

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. M. Astbury 'B'	Change of use from a residential dwelling (Class C3) to Residential Assessment Centre providing overnight accommodation (Class C2) - 8 Gibb Lane, Catshill, Bromsgrove	RES	10/0782-RL 08.10.2010

RECOMMENDATION: that planning permission be **REFUSED**.

Consultations

Catshill and North Marlbrook PC	<p>Consulted 19.08.2010: Objection received 27.08.2010 as per comments for 10/0455.</p> <p>Re-consulted 06.09.2010 (following additional information being submitted): Objection received 27.09.2010 - Insufficient information on the amended plans has been received on the parking spaces and how they are accessed. Concern with regard to the reduction of recreational space for residents and their children.</p>
WH	<p>Consulted 19.08.2010: No comments received.</p> <p>Re-consulted 31.08.10: Conditional approval recommended 01.09.10.</p>
Publicity	<p>Site notice posted 24.08.2010 (expired 14.10.2010).</p> <p>2nd site notice (following additional information being submitted) posted 09.09.10 (expired 30.09.10).</p> <p>3 neighbour notification letters sent 19.08.2010 (expired 10.09.2010).</p> <p>3 neighbour notification letters sent (following additional information being submitted) 06.09.10 (expired 27.09.10).</p> <p>9 letters of objection received: Concerns include:</p> <ul style="list-style-type: none"> ▪ Increased traffic and the resultant safety implications ▪ Health and safety regulations connected to the proposal? ▪ Insufficient space provided for client, staff and visitor parking ▪ Evacuation routes would be compromised by the additional parking/vehicles on site ▪ Inappropriate use for a 'Residential' area ▪ Loss of wildlife habitat ▪ Access to rear parking area not wide enough ▪ Not sufficient turning area ▪ How would the parking area be drained ▪ Domestic garden being used for parking is inappropriate ▪ Insufficient garden left for recreation ▪ Residents would give little respect for the neighbourhood given the temporary nature of their residence.

The site and its surroundings

This application is a resubmission of application referenced 10/0455 which was previously refused by your Committee at the meeting dated 09.08.2010 and then deferred at the previous Committee dated 06.09.2010 following the submission of additional information and the need for re-consultation with the neighbouring properties.

The proposal relates to a detached residential property on the south side of Gibb Lane, Catshill which is located within the 'Residential' allocation. The property has a substantial rear garden and tarmac forecourt at the front. The property is currently being leased by the applicant on a short term basis.

Proposal

The applicant is proposing to change the use of the existing residential dwelling house to a Residential Assessment Centre providing overnight accommodation. Additional information has been submitted following the refusal of 10/0455 on the grounds of insufficient parking provision and now includes the provision of 8 parking spaces in the rear garden to be accessed down the eastern side of the property adjacent to number 10 Gibb Lane, 1 space at the front along with 1 disabled space on the front forecourt and spaces for 6 bicycles also on the front forecourt. In support of the proposed parking provision, shift and work patterns have been provided.

The residents would be referred to the centre via Social Services or the family courts that have recognised that they are vulnerable families in need of guidance with regard to their parenting skills. The maximum number of families who would reside at the centre at any one time would be 3 and this is likely to be a young single parent with a baby or toddler. Each family would have their own bedroom and meals would be eaten in the communal kitchen prepared by the residents on a rota basis.

Upon admission to the centre, an assessment would be carried out of the parent/s and child in accordance with the Department of Health guideline of assessment framework by a registered social worker. This is aimed to assess the parenting capacity of a person who needs to improve their parenting skills and incorporates such things as bonding and attachments, routines and boundary setting, healthy eating, managing toddlers behaviours and life choices that are conducive to healthy child rearing, etc.

Families First Ltd would offer a residential assessment service to support families to remain together safely. One full, comprehensive assessment that would give a clear, professional outcome of 'Good enough Parenting' and whether a parent can provide it.

The centre would aim to offer:

- A free pre-study of each family presented, considering the past and present situation, the needs of the child, the needs of the parent/s, any necessary risk assessment, management of risk and a conclusion of whether a family would be viable to succeed in our centre.
- A ten week comprehensive residential assessment working to the framework of assessment, individual circumstances and Every Child Matters legislation, this to conclude detailed, evidence based analytical report recommending whether a child/ren should return into the community with their parent/s.
- A four week continued support package whereby the family's social worker/key worker from Families First visits them in the community on a daily basis. (This in recognition of the ever increasing demands on area social workers and how they do not have the resources to visit regularly). This is to ensure the continuity of a parent's ability and commitment and to support the family in maintaining safe care for their child/ren once placed back into their own community.

Families First aim to offer a friendly and welcoming environment to the families who come to stay. There is a staff group of social workers, social work assistants/support workers, night waking officers and domestic staff, this alongside, community health visitors, GP services, nursery nurse, parent and toddler play and stay groups and family centre services, all of who are committed to working alongside families to enable them every opportunity to remain together.

Other services included within the parenting package are:

- Regular workshops to enable families to work together and gain insight into what constitutes abuse and neglect and how it impacts on the wellbeing of children.
- Anger management
- Family mediation
- Budgeting and financial organisation
- Debt counselling
- Crisis counselling
- Safe and supervised contact sessions between the children in residence and wider family members.
- Specialist Health services can be accessed if necessary.

The families who stay would be greeted by the staff group, introduced to their own individual key workers and provided with a starter pack of essentials to meet their immediate families' needs. They would be guided through their own individual care plan/written agreement and the expectations required of them whilst residing in the centre.

Families First will strive to give vulnerable families the chance to remain together, to grow and learn in a 24 hour supervised environment, completing a 10 week parenting assessment that will be tailored to their own specific needs and circumstances, this, enabling them every chance to offer 'Good Enough' parenting to their child/ren.

However the parents would have to abide by the rules of the centre and a curfew would be in force. If the rules are not abided by then a parent may need to be ruled out as a long term safe and positive caregiver to their child, this enabling that child to move to another environment, forming healthy attachments to an alternative caregiver in a timeframe that will allow the child to have a safe and healthy childhood, being loved and valued until adulthood. Centres such as these are therefore seen as a final chance for parents to prove they can take care of their child/ren before they are allowed to return home and therefore it is highly unlikely that any caring parent would want to jeopardise this opportunity by breaking the rules or cause nuisance to other residents in the home or their neighbours.

A risk assessment would be in place which would be carried out on each referral prior to arrival at the centre. Information would be given by Children's Services but further information may be required by the manager in order to collate the risk assessment which would ascertain the likelihood of success by the nominated family.

An example of what would be included in the risk assessment has been submitted by the applicant and would include:

- A full background/chronology of the family composition/situation and any previous concerns raised by Children's Services.
- The consideration of any parent/child having had experience of the care system or subject of child protection planning and the impact this has had on an individual's perspective of authority.
- Has the parent/child/close family member perpetrated significant harm or experienced significant harm via abuse or persistent neglect and what the outcome following any investigation. Any person considered to be a significant risk to children would not be considered viable.
- Any separation or loss issues and how they will impact on parenting capacity.
- Any attachment issues and how they would impact on parenting capacity.
- Any history of domestic violence (either the witnessing of it or direct involvement). Any person considered to be of violent nature or with serious offences of violence against them would no be considered viable.
- Present alcohol misuse would not be considered.
- Present illicit drug misuse would not be considered.
- Any mental health considerations would be explored further and medical advice would be sought.
- Any learning difficulties would be considered and psychological testing would be requested if necessary.
- Anything further that an individual family's situation may highlight would be considered under the 'working together to safeguard children' legislation (1999) using the risk assessment tool.

An analysis would then be completed by the registered manager to conclude the viability of the family for an assessment within the Families First organisation.

Relevant Policies

WCSP	CTC.1, D.5, SD.5, T.1
BDLP	DS13, TR1, TR11, S19
Others	PPS1

Relevant Planning History

10/0455 Change of use from a residential dwelling (Class C3) to Residential Assessment Centre providing overnight accommodation (Class C2). Refused 10.08.2010.

Notes

Policy DS13 is a general policy relating to sustainable development. Amongst other things it sets out a requirement for all development to reflect the need to safeguard and improve the quality of life of residents by ensuring social progress which recognises the needs of everyone and by protecting the area's character and environmental assets, including the character of settlements.

I note that the majority of objections raise concern that the introduction of a commercial development will be harmful to the nature and character of the residential area. I note that the use will be predominantly residential and follows Government community care policy.

PPS3 actively encourages mixed communities that have a variety of housing, particularly in terms of tenure, price and a mix of different households such as families with children, single person households, older and disabled people. The residential neighbourhood will still have a solid base in single-family occupation and I am therefore content that the introduction of an alternative residential use will not have any significant impact upon the character of the area.

I also note the views arising from the publicity process whereby local residents are concerned that the introduction of a different use would set a precedent in the street for more business uses to open. Should a further application for a business use be submitted in the locality, this would be assessed on its own merits based on the usual criteria as with any application for a change of use.

I did not consider that the proposed use of the property for the assessment centre would create any significant noise or disturbance compared to a large family occupying the property. The dwelling is detached and the EHM has raised no objection on noise grounds.

