

DEVELOPMENT PLAN

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

Unitary Development Plan - current status

The Unitary Development Plan for Sunderland was adopted on 7th September 1998. In the report on each application specific reference will be made to those policies and proposals, which are particularly relevant to the application site and proposal. The UDP also includes a number of city wide and strategic policies and objectives, which when appropriate will be identified.

STANDARD CONDITIONS

Sections 91 and 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 require that any planning application which is granted either full or outline planning permission shall include a condition, which limits its duration.

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

The reports identify if site notices, press notices and/or neighbour notification have been undertaken. In all cases the consultations and publicity have been carried out in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

The background papers material to the reports included on this agenda are:

- The application and supporting reports and information;
- Responses from consultees;
- Representations received;
- Correspondence between the applicant and/or their agent and the Local Planning Authority;
- Correspondence between objectors and the Local Planning Authority;
- Minutes of relevant meetings between interested parties and the Local Planning Authority;
- Reports and advice by specialist consultants employed by the Local Planning Authority;
- Other relevant reports.

Please note that not all of the reports will include background papers in every category and that the background papers will exclude any documents containing exempt or confidential information as defined by the Act.

These reports are held on the relevant application file and are available for inspection during normal office hours at the Economy and Place Directorate at the Customer Service Centre or via the internet at www.sunderland.gov.uk/online-applications/

Ms. Irene Lucas CBE
Chief Executive

1.

North
Sunderland

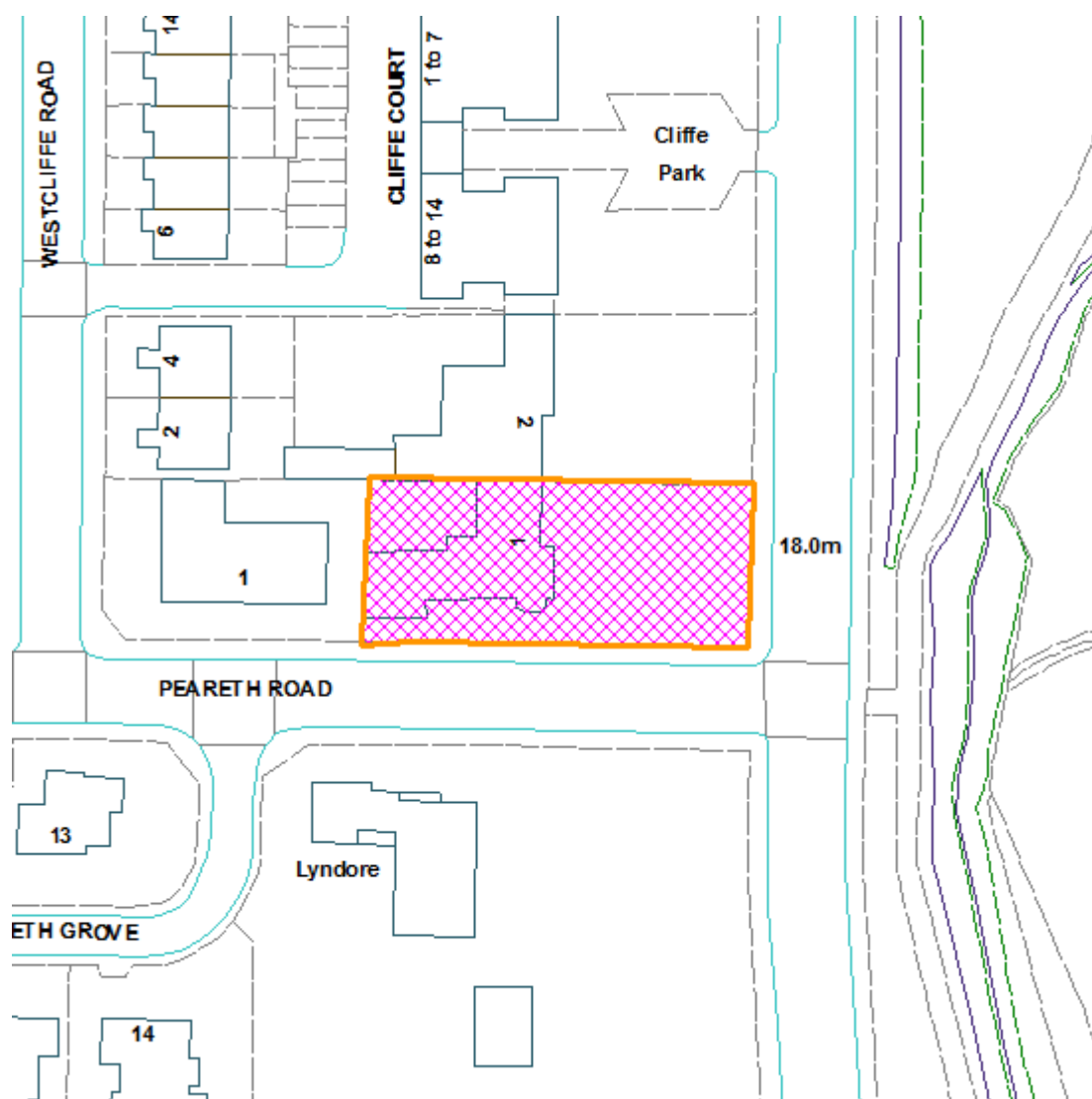
Reference No.: 16/01345/FUL Full Application

