

North Yorkshire Council

Community Development Services

**HARROGATE AND KNARESBOROUGH AREA CONSTITUENCY PLANNING
COMMITTEE**

25 JUNE 2024

**ZC24/00887/FUL - FULL PLANNING APPLICATION FOR THE CHANGE OF USE
OF DWELLING HOUSE (USE CLASS C3) TO CHILD RESIDENTIAL PLACEMENT
HOME (USE CLASS C2).**

Report of the Assistant Director, Planning

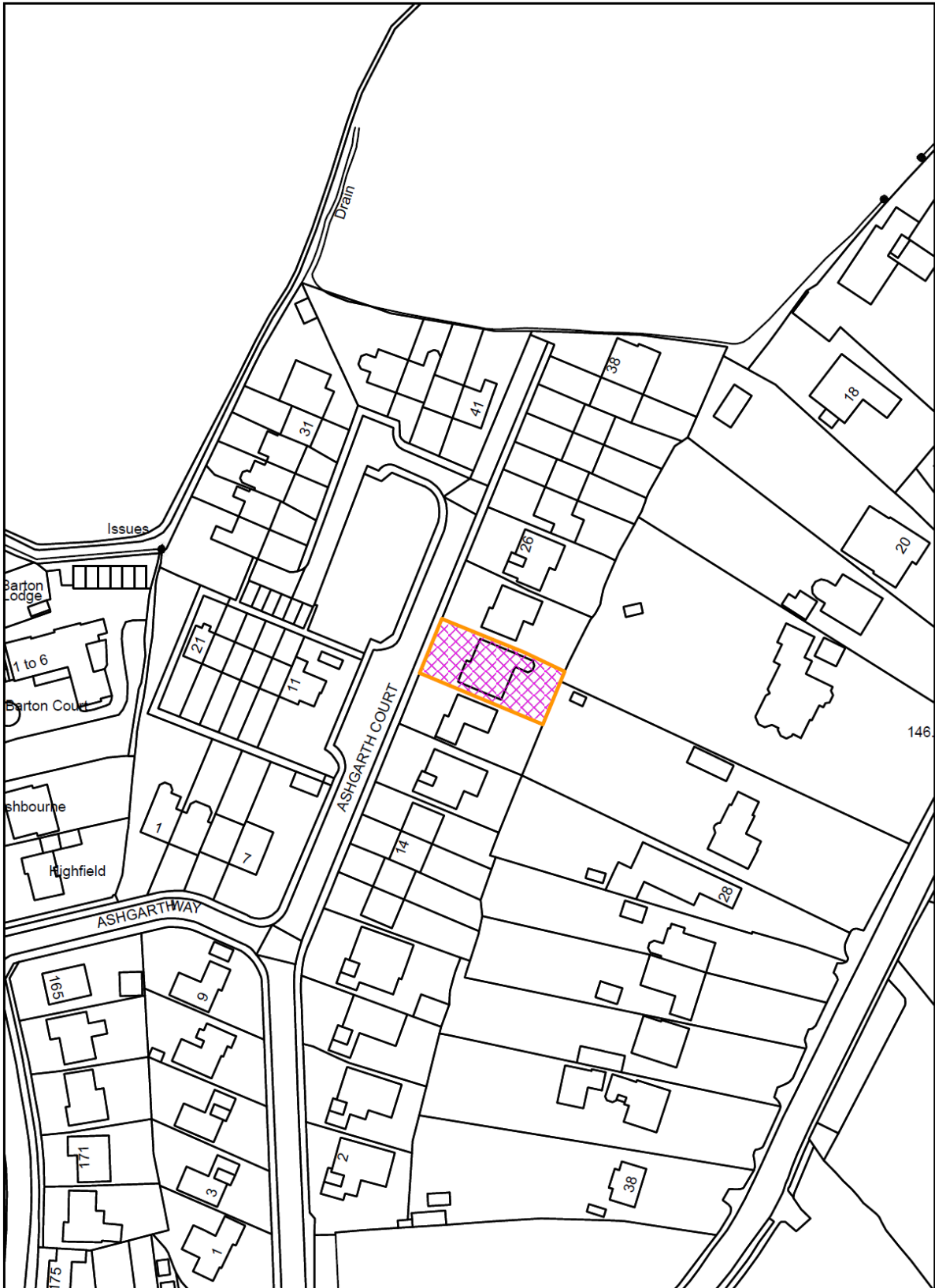
1.0 Purpose of the Report

- 1.1 To determine a planning application for Full Planning Application for the Change of use of dwelling house (Use Class C3) to child residential placement home (Use Class C2).
- 1.2 This application is brought to the Planning Committee as it has generated considerable local interest.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION:

