1:100
@A3

DATE:
04/01/2024

TITLE:
PROPOSED
PLAN

SCHEME NO:
000.60
REVISION: