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Item No: 7.4

Application: 220600

Applicant: Ms Nyasha Mapuranga

Location: The Lodge, Osprey Close, Stanway, Colchester, CO3 8WA

Proposal: Change the use of the house from private residential to a 3 bed Children's Home. The use of the property will be changed to a C2 residential home for children aged 13 to 18. The Children's home will be providing accommodation for looked after children and will be supported by staff 24 hours. There will be two to three staff members during the day and two at night who stay to look after the children.

Stanway Ward

Officer: Chris Harden

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it has been called in by Cllr Lesley Scott-Boutell because she believes “that this application will have traffic implications and has the potential to cause noise and disturbance in a residential area.”

2.0 Synopsis

- 2.1 The key issues for consideration are the principle of the proposal and issues such as impact upon highway safety (including parking provision) and upon neighbouring residential amenity.
- 2.2 The application is subsequently recommended for approval. It is considered the site is appropriate for accommodating a 3 bedroom children’s home. There is clearly a need for such a provision, the site is within a sustainable location and on balance overall parking provision on site and in the vicinity is acceptable and would not cause a severe impact upon the highway network or be detrimental to highway safety. It is not considered there would be a significant impact upon neighbouring residential amenity from the use of the property or from associated vehicular movements. The proposal is therefore considered to comply with Local Plan policies and the NPPF.

3.0 Site Description and Context

- 3.1 The existing property is a modern 3 bedroom dwelling located within a modern development. Two garage spaces are available to the rear of the dwelling within the curtilage and there are also two visitor parking spaces adjacent to this garaging available for use by the dwellings in Dove Court which is accessed off Osprey Close.

4.0 Description of the Proposal

- 4.1 The proposal is for the change the use of the house from private residential (C3) to a 3 bed Children's Home for children aged 13 to 18 (C2). The Children's home will be providing accommodation for looked after children and will be supported by staff 24 hours. The agent states there will be two to three staff members during the day and two at night who stay to look after the children.
- 4.2 The description has been amended to include the manager who will at times be on site during the day, but not always as he/she can attend meetings off site. The other amendment is the two staff overnight rather than one. A re-consultation has been undertaken in this respect and any additional comments received will be reported to the Committee.

4.3 In support of the application the agent has provided the following further information:

- To get the Ofsted licence consent is required from the local authority for the change of use.
- No building or construction will occur.
- The Home will be under the Agnes Grace company name.
- The children are “Looked after children” and will be placed in the Home by different Placing Local Authorities in the East of England and so will benefit the children in the East of England.
- The Home is Independent. It will offer services to Essex County council once it’s Ofsted registered.
- The home will take children with disabilities, depending on the ability level, as long as the child is on the looked after register sometimes called children in care.
- The children will come from Local Authorities like Essex County Council and Suffolk. It is a service which will provide accommodation for children who have the local authority as their corporate parent.
- The Children social care in England Report 2021 published by Ofsted showed that the East of England has the second lowest number of children’s homes. East of England only have 7% of all residential children’s homes in England. A report by Newgate a local government association children’s report 2021 discovered that children in care from the East of England can be placed 49 miles away from the region in order for them to find suitable care because of the low number of residential children’s homes in the East.
- Therefore by providing this service in Colchester it will support the children in the East of England placed in care to stay in the region.
- The visitors will only be allowed at the house after booking an appointment with the registered manager at the home. Therefore the Registered Manager will be able to monitor and control any parking issues and ensure visitors can only visit when the two parking spaces at the back are available. The house has two car parking spaces at the back plus a visitor car parking space available for use by all the houses on court.
- Our staffing policy is for an extra member of staff to cover when one member of staff has to leave the home to take a child for an activity. It means there will be two staff at the home to care for children 24 hours which address the safeguarding concern.
- Staff: three on site including the manager but not at all times. The Manager works 9 until 5 Monday to Friday and will be onsite sometimes during that time but she will also be offsite to attend meetings with commissioners and other agencies that are involved in caring for children leaving two staff to care for three children.
- When registered with Ofsted we are required to have a Safeguarding policy as well as a staffing policy which ensures there is sufficient number of staff.
- as an owner of the house situated in Dove court with a registered address in Osprey close I also pay for the maintenance of the Dove court area which entitles me to that parking and its street parking. Therefore if

required statutory visitors can use it as well. There is street parking on Dove court.

- Drafting car-pooling strategy.
- Bus timetables submitted.

5.0 Land Use Allocation

5.1 Settlement Limits

6.0 Relevant Planning History

6.1 None of recent relevance.

7.0 Principal Policies

7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

7.2 Local Plan 2017-2033 Section 1

The shared Section 1 of the Colchester Local Plan covers strategic matters with cross-boundary impacts in North Essex. This includes a strategic vision and policy for Colchester. The Section 1 Local Plan was adopted on 1 February 2021 and is afforded full weight. The following policies are considered to be relevant in this case:

- SP1 Presumption in Favour of Sustainable Development
- SP4 Meeting Housing Needs
- SP7 Place Shaping Principles

7.3 Adopted Section 2 Colchester Borough Local Plan 2017-2033:

Relevant policies include:

- SG1 Colchester's Spatial Strategy
- SG2 Housing Delivery
- SG7 Infrastructure Delivery and Impact Mitigation
- SG8 Neighbourhood Plan
- ENV1 Environment
- DM9 Development Density
- DM10 Housing Diversity
- DM12 Housing Standards
- DM15 Design and Amenity
- DM16 Historic Environment
- DM19 Private Amenity Space
- DM21 Sustainable Access to development
- DM22 Parking

- 7.4 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

EPOA Vehicle Parking Standards
Community Facilities
Sustainable Construction
Cycling Delivery Strategy
Stanway Joint Design Statement and Parish Plan

8.0 Consultations

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.
- 8.2 **Cllr Scott-Boutell** states “that this application will have traffic implications and has the potential to cause noise and disturbance in a residential area.”
- 8.3 **Highway Authority:** Recommend Refusal:

“The Highway Authority raises concerns regarding the proposed staffing levels at the proposed development site. Looked after children require greater support than those living at home, more so if the looked after children are special educational needs, mobility impaired or subject to behavioural difficulties. The applicant has declared that there would be four full time staff, assuming that there will be two on each shift and possibly one on duty during the night-time. There are 2no car parking spaces available to staff, visitors and extended family which suggests that there is likely to be parking within the highway at shift change overs and for any visitors to the site which will lead to conditions of danger, obstruction and congestion contrary to highway safety and DM1 and 8 of the Highway Authority’s Development Management Policies February 2011.

Due to the location, operation of the site and the nature of the application the Highway Authority would not consider this to be particularly assessable by public transport, walking or cycling and will be reliant upon private cars for access.

The Highway Authority notes that Dove Court is not adopted into the highway network but any use of this road for the parking of vehicles attracted to or generated by the sites activities will result in similar issues as for the highway and at least will cause inconvenience, delays and nuisance to the occupiers along Dove Court.”

- 8.4 Following further discussion with the Highway Authority and clarification of levels and roles of staff, likely levels of visitors and availability of parking the Highway Authority has maintained its objection and has made the following further comment:

“The job role and specifications do not overcome the concerns of the Highway Authority. These just outline their expected duties within the establishment. I’m unsure where cooks/cleaners etc has come from but the crux of the concerns are about the numbers of staff on site. One member of staff is not usually

allowed to be alone with a vulnerable person so if one member of staff is out or late for work etc then it places the other member of staff at risk together with those being looked after.

I would consider that a minimum of three members of staff will be on site and then possibly an assistant homes manager totalling 4 staff and not two as claimed by the applicant. In addition the application is for Use Class C2 which requires 1x parking space per full time employee or equivalent staff and 1x parking space per three beds. The applicant has confirmed they own or control 2x parking spaces and the other 2x are visitor parking spaces allocated to the residents of Dove Court which is private (not highway or publicly maintained) so are not counted in the parking allocation. There is no off-street parking available for any additional staff, statutory visitors or extended family.

I should also reiterate concerns regarding use of public transport by potential employees, the home will run on shifts and public transport may run during office hours but irregularly after these times and almost non-existent late evenings and weekends particularly Sundays so would be unreasonable to consider public transport as an alternative means of staff transport to and from the site.”

8.5 Env Protection: “Should planning permission be granted Environmental Protection wish to make the following comments:-

According to the information provided there will be at least one member of staff on site at any time and the number of children in residence will be limited to three, so we have no additional comments.”

8.6 Contaminated Land officer: “No objection.”

9.0 Parish Council Response

9.1 I refer to the above application and can confirm that Stanway Parish Council OBJECTS to this proposal. The location is inappropriate and the Committee fully supports the neighbours’ objections and concerns.

10.0 Representations from Notified Parties

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council’s website. However, a summary of the material considerations is given below.