- 2.1 This application seeks full planning permission for the change of use of a two storey detached dwelling house (Use Class C3) to child residential placement home (Use Class C2). The site is set in a mixed tenure residential cul-de-sac in a housing estate within the development limits of Harrogate. No external alterations are proposed to the building. However, changes are proposed to the front and side of the property, which will allow for greater accommodation of off road cycle and car parking.
- 2.3. It is considered the proposal would not have a detrimental impact on the landscape character of the area, neighbour's residential amenity or highway safety. The development is within a sustainable area where development is encouraged within Harrogate's development limits. It is recommended planning permission be granted subject to conditions listed at the end of this report.



Location Plan

Scale 1:1,250



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13/06/2024

3.0 Preliminary Matters

3.1. Access to the case file on Public Access can be found [here](#).

3.2. Planning history associated with the property includes:

80/11928/FUL - Extending and altering ground floor to form accommodation for aged relative. – Permitted - 07.07.1980

4.0 Site and Surroundings

4.1. The site is currently a residential two storey detached dwelling (use class C3) with a driveway to the front and rear residential garden. The site is set in a mixed tenure residential cul-de-sac in a housing estate within the development limits of Harrogate. The application site has an open driveway and garage that currently provides offroad parking for the property. There is no parking restriction within the cul-de-sac, which allows for on road parking for all residents and their visits should it be necessary. There is a reasonably sized garden to the rear of the property, which its boundary consists of mature hedging and trees with wooden fencing (approximate height mixture between 1.2 to 1.8m).

4.2. The site is approximately 2 miles from the centre of Harrogate (approximately 50 minute walk or 20 minute cycle ride). The nearest bus stop to the application site is off Beckwith Road is approximately 20 minute walk and has the nearest bus stop providing a service into Harrogate centre. Alternatively, there are bus stops off Leeds Road (approximately 20 minute walk) that has buses to Harrogate or into Leeds centre approximately every 15 minutes. The site is within walking or cycle distance of primary (e.g. Pannal Primary School) and secondary (e.g. Rossett School) schools. The nearest convenience supermarkets for the site are located on either Leeds Road or Otley Road. The nearest doctors surgery (taking new patients according to the NHS website – search done 06/06/2024) is approximately 0.9miles from the site called Leeds Road Practice. The nearest dentist taking on children under 17 years of age only (so acceptable given the age of the residents of the proposal; according to the NHS website – search done 06/06/2024) that is North Park Dental Practice approximately 1.7 miles from the site.

5.0 Description of Proposal

5.1. This application seeks Full Planning Permission for the change of use of dwelling house (use class C3) to child residential placement home (use class C2).

- 5.2. No external alterations are proposed to the building. However, changes are proposed to the front and side of the property, which will allow for greater accommodation of off road parking of vehicles and bicycles. Following the submission of additional information from the applicant in May 2024; they now propose 1no. EV charging point to be located within the garage to serve 1 of the proposed parking spaces.
- 5.3. The scheme proposes to accommodate a maximum of 3no. children aged between 11-18 at any one time. The applicant has said the development would be registered with Ofsted and with North Yorkshire Council's care services.
- 5.4. Follow the submission of additional information in May 2024; the applicant has confirmed that a maximum of 3 x staff members would be present on-site at any given time (including during staff changeovers). Although this would be limited to 2 x staff members during the hours of 7.30am-9am, 5:30pm-8.45pm, 9pm-7am. The applicant has confirmed, there is no intention to implement shift changeovers overnight. It is presented that the shift patterns at full capacity would operate over a 24 hours a day shift pattern:
- 2 x residential support staff plus care manager on duty during the day
 - 2 x residential support staff at the property overnight
 - 2 x night-staff, (one would be sleep-in and the other would be awake on the ground floor living areas. Thus, one of the 4 bedrooms in the property would be designated for the overnight sleep-in)
- The application form sets out that the development will employ 9 people in total.
- 5.5 It is presented by the applicant the typically car trips would equate to 6x trips per day, as detailed below:
- 1 x day shift staff member arrives at 7am
 - 1 x night shift member leaves at 7:30am
 - The care manager arrives at 9am
 - The care manager leaves at 5:30pm
 - 1 x night shift staff member arrives at 8.45pm
 - 1 x day shift staff member leaves at 9pm
- Visits to residents are uncommon but must be strictly agreed with the applicant prior to arrival. The education arrangements for children would depend heavily on their need, therefore, some may go to school while others would be taught at the property.
- 5.5. The application is supported by an amended site parking plan, planning statement by SM Planning and a personal statement from the applicant.

6.0 Planning Policy and Guidance

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:
- Harrogate Local Plan 2014-2035, adopted 2020
 - Minerals and Waste Joint Plan, adopted 2022

Guidance - Material Considerations

- 6.3. Relevant guidance for this application is:
- National Planning Policy Framework 2023
 - National Planning Practice Guidance

7.0 Consultation Responses

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. **Environmental Health:** Raised no objection to the application, subject to the consideration of adding a condition regarding protection from stray artificial lighting from the site.

Highways: Raised no objection to the application as outlined within their formal consultee comments released on 9 April 2024. However, following the initial comments the Highways Officer did request further clarification from the applicant regarding the proposed off road parking proposed for the development. The applicant provided an amended site plan and planning statement setting out a basic travel plan and parking arrangement for staff and visitors. No highways objection was raised to the additional information, subject to the conditioning of the implementation plan.

Police Architectural Liaison Officer: Raised no objection to the application, subject to the consideration of adding a condition requiring that before the development is open to the public the applicant submits to the LPA a comprehensive management plan be provided.

Also recommending that the Authority may also wish to include an Informative advising the applicant of the need to ensure that they obtain Ofsted registration prior to it coming into operation.

North Yorkshire Council Health and Adult Services: was consulted on this planning application, but no written comments were received at the time of writing this report.

Local Representations

- 7.3. The scheme has attracted local interest from the community. In total 31 representation have been received. Full details of the comments are available on public access, however the main areas the comments raised relate to the following:

Support:

- Modern residential placement homes operate under stringent regulations and foster positive engagement with the community.
- Multiple off road parking spaces at the application site.
- Maximum of 3 staff on site at any one time.
- No intention to change the floor plan of the property.
- Plans will be put in place to limit increase noise, disturbance and traffic from the scheme on the community.
- The proposal will be akin to a residential home set up with children and adults looking after them, but on a shift pattern requiring the change of use.
- The application site is within a sustainable location in walking distance to services.

Objections:

- If a C2 residential children home is required in Harrogate there are better places than a quiet residential estate away from public transport, shops and services.
- The correct ownership notices have not been completed in connection to this proposal.
- The green open space to the front of the application site is used by local children to play upon, but it is private land owned by a group of houses off Ashgarth Court.
- No schools or health services to take the future residential children, as all of these services are at capacity in this area.
- There is a need to retain market housing and no local need for a children residential home in the Harrogate Local Plan.
- Conservatory to the rear of the application building does not meet planning regulations.
- The application is not correct no floor plan has been provided to show the level of accommodation.

- The development if approved under C2 could be used for other uses within this use class category without the control of the Council.
- The property is too small to accommodate 3 teenagers. The property would need extending.
- There will be noise, light and traffic disturbance from having a 24/7 business in a residential cul-de-sac.
- Unstable location – no easy access to public transport or shops and services without a car.
- The proposed activity of independent children could fall under C3, its existing use.
- The NPPF requires the Council to create safe communities without the fear of crime and disorder or anti-social behaviour.
- The bedroom would not meet the national described space standards or legislation set out for residential children homes by Ofsted.
- The highway impact has not been assessed correctly and will put pressure on road parking on the cul-de-sac.
- The application form has been filled in correctly as there are trees and hedging within the site boundary.

8.0 Environment Impact Assessment (EIA)

- 8.1. The development proposed does not fall within the thresholds of Schedule 1 or 2 of the Environmental Impact Regulations 2017 (as amended). No environmental Statement is therefore required.

9.0 Main Issues

- 9.1. The key considerations in the assessment of this application are:

- Principle of development
- Impact on Amenity
- Highway Safety
- Impact on the Character of the Area
- Other Matters

10.0 ASSESSMENT

Principle of Development

- 10.1. Harrogate District Local Plan Policy GS2 identifies how the focus of housing and jobs over the plan period will be met with a focus on growth in the districts main settlements and key transport routes. The scale of development will reflect the settlements role as defined within the settlement hierarchy, character and setting. Relationship with key public transport, the need to

deliver new homes and jobs, the need to maintain or enhance services and facilities in the settlements.

- 10.2. The application site is located within a residential estate within the development limits of Harrogate. Policies GS2 and GS3 of the Harrogate Local Plan identifies Harrogate as a main settlement and land within its development limits as able over the plan period be able to accommodate the delivery of new homes, employment land and other uses.
- 10.3. Development limits for villages in the settlement hierarchy are identified under the provisions of policy GS3. Places not identified in the settlement hierarchy are part of the wider countryside where development will only be appropriate if permitted by other policies of this plan, a neighbourhood plan or national policy. Within development limits, proposals for new development will be supported provided they are in accordance with other relevant policies of the Local Plan.
- 10.4. Concerns have been raised that this residential use would not fit into this housing estate and that it is an unsustainable location. The Harrogate Local Plan has allocated development in this part of Harrogate. The Harrogate Local Plan has identified land within the Harrogate's development limits are in sustainable location capable of accommodating development growth over the plan period.
- 10.5. It has also been raised the use proposal of a home to look after children would fall under use class C3 (dwelling house). Therefore, a change of use to C2 is not required. Where activity results in a material change of use of a building to a use falling within a different use class (within the Town and Country Planning (Use Classes) Order 2020) then planning permission will be required to authorise that change of use. The key issues are the numbers of residents involved, whether or not staff work shift patterns or have a permanent residence at the site and the materiality in planning terms of any change of use.
- 10.6. In this instance the application proposes residential accommodation for 3x children (aged 11 to 18 years old) and a shift pattern of between two to three members of staff on site at any one time.
- 10.7. Class C3 of the Town and Country Planning (Use Classes) Order as amended refers to "use as a dwelling house by not more than six residents living together as a single household, (including a household where care is provided for residents)." If a children's residential home were being run on this basis, with children being looked after by a permanent occupant of the dwelling, there would be no requirement for planning permission in Officer's view.

- 10.8. However, it is understood it is less clear when the care is based on employee shift patterns. A children residential home run on shift patterns could not be considered to fall within Use Class C3 (a), because clearly, this is not occupation of a dwelling house by a single person or people living together as a family. Use Class C3 (b) covers up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems. Equally, Use Class C3(c) distinguishes groups of people living together as a single household, which could for example include people with lodgers, or student accommodation for up to six individuals. Children's homes based on shift patterns would not be considered to fall into the above criteria. It is understood from case law use of premises as a children's residential home will generally be held to fall within Class C2 of the Order (residential institutions).
- 10.9. Based on what is proposed as part of this development; it is therefore considered based on the proposal there is a material change from C3 (dwelling house) to C2 (residential institutions) and planning permission is required.
- 10.10. Concerns have been raised by what is allowed under C2 (residential institutions) and the use that can be allowed without formal consent from the Local Planning Authority. Use Class C2 (residential institutions) relates to residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres. This use class also has a sub category C2A for 'secure residential institutions' including prisons, detention centres, custody centre, secure hospital, or secure local authority accommodation.
- 10.11. The applicant has suggested a condition be added limiting the use of the application site to C2 – children residential home. Given that is what is proposed and the setting of the application site; it is considered reasonable and necessary to limit the use of the site to C2 – children residential home only.
- 10.12. Guidance within the NPPF of creating safe communities and removing the fear of crime has been brought to the attention of the Case Officer through public consultation. Paragraph 96 of the NPPF outlines:
- “...decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which:*
- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;*

b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of beautiful, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and

c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.”

In regard to paragraph 96 of the NPPF, the proposal is for a residential institution that is seen as complimentary and supportable within residual areas. The following sections of this report will look closer into concerns of safety and accessibility.

- 10.13. There are no policies within the Development Plan or NPPF to identify the principle of this form of development is unacceptable in this location subject to no other material planning consideration outweighing the benefits of the proposal.

Impact on Amenity

- 10.14. Local Plan Policy HP4 seeks to protect amenity, requiring development proposals to be designed so that they will not result in significant adverse impacts on the amenity of occupiers and neighbours.
- 10.15. The public representations have raised concerns in relation to noise, disturbance and antisocial behaviour arising from the proposed use.
- 10.16. The proposal is for the property to operate as a children’s residential home for no more than 3 children between the ages of 11 and 18 and the necessary carers to ensure that these children are supported and cared for. The proposal is to operate in a manner similar to a C3 dwelling, except that the residents do not live as a ‘single household’ and will be a 24/7 shift pattern the carers will work. The applicant’s additional Planning Statement set out the staff rota of the proposed 9 staff for the proposed use based on full capacity:

- 2 x residential support staff plus care manager on duty during the day
- 2 x residential support staff at the property overnight
- The home will be staffed 24 hours a day

For the avoidance of doubt, of the 2 x night-staff, one would be sleep-in and the other would be awake in the ground floor living areas. Thus, one bedroom

would be designated for the overnight sleep-in staff member and the other three bedrooms would be designated for the looked after children.

The typically car trips when the application site is at full capacity would equate to 6 x trips per day, as detailed below:

- 1 x day shift staff member arrives at 7am
- 1 x night shift member leaves at 7:30am
- The care manager arrives at 9am
- The care manager leaves at 5:30pm
- 1 x night shift staff member arrives at 8.45pm
- 1 x day shift staff member leaves at 9pm

The Planning Statement outlines visits to residents are uncommon but must be strictly agreed with the applicant. The education arrangements for the looked after children would depend heavily on their need; some may go to school while others would be taught at the home.

10.17. The size of the proposed development is small and residential in nature. The times in the shift schedule are within the daytime period considered to be 7am until 23:00 (the remainder is considered night and therefore more sensitive) and the number of movements are not excessive.

10.18. Based on what has been presented the residential occupancy level of a mixture of adults to children within the property and the comings and goes to the site generated from this scheme would not generate a material detrimental increase in disturbance or amenity impacts that could be expected from a 'family home'. To ensure this is the case through the lifetime of the development it is recommended conditions be added:

- Limiting the quantity and age of the children (up to 18 years old).
- Limiting the level of staff on site up to three.
- Limiting the staff change over to be within the times of 07:00 to 21:00, as specified in the Planning Statement.

It is considered the above proposed conditions meet the conditions tests, as they are reasonable, necessary, and enforceable (para. 56 of the NPPF). This will aid the scheme has a minimal impact and protection of the neighbour's residential amenity. Whilst allowing the proposal the ability to operate safely.

10.19. Concerns have been raised that it is not clear what level of care or if the residents' would have substance issues, which would have an impact on the neighbour's residential amenity. potential additional care needs the individual children may require would not be known until they are potential assigned to go to the application site. The applicant as part of the Planning Statement has set out the scale and age range of the potential residents and how they envisage the day-to-day running of the development. The applicant has said

the site would be registered with Ofsted and it would be a recommended informative to the planning decision notice that this is done. Ofsted will require the operators of the residential home to comply and enforce strict policies to protect their residents and members of the public from anti-social behaviour. Furthermore, issues of antisocial behaviour, should this happen, can be dealt with through statutory nuisance legislations, which is separate from planning controls.

- 10.20. The Council's Environmental Health section has been consulted on this planning application and raised no objection to the application, subject to a condition on external lighting being added. As it is not known at this stage if any external lighting is necessary, it is considered reasonable to add the recommended lighting condition to ensure no stray lighting impact on the neighbouring properties in this instance.
- 10.21. No external alterations are proposed to the building. The scheme presents no detrimental impact to neighbouring properties in terms of overlooking, overshadowing or it being overbearing.
- 10.22. Concerns have also been raised that the bedroom sizes do not meet the government's housing space standards. Bedroom sizes is not a consideration for this planning application. However, bedroom sizes may be considered by other legislation, i.e. Ofsted.
- 10.23. The applicant has proposed the cycle storage area be next to the shared boundary with no.24 Ashgarth Court. There is fencing along this boundary, which is approximately 1.8m in height. No. 24 Ashgarth Court has its rear access and a window and side door believed to serve its garage facing this shared boundary with the application site. Garages are seen a tertiary uses. It is recommended that the cycle storage area have an all-weather shelter that will provide some protection from noise generation onto the neighbouring property. The cycle storage area is to provide a minimum of 3 cycle bays, which is not considered excessive. It is not seen the presence of the cycle storage bay next to this shared boundary would cause unacceptable impact on the neighbour's residential amenity.
- 10.24. To conclude, the level of activity proposed as part of this C2 planning application is similar to a residential 'family home'. Subject the recommended conditions being added, which can meet planning legislation, to limit the activity at the site to a reasonable number and hours of day no residential amenity objections are raised and it meets local and national planning policies.

Highway Safety

- 10.25. Paragraph 115 of the NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable

impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 10.26. Policies T11 and T13 of the Local Plan – in a summary they require that the travel impact of any scheme should not add significantly to any pre-existing problems of access, road safety or traffic flow. In addition, there should be sufficient parking, cycle and E/V charging spots.
- 10.27. The proposal utilises an existing vehicular access. The applicant has confirmed the proposal would have 3 off road car parking spaces and not 4 parking spaces. The submitted amended site plan shows that at least three vehicles and cycle storage area to be used by staff and visitors can be accommodated within the existing parking area to the front of the building and hardstanding next to its northern boundary.
- 10.28. Concerns have been raised by residents that there would be insufficient parking arrangements within the site leading to on street parking on the cul-de-sac, which would be dangerous to pedestrians and children playing on the central green.
- 10.29. NYC Highways Authority have been consulted on the proposal and have considered the amended site layout plan. The Highways Officer raised no objection to the scheme from a highways safety prospective, subject to a condition requiring the parking provision to be provided prior to the first use of the property.
- 10.30. In order to ensure the cycle storage area is designed securely and provides acceptable all-weather shelter for the bicycles; a condition requiring the details of the cycle storage area be approved in writing by the Local Planning Authority is recommended.
- 10.31. To conclude, it is considered the proposal would not have unacceptable impacts on highway safety, subject to the addition of the recommended conditions and complies with national and local planning policies.

Impact on the Character of the Area

- 10.32. Harrogate Local plan policy HP3 requires development to incorporate high quality building, urban and landscape design that protects, enhances or reinforces those characteristics, qualities and features that contribute to the local distinctiveness of the district's rural and urban environments.
- 10.33. The application site is a two storey detached property located within a residential cul-de-sac within the development limits of Harrogate. There are a range of design of properties within the street scene.

- 10.34. No external alterations are proposed to the building as part of this planning application.
- 10.35. The scheme includes the creation of a cycle storage area between the host building and the shared wooden fence next to no. 24 Ashgarth Court. A condition is recommended to understand the design of this part of the proposal. That said it is considered the presence of a cycle storage area to the side of the host building and set back from the road frontage would not have a detrimental impact on the street scene.
- 10.36. To conclude, no design objections are raised to this proposal.

Other Matters

- 10.37. **Trees:** Concerns have been raised regarding the applicant not filling in the application form correctly, as there are trees within the front garden of the site. Also, the impact the scheme would have on a mature tree within the neighbouring garden that over hangs into the applicant's rear garden. The Case Officer visited the site on 25 April 2024 and noted the small ornamental planting within the front garden and the mature trees along the rear boundary of the application site. The site is not located within a conservation area and the applicant is not proposing any landscaping works as part of this application. It is Officer view that the ornamental tree and planting to the front of the application site is not large and should the planting need to be removed it would not have a detrimental impact on the area. Furthermore, should the applicant wish other replanting could be done within the site boundaries to the rear of the site. The tree in the rear garden to the application site is outside the control of the applicant and no detrimental harm would be caused to this tree through this development. No further comments or actions to this matter is recommended.
- 10.38. **Application type:** This planning application is for the change of use of the building. The applicant has said they would require no alterations to the building to accommodate this change of use. Therefore, no internal floor plans are required as part of this application.
- Other concerns have been raised about the application not being submitted by a register children's home provider. It is noted that planning permission goes with the land and not the applicant.
- Other comments have been raised that should this application be approved; the applicants will apply for a larger children's residential home on the site. It is only possible to consider and recommend a decision on the planning application in front of the Council. Should the applicant wish to provide accommodation for a larger children's residential home on the site in the future; then this would need to be assessed separately by the LPA.

Concerns have been raised the application has signed the wrong ownership notice. The applicant has signed certificate B and notified the relevant people with interest of the land prior to the submission of this planning application. No further comments or actions to these matters is recommended.

- 10.39. **Ofsted children's residential home criteria:** Comments have been received that the proposed scheme would not comply with Ofsted's children residential home criteria, due to the location of the property away from services and its bedroom sizes. It is recommended that an informative be added requiring the scheme be registered with Ofsted before it comes into use. However, the requirement of Ofsted is outside the jurisdiction of planning control. No further comments or actions to this matter is recommended.
- 10.40. **Sustainability:** Policy CC4 of the Local Plan requires development to put sustainable design into the heart of all schemes. It has been established earlier in the report the application site is located in a sustainable location as is set out within the Harrogate Local Plan. The scheme is for the reuse of an existing building. The applicant is proposing there will be a cycle storage area and a E/V charging point within the garage for staff, residents and visitors to use. It is recommended that conditions be added requiring full details of the cycle storage area and E/V charging facilities be submitted for LPA approval prior to the first residents moving into the application site.
- 10.41. **Ecology:** The NPPF required a recognition that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused. Policy NE3 of the Harrogate Local Plan looks for proposals to protect and enhance features of ecological and geological interest and provide net gains in biodiversity will be supported. The application was submitted before the requirement for small sites to demonstrate biodiversity net gain. The application form outlines there are no protected species on the site. From the Case Officer's site visit, no obvious evidence of a bat roost or other protected habitats were noted. No further comments or actions to this matter is recommended.
- 10.42. **Police Architectural Liaison Officer –** The Police Architectural Liaison Officer recommended that it be condition a comprehensive management plan be provided, which should include details covering the following topics.
- Age, gender mix of the home
 - Safeguarding
 - Managing risk
 - Exploitation
 - Missing from home
 - Location assessment

- Procedures for resolving issues that may affect the neighbourhood.

The Case Officer has considered this requested condition against paragraphs 55 and 56 of the NPPF which require:

“(para. 55) Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions ...

(Para 56) Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.”

Having consider the above planning conditions test within the NPPF; it is consider conditioning a comprehensive management plan would not be ‘relevant to planning or reasonable in all other respects’. This is because the brief for the comprehensive management plan covers areas better suited covered by other legislation and governed by the police, social services and Ofsted. It is therefore recommended that this condition not be added to the decision notice.

The above said, the Case Officer understands the concerns from the Police Architectural Liaison Officer and the community regarding the possibility of anti-social behaviour from the scheme. Also, the needs of paragraph 96 of the NPPF for planning decisions to aim to achieve healthy, inclusive and safe places (as discussed earlier in the report). It is considered the conditions recommended:

- Restricting the use of the building to only C2 – children’s residential home.
- Accommodation for 3 x children (aged up to 18 only).
- Maximum number of staff and restricting the staff change over to daytime periods.
- Confirmation of off site parking and cycle storage for residents, staff and visitors.

These are all reasonable and necessary conditions to assist under planning controls to create a cohesive community and limit the fear from having this alternative residential use within this housing estate (Use Class) setting.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise. The scheme has attracted considerable local interest and opposition as reflected within the representations section.

- 11.2. The site is located within a sustainable location, as identified under Policies GS2 and GS3.
- 11.3. The application site would operate within a use that would attract occupation and levels of noise and disturbance from comings and goings, akin to those that could reasonably and likely to occur if a family resided at this address. Conditions can be added to the decision notice to ensure impact on residential amenity is mitigated and remains so for the lifetime of the development.
- 11.4. The size of the building and its grounds provides suitable accommodation for three residents and the on-site staff. There is sufficient on-site vehicle and cycle parking for the development and the site is located within a sustainable location.
- 11.5. The proposal is considered to comply with both national and adopted local planning policy in terms of establishing sustainable development. It is therefore recommended that this application is approved, subject to the suggested conditions.