Proposal: **Change of Use of existing residential (C3) premises to a residential children's home (C2) (further consultation - additional information to application has been received).**

Location: 1 Cliffe Park Sunderland SR6 9NR

Ward: St Peters
Applicant: Mr C Sanders
Date Valid: 3 August 2016
Target Date: 28 September 2016

Location Plan



PROPOSAL:

The proposal relates to the change of use of an existing residential property to a residential children's home at 1 Cliffe Park, Seaburn, Sunderland, SR6 9NR.

The proposed change of use affects a large two-and-a-half storey (i.e. two storeys with rooms in the roof space) semi-detached property occupying a corner plot at the junction of Peareth Road and the A183 Whitburn Road. The property faces eastward across Whitburn Road to the coast beyond, but it also presents an active elevation to Peareth Road, which runs along its south site. The property is highly attractive and is characterised by a gable projecting from the southern end of its front elevation, two-storey bay windows, a range of dormer windows to the front and side elevations and brick and render detailing. The adjoining no. 2 is a mirror image of the host property.

The property stands behind a deep front garden which is enclosed by a wall and fence, whilst to its rear is a large double garage accessed via Peareth Road.

The surroundings of the application site are primarily residential in nature, although there is a range of types of residential accommodation in evidence. To this end, behind the subject property is a large detached bungalow which turns the corner into Westcliffe Road, a street of dwellings running parallel to the coast, whilst Peareth Road is flanked by detached dwellings on its south side. The adjoining no. 2 is, however, authorised to be used as an 11-bedroom house in multiple occupation (HMO), a use granted retrospective planning permission in 2011 (application ref. 11/03142/FUL). Beyond no. 2 is a complex of flats/apartments known as Cliffe Court.

The application proposes to change the use of the property to a residential children's home, a use falling within use class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended). It is understood that the property has recently been in use as a house in multiple occupation (HMO), however there is no record of such a use being granted planning permission by the City Council and consequently, it would appear that the authorised use of the building for planning purposes is as a single dwellinghouse (use class C3 of the Order).

The application has been submitted on behalf of Acorn Care, an operator of children's homes similar to that proposed in Darlington. A Planning Statement submitted with the application advises that the facility is intended to accommodate 5 no. young people with a typical age range of 11-17. The length of stay can range from a weekend to a number of years, depending on the young person's individual circumstances.

The facility is proposed to be staffed 24-hours-a-day, 7 days-a-week, with daytime staffing provisions involving an OFSTED-registered Manager, Deputy Manager, Senior Residential Child Support Worker and two Residential Child Support Workers. After 8pm, one member of staff operates on a 'sleep-in' basis and emergency out-of-hours support is also available where necessary from Resident Managers and the overall Operations Manager. No staff are classed as 'resident', with Managers operating on a 9am-5pm shift basis and other staff operating on a 'two-on, two-off' shift rota (i.e. 8am-8pm, 11am-11pm sleep and 8pm-8am waking night). The support of a clinical psychologist is available if required, but neither specially adapted accommodation, nor specialist services, are offered relating to disability or behaviours.

The Statement sets out that the operation of the home would be monitored by OFSTED against the company's Statement of Purpose, which would include a limit on the number of young people legally authorised to be accommodation (i.e. 5 persons). Contracts with Local Authorities can be terminated with 28 days' notice (other than in emergency circumstances), an arrangement which

enables residents to be moved on when necessary, for example when behaviour inside or outside the home is raising concerns which cannot be resolved by the care and services available. OFSTED would also inspect the premises twice per year, whilst any Local Authorities placing children in the service inspect on an annual basis.