10.2 **10 letters of objection** have been received which make the following points:

- No details of proposed changes to property.
- Osprey Close is a difficult and, at times, dangerous road to park on or use it is a commonly used through road to avoid the bypass during heavy traffic. Increasing to this residential traffic would be irresponsible and dangerous.

- NEPP have recently installed red-route markings in Osprey Close as a direct result of existing parking issues to protect the junctions, additional traffic would exasperate this, and require to extend this measure.
- Devalues properties in vicinity.
- Will be many visitors.
- Age range concerning. Noise problems?
- Noise and disturbance from vehicular movements.
- Home is near a main road and a large bridge that has already had issues with people trying to jump off and having things thrown at it.
- There is also a park which is aimed at younger children.
- With no skate park or facilities close the young people will become bored.
- Waste provision?
- Loss of private residence.
- Vague where children from.
- NEPP have recently installed red-route markings in Osprey Close as a direct result of existing parking issues to protect the junctions, additional traffic would exasperate this, and require to extend this measure.
- Staff levels misleading. Incomprehensible as a fully qualified child worker to think that all the experience the house supervisor requires is one year of experience! It is entirely possible that there will be children with psychological issues-as per job description and this requires much more experience than this. I continue to strongly object to this proposal

11.0 Parking Provision

11.1 2 car spaces within the application site plus 2 communal/visitor spaces adjacent to the site.

12.0 Accessibility

12.1 With regards to the Equalities Act, the proposal has the potential to comply with the provisions of Policy DM21 (Sustainable Access) which seeks to enhance accessibility for sustainable modes of transport and access for pedestrians (including the disabled), cyclists, public transport and network linkages.

13.0 Open Space Provisions

13.1 N/A

14.0 Air Quality

14.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

15.0 Planning Obligations

15.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990.

16.0 Report

Principle:

16.1 As the site lies within the settlement limits of the town, the children’s care home facility should be judged on its planning merits, having regard to policies SP1 and SG2 which guides residential accommodation/such facilities to the most sustainable locations. The site is considered to be within a sustainable location with access to public transport links within a reasonable walking distance. The NPPF also has a presumption in favour of sustainable development. The proposal has the significant benefit of providing a care facility for children in the East of the country which is clearly much needed.

16.2 In addition, Local Plan Policy DM10 seeks to secure a range of housing types, including care facilities and states:

“Policy DM10: Housing Diversity The Local Planning Authority will seek to secure a range of housing types and tenures on developments across the Borough in order to create inclusive and sustainable communities.

Specialist Housing- The Local Planning Authority will support provision of schemes providing higher levels of care for specialist groups including those eligible under Essex County Council’s Independent Living Programme; disabled people; people with care needs; and other vulnerable people. New development proposals for these groups will be supported where there is a proven need; they are located within settlements; and are accessible by public transport. As provided in the Housing Standards policy DM12, the Council will require a provision of dwellings constructed to meet requirements of M4(3) of the Building Regulations 2015 (wheelchair user dwellings), or subsequent government standard as appropriate, where there is proven need.”

16.3 Accordingly the proposal should be judged on its planning merits and there is clearly general Local Plan and NPPF policy support for development in sustainable locations and for the provision of housing for specialist groups that need care, which includes a children’s care home. Detailed planning merits to be considered therefore include parking provision and accessibility and also consideration of noise and disturbance issues in relation to the intensity and nature of the use.

Highway Issues:

- 16.4 Consideration of highway issues is considered to be a key issue, including the level of parking provision and overall impact upon highway safety. It should be noted that that Paragraph 111 of the NPPF states 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.”
- 16.5 Having regard to the intensity of use of the proposal, the precise nature of the site, the comments received from the Highway Authority and Local Plan and NPPF policies the proposal is considered to be finely balanced in terms of highway issues but overall is considered to be acceptable.
- 16.6 The objections received from the Highway Authority and neighbours have been carefully assessed. The County Council Parking standards provide that for a residential care home (which is similar to a children’s care home) Class C2 the minimum/maximum provision advised is one parking space per full time member of staff plus one space per 3 bedrooms. As during the day there would be 2-3 staff this would require 3 spaces under the standard, plus one visitor space. The site has 2 spaces within its ownership which is a shortfall although there are 2 visitor spaces directly adjacent to the site that can be used (although not guaranteed to be available all the time). In addition, Dove Court is quite wide and can provide some additional short term parking space, as observed by the case officer on site. Osprey Close also has some on street parking provision as noted by the case officer on site and is not a major through road. Visibility splays in and out of Dove Court are very good.
- 16.7 Accordingly whilst the adopted EPOA parking standard would not be satisfied, it is not considered this proposal would have a severe impact upon the highway network or be detrimental to highway safety, particularly owing to the overall level of parking available in the general vicinity combined with that available on site. The site is also in a sustainable location with reasonable public transport links. A condition requiring submission of a green travel plan can also be applied and the applicant is already working on this arrangement. The agent has confirmed the level of visitors is likely to be low and can be controlled by appointment and often any meetings required do not take place at the site. A normal dwelling would have its share of visitors and it is not considered the proposed children’s home would generate such a significant level beyond a normal dwelling use to warrant an objection in this respect. In addition, when considered with the need for this facility in the Eastern region it is considered the planning balance of the scheme falls in favour of supporting the scheme.
- 16.8 It is therefore considered the scheme, on balance, is acceptable having regard to Local Plan parking provision policy DM22, amenity and place shaping (DM15 and SP7) and Paragraph 111 of the NPPF.