12.0 RECOMMENDATION

- 12.1 That the application be **APPROVED** subject to conditions.

Recommended conditions:

- 1 The development hereby permitted shall be begun on or before three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in strict accordance with the following information:

Dated received 29 May 2024
 Planning Statement (SMPlanning, May 2024)
 Appendix 1: Staff Rota
 Drawing reference: 18031/01: Site Plan
 Dated received 13 March 2024
 Drawing titled: 'Location Plan'
- 3 An electric vehicle infrastructure strategy and implementation plan shall be submitted to and approved in writing by the Local Planning Authority (LPA) prior to the first use of the premises for a C2 use. The plan shall contain details of the number and location of all electric vehicle charging points which shall be of Mode 3 type (specific socket on a dedicated circuit with a minimum current

rating of 16 Amp). Buildings and parking spaces that are to be provided with charging points shall not be brought into use until associated charging points are installed in strict accordance with approved details and are operational. The charging point once approved in writing by the LPA shall be installed prior to first use of the premises for a C2 use and shall be retained and maintained to the standards of that day thereafter.

- 4 Prior to the first use of the premises for a C2 use as hereby permitted, details of the cycle storage area (on a plan scaled 1:100 or 1:200 and accompanying written statement) shall be submitted to and approved in writing by the Local Planning Authority (LPA). The cycle storage area shall show a minimum of 3 x Sheffield cycle stands or similar, details of the all-weather shelter to cover the cycle stands and provide information for the lockable access to the cycle storage area and for the safe storage of cycle helmets, lights and other relevant cycling equipment. The cycle storage area once approved in writing by the LPA shall be installed prior to first use of the premises for a C2 use and shall be retained and maintained to the standards of that day thereafter
- 5 Prior to the first use of the premises for a C2 use as hereby permitted, the access, manoeuvring, turning areas and the vehicle parking and cycle storage areas shall be laid out in accordance with drawing reference: 18031/01 and made available for all users at no. 22 Ashgarth Court. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
- 6 No more than three children (aged up to 18 years of age) are allowed to be residents at the property at any one time.
- 7 Between the hours of 9pm to 7am there shall be no more than two members of staff at the property, and there shall be no staff changeovers within these hours.
- 8 Between the hours of 7am to 9pm there shall be no more than three members of staff at the property.
- 9 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2020 (or any order revoking and re-enacting that Order with or without modification) the use of the application site shall be restricted to C2 - children residential home unless otherwise granted further specific planning permission from the Local Planning Authority.
- 10 Prior to the installation of artificial lighting works at no. 22 Ashgarth Court, a scheme which indicates the measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the artificial lighting scheme shall be operated and maintained in accordance with the

approved scheme.

Reasons for Conditions:

- 1 To ensure compliance with Sections 91-94 of the Town and Country Planning Act 1990.
- 2 In order to ensure compliance with the approved information.
- 3 In the interests of providing sustainable transport and improving air quality across the area in accordance with policy CC4 of the Local Plan and the NPPF.
- 4 In the interests of local residential amenity and highway safety, in line with guidance within the NPPF and the Harrogate area Local Plan.
- 5 To provide for appropriate on-site vehicle and cycle storage facilities in the interests of highway safety and the general amenity of the development on the surrounding area.
- 6 In the interests of local residential amenity and highways safety, in line with guidance within the NPPF and the Harrogate area Local Plan.
- 7 In the interests of local residential amenity and highway safety, in line with guidance within the NPPF and the Harrogate area Local Plan.
- 8 In the interests of local residential amenity and highway safety, in line with guidance within the NPPF and the Harrogate area Local Plan.
- 9 In the interests of local residential amenity and highways safety, in line with guidance within the NPPF and the Harrogate area Local Plan.
- 10 In the interests of local residential amenity, in line with guidance within the NPPF and the Harrogate area Local Plan.

INFORMATIVES

- 1 Prior to the use by the first resident of the C2 use hereby approved the application should speak with Ofsted regarding any registration requirements.