The applicant's agent has also provided some additional supporting information in an email dated 12/09/2016. In this, it is advised that the applicant has been in discussion with the Council's Children's Services department for several months and, in the applicant's view, a demand for the facility has been established, with the applicant pointing to accommodation being provided for children from Sunderland in Acorn Care's existing Darlington facility. The email also advises that Acorn Care would seek to fully engage with neighbouring residents in the event planning permission is granted for the change of use and that a neighbour's forum was initially set up in respect of the existing facility in Darlington.

The accommodation to be provided within the building will be spread over all three floors and will encompass a mix of communal and private spaces for residents, together with administrative facilities for staff. Private space will comprise 5 no. individual bedrooms, three of which are en-suite, whilst the communal areas will include the entrance hall and lobby, dining room, living room, games room, snooker room and quiet room. Administrative facilities include an office, sleep-over room and a kitchen/utility room. In terms of external amenity space, residents would benefit from the use of the large front garden, together with a small strip of garden to the Peareth Road elevation and a courtyard behind the existing garage. The garage is intended to be made available for staff parking.

No changes are proposed to the exterior of the property.

An application of this nature would normally be determined under delegated powers, however it has been referred to the Sub-Committee at the request of Ward Councillor Julia Jackson (email received on 06/09/2016).

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
St Peters - Ward Councillors Consultation
Environmental Health

Final Date for Receipt of Representations: **06.10.2016**

REPRESENTATIONS:

Public consultation - a total of 42 no. letters of representation have been submitted in respect of the application, from residents of Park Avenue, Westcliffe Road, Peareth Grove, Peareth Road, Cliffe Park and Cliffe Court and the Residents' Association of Ashmore House, Cliffe Park. The following concerns have been raised:

- the Seaburn/Fulwell area already has many homes of this nature;
- the change of use will not make the area feel safer;

- the Council should not approve further changes of use of this type in this area and to do so would be a breach of the Council's duty of care and 'reckless in the extreme';
- shock that the Council has even agreed to this application being submitted;
- accommodation of this nature is not appropriate in a quiet area popular with families and older people;
- the proposed use would have a detrimental/negative effect on the area and community;
- the term 'children's home' is very vague and there is little information as to the concepts, regulations and limits which will apply to the facility;
- the proposed facility will result in crime, anti-social behaviour, noise and disturbance and may attract other children to the site;
- health and well-being of existing residents should be put ahead of profits of business;
- the proposed use could bring 'problem' children into a family area and safe neighbourhood;
- existing residents would be reluctant to let their children play outside on the street;
- the existing use of the property already gives rise to litter problems, aggressive dogs and playing of loud music, which could worsen if the application is approved;
- this is the wrong type of use for the sea front, which the Council is trying to improve for visitors and tourists;
- the Council should not allow an 'unwanted' and 'unnecessary' facility to undermine its regeneration initiatives in respect of the sea front;
- the proposed use could deter visitors from coming to the sea front;
- Peareth Road is used for parking by visitors to the sea front;
- the proposed use would cause (unspecified) environmental problems for existing property owners;
- children accommodated in the home could have criminal backgrounds;
- understanding that similar facilities in Sunderland have generated anti-social behaviour and vandalism problems;
- the privacy and security of local residents could be at risk;
- the proposals will increase the volume of traffic on Peareth Road and cause parking problems;
- the existing garages are not used for parking and the hardstanding in front cannot accommodate off-street parking;
- 2 Cliffe Park is owned by the same person and it is feared that it could also be put to a similar use;
- vulnerable children with a 'high risk of suicide' should not be located close to a cliff top and main road;
- the facility should be located in the countryside, away from the 'temptations' of a residential area;
- proposal will have a negative effect on house prices and residents in the area pay 'premium rate poll tax';
- precedent set by the refusal of an application at Wear Court, Rock Lodge Road;
- the property is located within a Ward subject to the Article 4 Directive which has removed the right to change the use of a residential dwelling to a small HMO without requiring planning permission - the proposal is contrary to this 'planning climate' and the Council's desire to encourage 'family' use of residential properties;
- the property is not 'stand-alone' but is nestled within the heart of a close-knit residential area;
- understanding that businesses are not allowed to operate in Cliffe Park due to a restrictive covenant;
- the Council's Unitary Development Plan does not allocate the property for another use and so the existing use should remain;
- little information is provided in relation to the applicant's experience and their ability to maintain the sustainability of the proposed use from a business perspective;
- the Council's Children's Services department should seek to commission any services required rather than 'award' planning to an external provider who may provide facilities for a number of different local authorities;