However, with regard to the current proposal, and since the scheme has now been amended to include parking provision in the rear garden with an access proposed along the boundary with number 10 Gibb Lane, I am concerned with regard to the increased noise caused by the additional traffic movements despite the information with regard to shift patterns stating that these would be kept to a minimum. From the information provided, there could be up to 10 vehicle movements during any normal working day but this does not take into account any visitors to the premises, any delivery vehicles or any impromptu movements. Given that all these vehicles would be leaving and entering along the access adjacent to number 10 Gibb Lane, I find this excessive in a residential locality which would undoubtedly cause disturbance to these neighbours by reason of increased noise and fumes, early in the morning and evening and particularly at weekends. There is dense vegetation along the boundary but a lot of this would have to be cleared to ensure room for the access so this would also not be sufficient then to dissipate potential noise increases. This loss of vegetation has also been raised as a concern through the publicity process. The loss of the garden to make space for the parking area is also a concern as the remaining area may not be sufficient in size to accommodate 3 families and their children comfortably.

Members will note the views from the publicity process relating to the fear of crime and anti-social behaviour. It has been established in the court of appeal (West Midlands Probation Committee -v- SoSE and Walsall MBC (1998)) that fear of crime is a material planning consideration. However, a more recent case (Smith -v- FSS and Mid Bedfordshire DC (2005)) has made it clear that, if the fear of crime is to be a material consideration, there will be a need to be some reasonable evidential basis for that fear. Section 17 of the Crime and Disorder Act 1998 states that a LPA has a duty 'to exercise its various functions with due regard to the likely affect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area'. Whilst I acknowledge the fears of the local residents with regard to this matter, they are unsupported by clear evidence and Members should also be aware that the West Mercia Constabulary Crime Risk Manager has raised no objections to the proposal.

I am mindful of the government's aim to create safe and accessible environments where crime and disorder, or fear of crime, does not undermine quality of life or community cohesion (paragraph 36 of *Planning Policy Statement 1: Delivering Sustainable Development*). Sites for such schemes have to be found. I acknowledge that the third parties' fear of crime is very real but I am not aware of any reasonable evidential basis for that fear. In my view this issue cannot therefore be a material consideration, or a legitimate basis on which to refuse planning permission.

Given the use of the premises, its operation and now the addition of the off-street parking arrangements proposed to the rear of the premises to attempt to overcome the previous reason for refusal, I am not satisfied the development would not affect the existing amenities of the adjoining occupiers. As such, despite the use being predominantly of a residential character and therefore would not be demonstrably incompatible with the character and function of the locality, the addition of the proposed parking arrangements has now resulted in, in my opinion, a greater detrimental affect on the neighbouring properties with regard to noise, air pollution and general disturbance.

Fall-back position

It needs to be assessed as to whether the proposed use would be similar to that which could be developed without the requirement for planning permission. In this case there would be more than six residents living together at any one time and in my opinion, they would not be living together as a family despite the fact that within the information provided, meals would be eaten together. The fact there could be up to 3 separate families residing in the house along with social workers, carers and a manager results in the premises falling into class C2 (residential institutions) rather than Class C3 (dwelling houses) (this relating to a dwelling occupied by a person or family, or by no more than six residents living together, including a household where care is provided). On this basis I am of the view that a fall-back position relying on Class C3 does not exist in this case.

Highway issues

Members will note the views of third parties relating to parking and traffic issues. It should be noted that Worcestershire Highways have raised no objection to the amended scheme due to the introduction of parking spaces at the rear and front of the premises. For the original application (10/0455), it was stated that 12 parking spaces would be required for the proposed use. In order to overcome the concerns of the Highways Officer, the application has been amended to create 10 off-street parking spaces on-site which following a site meeting, was considered acceptable given staff numbers and shift patterns. Given the technical objection to the scheme arising from WH has now been overcome, I am of the view that the development would be acceptable in highway terms and this could no longer be considered as a reason to warrant refusal.

Conclusions

Members will note that the residents of the new use would be strictly controlled in terms of management and supervision. The applicants have also submitted a risk assessment document which would have to be completed prior to the submission of a new resident which clearly states that there would be control over the residents admitted to the centre and control over them while they reside there via a curfew and stringent management

tools. This should provide the residents with the relevant responsibility to complete the 10 week assessment and be able to return home with their child/children.

Policy S19 of the BDLP is also relevant to this application in terms of assessing whether the proposed use would be suitable in a residential area. This policy takes into consideration any adverse affect that a proposed use may have on the local residents with regard to such elements as noise, smell, safety, traffic and health. Despite overcoming the previous reason for refusal with regard to insufficient parking provision, the amendments made to the scheme have now increased the likelihood of it having a greater detrimental affect on the neighbouring properties with regard to noise, smell and potential health problems caused in terms of increased car fumes. I therefore consider that the proposal would be contrary to policy S19 of the BDLP and on this basis I consider the scheme to be unacceptable.

RECOMMENDATION: that planning permission be **REFUSED**.

The proposed change of use and new parking provision in the rear garden would have a detrimental affect on the amenities of the neighbouring properties with regard to increased noise, smell, car fumes and general disturbance and would thus be contrary to policies S19 and DS13 of the BDLP and the general provisions of PPS1 Delivering Sustainable Development.