Impact upon neighbouring residential amenity.

16.9 The impact upon the amenity of neighbours has been considered in terms of potential noise and disturbance from the use and also associated vehicular movements. Environmental Protection have raised no objections, acknowledging there would be at least one member of staff on site at all times. The intensity of use is relatively low and the aim is to run the facility as much like a family home as possible. It is not considered that the intensity of vehicular activity would be so significant to warrant a refusal in this respect. The proposal is therefore considered to comply with policy DM15 which considers impacts upon neighbouring residential amenity.

Other issues

16.10 The level of outdoor amenity space provision is considered appropriate for the nature and intensity of use.

16.11 No external alterations are proposed for the property.

16.12 A condition relating to refuse disposal can be applied.

16.13 It should be noted that the applicant has been advised to submit updated floorplans to show the precise uses of rooms within the building for the avoidance of doubt, but this does not impact upon the application description or use.

Environmental and Carbon Implications

16.14 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030. The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives. The consideration of this application has taken into account the Climate Emergency and the sustainable development objectives set out in the NPPF. It is considered that, on balance, the application can contribute to achieving sustainable development. The site is considered to be in a sustainable location.

17.0 Conclusion

17.1 To summarise, it is considered the site is appropriate for the proposed intensity of use to accommodate a 3 bedroom children's home. There is clearly a need for such a provision, the site is within a sustainable location and on balance, overall parking provision on site and in the vicinity is acceptable and the proposal would not cause a severe impact upon the highway network or be detrimental to highway safety. It is not considered there would be a significant impact upon neighbouring residential amenity from the use of the property or from associated vehicular movements. The proposal is therefore considered to comply with Local Plan policies and the NPPF.

18.0 Recommendation to the Committee

18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following condition:

1. ZAA - Time Limit for Full Permissions

The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. ZAM - Development in Accordance with Approved Development

The development hereby permitted shall be carried out in accordance with with the details shown on the submitted Drawing Numbers: Location plan Rec'd 18.3.22, floorplans.

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.

3. Use of Premises

The premises shall be used for a children's residential care home purposes only ages 13-18 (Class C2) and as per the submitted details and application description as defined in the Use Class Order and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) Order 2005, or in any provision equivalent to that class in any statutory instrument revoking or re- enacting that Order, with or without modification.

Reason: For the avoidance of doubt as to the scope of the permission as this is the basis on which the application has been considered and any other use would need to be given further consideration at such a time as it were to be proposed.

4. Parking Provision

The two garage spaces shown within the approved site plan shall be retained as available for vehicular parking associated with approved use at all times.

Reason: To ensure adequate parking provision and in the interests of highway safety.

5. Green Travel Plan

Prior to first use of the approved Children's home, precise details of a Green Travel Plan for associated staff shall be submitted to and agreed in writing by the Local Planning Authority. The approved plan shall be complied with throughout the duration of the approved use.

Reason: In the interests of the sustainability of the development and amenity.

6. Refuse and Recycling

Prior to the first occupation of the development hereby permitted, refuse and recycling storage facilities shall be provided in accordance with a scheme which shall have been previously submitted to and agreed, in writing, by the Local Planning Authority. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

Reason: The application contains insufficient information to ensure that adequate facilities are provided for refuse and recycling storage and collection.

19.0 Informatives

19.1 The following informatives are also recommended:

1. ZT0 – Advisory Note on Construction & Demolition

The developer is referred to the attached advisory note *Advisory Notes for the Control of Pollution during Construction & Demolition Works* for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

2. ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence the development or before you occupy the development**. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via www.colchester.gov.uk/planning or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.