A number of residents have also expressed concern in relation to the level of public consultation carried out in respect of the application. To clarify, the consultation exercise undertaken involved issuing letters to a number of dwellings neighbouring the application site, the posting of a site notice and consultation with Ward Members. This level of consultation is fully compliant with the Council's obligations as set out in the Town and Country Planning (Development Management Procedure) Order 2015. It should be noted that it is not necessary for an individual to receive a consultation letter in order to participate in consultation on a planning application and to this end, the level of consultation undertaken has ultimately resulted in the receipt of over 40 no. letters of representation from addresses within a wide area around the application site.

With reference to the issues set out by the letters of representation, Members should note that the concerns expressed in respect of property value are of private interest - the planning system exists to determine applications with regard to public interest and as such, any concerns of this nature do not constitute material planning considerations. Similarly, any conflict with a restrictive covenant on the property is a private concern for the applicant/property owner to resolve and is not a planning consideration.

In addition, Members should also note that it is not the role of the planning system to vet the credentials of the proposed service provider ahead of determining the planning application. The key matter for consideration is simply whether the proposed use of the building is appropriate given its context, rather than basing a decision on the identity of the service operator and their perceived capabilities. To this end, Members should be aware that in the event planning permission is granted for the proposed change of use, the permission could pass to a different service provider (unless this is explicitly prevented by a planning condition).

Objectors have also suggested that the Council should seek to resist the proposed change of use because the site lies within a Ward subject to the Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order which removes the 'permitted development' right allowing the change of use of dwellinghouses to HMOs accommodating up to 6 no. residents. Members must be aware, however, that the Direction only relates to changes of use to HMOs (use class C4 of the Town and Country Planning (Use Classes) Order) and does not apply to the proposed change of use of the premises to a childrens' home (a use falling within class C2 of the Order).

Objectors have also suggested that there are too many facilities of a similar nature in the Seaburn/Fulwell/Roker area. There are, however, no local or national planning policies which serve to limit the number of childrens' homes or other similar facilities within a certain area. Rather, the application must be determined with regard to its merits and with reference to relevant planning policies and other material considerations, including its appropriateness in relation to the specific context of the application site.

In addition, objectors have raised a fear that in the event planning permission is granted for the change of use of 1 Cliffe Park, it would encourage the change of use of the adjoining no. 2, which is in the same ownership. Members should note, however, that any such proposal would require a further planning permission, which would have to be assessed on its own merits.

The other issues of concern raised by objectors are given further consideration in the next section of this report.

POLICIES:

In the Unitary Development Plan the site is subject to the following policies;

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
B_2_Scale, massing layout and setting of new developments
H_17_Nursing and rest homes to respect amenity / established local character
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments

COMMENTS:

RELEVANT POLICY BACKGROUND

The National Planning Policy Framework (NPPF) provides the current Government's national planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. The NPPF sets out a series of 12 'core planning principles' which underpin plan-making and decision-taking and are considered to contribute to the over-arching aim of delivering sustainable development. Particularly relevant in this case are the principles that development should always seek to secure a high quality design and a good standard of amenity, should encourage the effective re-use of land and property and should deliver the homes the country needs.

Paragraph 50 of the NPPF, meanwhile, requires Local Planning Authorities to deliver a wide choice of homes and accommodation, taking into account the needs of different groups in the community.

The relevant guidance of the NPPF detailed above feeds into policies EN10, B2, H17, T14 and T22 of the City Council's adopted Unitary Development Plan (1998), which are considered to be pertinent to the determination of this application.

Policy EN10 of the UDP requires new development proposals to respect the existing pattern of land use in areas where there is no specific land use allocation. Policy H17, meanwhile, states that the provision of residential accommodation for people in need of care will normally be approved provided it is not detrimental to general amenity and the established character of the locality. Proposals must also demonstrate how parking and servicing requirements will be met.

Also relevant are policies B2, which requires new development proposals to maintain an acceptable standard of visual and residential amenity, and T14, which states that new development must not result in conditions which are prejudicial to highway and pedestrian safety.

In addition, further guidance on proposals of this nature is provided by the Council's 'Development Control Guidelines' Supplementary Planning Guidance (SPG). Also of relevance is the Council's 'Seafront Regeneration Strategy' Supplementary Planning Document (SPD), which sets out guidelines to support and deliver the culture- and tourism-led regeneration of Roker and Seaburn for the period until 2025.

ISSUES TO CONSIDER

With regard to the above policy framework, it is evident that the main issues to consider in determining the application are:

1. the principle of the proposal;
2. the impact of the proposal on the character and amenity of the locality;
3. the implications of the proposal in respect of highway and pedestrian safety.

1. Principle of proposal

The proposed use of the premises is residential in nature and the building is located within an area which is primarily residential in character and so, in broad terms, the proposal does not conflict with the established pattern of land use in the neighbourhood or raise any new land-use implications. The proposal consequently accords with UDP policy EN10's requirements in this regard.

This conclusion does not, however, establish that the proposed use of the building is appropriate, rather it is considered to be broadly compatible with the established pattern of land use in the area. In order to reach a conclusion on this matter, regard must firstly be given to the more detailed planning considerations raised by the proposed development and this exercise is carried out below.

2. Impact of use on character and amenity of locality

As noted above, policy H17 of the Council's adopted Unitary Development Plan (1998) states that the provision of nursing homes and other residential accommodation for people in need of care by the construction of new buildings and the conversion of large units in their own grounds will normally be approved provided they are not detrimental to general amenity and the established character of the locality. Proposals must also demonstrate how parking and servicing requirements will be met.

The supporting text to the policy and the more detailed advice provided by section 5 of the Council's adopted 'Development Control Guidelines' Supplementary Planning Guidance (SPG) states that the provision of such facilities in residential terraces can lead to a deterioration of amenity, through vehicle servicing, parking and other activities. The conversion of large units in their own grounds is therefore suggested as being more appropriate. The SPG also seeks to ensure that residents of such facilities are afforded a good standard of amenity, with garden areas provided for external recreation and rooms offering reasonable levels of outlook.

In addition to the above, policy B2 of the UDP requires new development proposals to maintain an acceptable standard of visual and residential amenity.

In terms of the character of the area, the application premises are located at the southern end of a block of residential properties fronting a busy 'A'-class road in a highly attractive coastal setting. The immediate locality appears to primarily provide single family homes, particularly the dwellings to Peareth Road, Peareth Grove and Westcliffe Road. The adjoining no. 2 is, however, approved to be used as an 11-bed HMO, whilst beyond are the flats of Cliffe Court. More widely, there are a range of other types of residential property fronting the coast road, including Ashmore House, a complex of flats on the north side of Cliffe Court, and Falstone Manor and Court, a large residential care home further to the south at the junction with Rock Lodge Road.

With regard to the above, it is evident that whilst the main form of residential accommodation in the immediate locality is the single dwellinghouse, there is a range of other types of residential accommodation in evidence nearby, including HMOs, flats/apartments and care homes, which primarily occupy buildings facing the coast road. In addition, it must be recognised that the property occupies a busy site - it fronts the main coast road at a location which is popular with locals and visitors for recreational purposes (e.g. walking and jogging along the cliff tops) and sees traffic and footfall throughout the day and even into the evening. The subject property is also substantial in size and occupies a large corner plot flanked by a road on its south side.

It is acknowledged that the proposed children's home will, by virtue of its inherent nature, generate some comings and goings, from staff, management, other visitors and residents of the facility. It is also recognised that as facilities of this nature are only ever intended to provide relatively short-term accommodation, the occupancy of the home would inevitably introduce a transient population to the locality.

It is considered, however, that the proposed use of the building would not necessarily be out of keeping with the character of the locality and its surroundings given the location of the subject property, the busy nature of the locality and the range of types of residential accommodation in evidence in adjacent properties and nearby. Furthermore, the intensity of the proposed use of the building is relatively low, with no more than 5 no. residents occupying a large, three-storey building; as such, the comings and goings from residents and staff will be relatively infrequent and it is considered that this intensity of use would not be incompatible with the prevailing character and nature of the area. As such, the proposed change of use is considered to broadly comply with the aims and objectives of policy H17 of the UDP.

The objections submitted in respect of the application have raised concern in relation to the potential impact of the proposed use of the property on the amenity of the locality, particularly in respect of anti-social behaviour. The representations suggest that residents in the locality have experienced anti-social behaviour in the past in connection with the use of 2 Cliffe Park as an HMO or have more general concerns with regard to uses of the type proposed by this application.

The objectors' comments in respect of the anti-social behaviour issues raised by other properties are not disputed. It must be recognised, however, that it is not reasonable to make direct comparisons between experiences relating to other residential facilities (be they of the same type as the proposed facility or otherwise) and the proposed use of the subject building, and nor can it be presumed that the implications of the proposed use would be similar. Rather, the merits of the proposal must be assessed with regard to the specific nature and details of the proposed use of the premises and its impact on the amenity of the locality must be determined objectively.

In this regard, as a broad principle, the planning system is concerned with the use and development of land and buildings and not the identity and background of any particular occupiers of any existing or proposed buildings. Any fears or concerns which may be held have to be attributable to the proposed use of the land or building and inherent to the nature of the proposed use. Where fears or concerns primarily relate to the potential behaviour of occupiers of a building, they must have some sound reasonable or evidential basis.

To this end, it cannot be assumed that all, or even a high proportion of, prospective residents of the proposed facility will engage in anti-social behaviour - this would depend upon the nature and background of individual young persons and the supervision/quality of care they receive. In addition, the behaviour of young persons at the premises, and to an extent beyond the site, can be managed and supervised by the staff of the facility. In this regard, the Planning Statement submitted with the application sets out staffing plans and other arrangements which are intended to demonstrate that the facility will be properly managed. To this end, it is recognised that with effective management, anti-social behaviour issues generated by such a use of the property can be limited and that in the event problems do arise, these can be handled/addressed by other agencies (e.g. the police).

Although it cannot be assumed that residents of the building will engage in anti-social behaviour, it is considered reasonable to suggest that children and young persons living together in shared accommodation could be boisterous and noisy. It is considered, however, that the impact of any such noise on the amenity of the locality would be of a limited nature given the low number of

residents and moreover, its effect would be somewhat mitigated by the property occupying a large corner plot and being attached to another property on only one side.

In summary, it is considered that the proposed use of the premises will not be significantly at odds with the character of a busy locality which features a range of types of residential accommodation. Furthermore, it is considered that the low intensity of the proposed use means that nearby residential properties are not anticipated to experience levels of noise and disturbance which would cause unacceptable harm to their living conditions. The proposed use is therefore considered to accord the requirements of policies H17 and B2 of the UDP in this regard.

In considering the matter of the impact of the proposed use on the character and amenity of the locality, regard has been given to a recent appeal decision in respect of a property at 5 Brookside Terrace, Ashbrooke, which followed the refusal of planning permission for its use as a childrens' home by the Development Control (South) Area Committee in October 2015 (application ref. 15/00848/FUL, appeal reference APP/J4525/W/16/3142205). In determining the appeal, the Planning Inspector gave little weight to the Council's concerns regarding the impact of the proposed use, citing the property's location fronting a busy road and ultimately concluding that the comings and goings of residents, staff and visitors in a small, managed facility would not be harmful to the character and amenity of the area.

In terms of the standard of accommodation to be provided to prospective occupiers of the accommodation, as detailed previously, the accommodation is of a low intensity and occupiers will consequently be afforded acceptable levels of private space. The property would also afford a range of communal facilities, whilst external amenity space will be provided by the large front garden. The coastal location also means that residents would be able to take advantage of a wide range of other indoor and outdoor recreational facilities in close proximity to the site. The building is therefore considered to provide acceptable standards of living to residents, in accordance with the objectives of section 5 of the 'Development Control Guidelines' SPG.

Objectors have, however, queried the suitability of the subject premises to provide accommodation of this kind, particularly in respect of its cliff-top position and the perceived higher suicide risk in relation to children residing in childrens' homes. To this end, there are no planning policies which serve to direct the location of such homes in relation to this type of concern; rather, it would be the role of any monitoring bodies (such as OFSTED) to determine whether the property is suitable in this regard.

Objectors to the development have also questioned the need for the proposed facility and why the childrens' home is proposed at this particular location. Whilst there being a particular need for a facility could be a material consideration in determining a planning application, it must be pointed out that the relevant local and national planning policies do not necessarily require a specific need for facilities of this type to be demonstrated in order for a Local Planning Authority to approve an application. In any case, the applicant clearly considers there to be a demand for a facility of this nature and at this location and has advised that the proposals have been discussed with the Council's Childrens' Services department in order to establish its potential use for placements from within the City.

A number of objectors have also questioned the compatibility of the proposed use in relation to the Council's on-going regeneration efforts in respect of the sea front area and its potential to be a deterrent to visitors to the sea front. Whilst the Council has developed a strategy for delivering improvements to the sea front (as set out in the Seafront Regeneration Strategy SPD), it does not possess any adopted policies which aim to restrict or manage this type of use within the sea front area. In any case, there is not considered to be any valid reason to conclude that a small

childrens' home would be appreciably noticeable to visitors to the sea front or undermine the Council's regeneration plans in this regard.

For the reasons set out above, it is considered that the proposed use of the building as a children's home is acceptable in relation the prevailing character and nature of the locality and will not be of significant detriment to the amenity of neighbouring properties. Furthermore, the subject building is considered to provide an appropriate standard of accommodation for the children intended to occupy the proposed facility. The proposed change of use is therefore considered to accord with the requirements of aforementioned policies H17 and B2 of the UDP, section 5 of the Development Control Guidelines SPG and the core principles and paragraph 50 of the NPPF.

3. Impact of development on highway and pedestrian safety

Policy T14 of the UDP states that new development proposals must not result in conditions which are prejudicial to highway and pedestrian safety, whilst policy T22 requires proposals to be afforded an appropriate level of dedicated vehicular parking.

In response to consultation, the Council's Highways team has advised that whilst the applicant has stated that the premises can accommodate 4 no. vehicles within its curtilage, the hardstanding in front of the existing detached garage is substandard and cannot reasonably be used for vehicle parking. The two spaces within the garage are, however, considered to be sufficient to accommodate staff parking. In the event Members are minded to approve the application, it is recommended that a condition requiring the garage to be made available for the parking of vehicles for the lifetime of the development is imposed.

It is noted that the applicant has suggested that the property's front garden could be used for additional parking if necessary; the Highways officers do not consider this to be necessary at this juncture and in any case, it is preferable that it the garden is maintained in its current form to provide outdoor amenity space for residents of the proposed facility.

Given the above, it is considered that the parking and access arrangements are satisfactory and the proposal therefore complies with the requirements of policies T14 and T22 of the UDP.

CONCLUSION

For the reasons set out above, it is considered that the proposed use of the property as a children's home is acceptable in relation to the character and amenity of the locality. In addition, the proposed facility will provide prospective residents with an appropriate standard of accommodation. The implications of the proposals in relation to parking and highway and pedestrian safety are also considered to be acceptable.

The proposed development is therefore considered to be compliant with the aims and objectives of policies H17, B2, T14 and T22 of the Council's adopted Unitary Development Plan, section 5 of the Council's Development Control Guidelines SPG and the core principles of the NPPF.

As a consequence, the application is recommended for approval.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act. As part of the assessment of the

application/proposal due regard has been given to the following relevant protected characteristics:-

- o age;
- o disability;
- o gender reassignment;
- o pregnancy and maternity;
- o race;
- o religion or belief;
- o sex;
- o sexual orientation.

The LPA is committed to (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to'

- (a) tackle prejudice, and
- (b) promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

RECOMMENDATION: APPROVE, subject to conditions below

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.

- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

the location plan received 24/07/2016, the existing and proposed elevations and site plan received 03/08/2016, the ground floor plan received 24/07/2016, the first floor plan received 24/07/2016 and the second floor plan received 24/07/2016;

In order to ensure that the completed development accords with the scheme approved and to comply with policy B2 of the adopted Unitary Development Plan.

- 3 The two car parking spaces within the existing garage of the property shall be made available for the parking of vehicles prior to the approved use of the building being commenced and shall continue to be made available for the use of vehicle parking thereafter for the lifetime of the approved development, in order to provide an appropriate area of off-street parking and comply with the requirements of policies T14 and T22 of the UDP.
- 4 The subject property shall be used as a childrens' home only and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order), in order to ensure the continued appropriate use of the premises and to accord with the objectives of policy B2 of the UDP.
- 5 The childrens home accommodation hereby approved shall be occupied by no more than 5 no. persons (excluding any staff associated with the use) at any given time, in order to ensure an appropriate intensity of the use of the premises and to accord with the requirements of policies B2 and T22 of the UDP.