



**PLANNING APPLICATION SUPPORT STATEMENT
BY DR ANTON LANG MRTPI OF
ANTON LANG PLANNING SERVICES LIMITED**

Including

**CARBON AND ENERGY STATEMENT
DIGITAL CONNECTIVITY STATEMENT**

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1 INTRODUCTION

QUALIFICATIONS & EXPERIENCE

- 1.1 The author of this document is DR ANTON LANG MRTPI.
- 1.2 I am a Bachelor of the Arts with Honours in the subject of Town Planning, I hold a Diploma in Town Planning (with merit), I am a Master of Town Planning, and have also been admitted to the degree of Doctor of Philosophy by research from the Faculty of Law, Social and Environment Sciences at the University of Newcastle-upon-Tyne.
- 1.3 Additionally, I am an academically fully-qualified, non-practising barrister; having been admitted as a member of the Honourable Society of the Inner Temple (underlining I do not practice law or give legal advice). I have been awarded a First Class Bachelor of Laws degree and two Post-graduate Diplomas in Law from the University of Northumbria at Newcastle.
- 1.4 I am a Chartered Town Planner with full Royal Town Planning Institute membership and over twenty-five years experience of the public & private sectors in local government, quango, academia and consultancies both multi-national and small.
- 1.5 I am a member of the Town & Country Planning Association, the Urban Design Group, English Heritage, the National Trust and the Woodland Trust.
- 1.6 I have operated as a sole practitioner Planning & Development Consultant for the last 18 years and am Owner and Director of the incorporated registered company Anton Lang Planning Services Limited.
- 1.7 A large proportion of my work involves detailed assessment of development control applications and appeals and the deliberation of material planning considerations for both private clients and local planning authorities.
- 1.8 I have considerable experience in dealing with these matters and in particular applications for residential and commercial development and developments and changes of use involving varying elements of care.

2 BACKGROUND

- 2.1 An emerging issue with many of these small-scale 'family dwelling' to 'very small care home / supported accommodation' planning applications is that local authorities are now, more and more regularly, giving undue weight to purported and exaggerated concerns raised by the Police and by local residents and are simply refusing planning permission without a fair balance of the material planning considerations, and thus 'kicking the can down the road' for the Planning Inspectorate to address at appeal after appeal.
- 2.2 Local residents are often unfairly against such modest operations that are strictly controlled under care and OFTED legislation; likely fearful of a fall in property prices.
- 2.3 Most of these care home operations used to be dealt with under lawful development certificates, as in most case, there is no actual *material* change of use in land-use planning terms: people still live in the house and there are comings and goings like there might be at any residential property.
- 2.4 A very modest C2 Care Home (two bedrooms – one for staff) is proposed under this planning application submission; for children up to the age of 18.

CURRENT Class C2 (Residential institutions):

Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)). [1987/764]

Use as a hospital or nursing home. [1987/764]

Use as a residential school, college or training centre. [1987/764]

CURRENT PD rights:

- Permitted change to state-funded school by Part 3 Class T (*) [2015/596] & [2021/814]
- Temporary use (28-days) of land for any purpose by Part 4 Class B [2015/596] & [2016/332]
- Temporary use (2-years) as state-funded school by Part 4 Class C [2015/596] & [2017/391] & [2017/619] & [2019/907] & [2021/814]
- Temporary use (3-years) as state-funded school by Part 4 Class CA (*) [2017/391] & [2021/814]
- Temporary use (9-months) for commercial film-making by Part 4 Class E (*) [2015/596] & [2018/119] & [2019/907] & [2021/1464]

- 2.5 It could well be argued that there is no material change of use, and thus no development, as the proposed care home would operate with great similarity to its current Use Class C3 dwellinghouse designation: under C3(b), see below.
- 2.6 **This Use Class C3 property could anyway operate as a care home / assisted living facility not requiring formal planning permission, if the cared occupant(s) were over**

16 years old forming a single household and thus fall under Use Class C3(b):

CURRENT Class C3 (Dwellinghouses):

Use as a **dwellinghouse** (whether or not as a sole or main residence) by— [\[2010/653\]](#)

(a) a single person or by people to be regarded as forming a single household; [\[2010/653\]](#)

(b) not more than six residents living together as a single household where care is provided for residents; or [\[2010/653\]](#)

(c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4). [\[2010/653\]](#)

CURRENT PD rights:

- Permitted change to C4 by Part 3 Class L [\[2015/596\]](#)

- Temporary use (28-days) of land for any purpose by Part 4 Class B [\[2015/596\]](#) & [\[2016/332\]](#)

- Temporary use (2-years) as state-funded school by Part 4 Class C [\[2015/596\]](#) & [\[2017/393\]](#) & [\[2017/619\]](#) & [\[2019/907\]](#) & [\[2021/814\]](#)

- Temporary use (9-months) for commercial film-making by Part 4 Class E (*) [\[2015/596\]](#) & [\[2018/119\]](#) & [\[2019/907\]](#) & [\[2021/1464\]](#)

- 2.7 Under Use Class C(b), adults could occupy the property and be under 'care', but obviously being adults the 'care' in those cases is of a far lighter touch than children, and the adults have the potential to do many more things.
- 2.8 **The local authority has to properly consider the lawful Use Class C3(b) use as a viable and operational fallback under a "Supported Accommodation" type use for over 16s (as is lawful), and in relation to the "Residential Children's Home" proposed under this submission.**
- 2.9 This proposal is made to allow for school-aged children to be cared for at the property; which would obviously have fewer externalities and impacts, as the children would be at school most hours, and be younger and thus more closely managed, than the possible situation / operation of a young adult(s) over 16.
- 2.10 It could be argued there is no actual material change of use, but a Lawful Development Certificate has not been initially sought, as often different planning authorities, and even different case officers within authorities, do not comprehend that an operation / use could be regarded to be in two different use classes, and yet a change between the two operations/uses can still be regarded as 'not material' in land use planning terms and thus not requiring planning permission.
- 2.11 It is unfortunate that such situations occur, but they do, and with planning permissions and LDCs being expensive and taking a long time to be decided, it can be most efficient to just apply for planning permission, to seek a full consent and thus some acceptable paperwork is generated.
- 2.12 Nevertheless, it is hoped some consideration of this issue of 'materiality' can be made as part of the planning submission.

- 2.13 There is thus the prima facie case, that this change of use is not material in land use planning regards, or of such similar operation and use, that it should be granted planning permission on that fact alone.
- 2.14 The applicant is an established, long-term operator of various care homes and establishments and I have acted as agent on many sites for more than the last 10 years; full details as at (or just web search 'Forevercare':

[ForeverCare – For the Journey](#)

- 2.15 It is a fact there is a shortage of this type of provision, and that there is a Central Government impetus to have more provision created to meet the ever-increasing demand:

Written Ministerial Statement on planning for accommodation for looked after children

On 23 May 2023, the Housing Minister issued a written ministerial statement on planning for accommodation for looked after children. The full statement can be accessed [here](#).

This statement sets out that the planning system should not be a barrier to providing homes for the most vulnerable children in society. The purpose of the statement is to remind local planning authorities that, as set out in paragraph 62 of the National Planning Policy Framework, local planning authorities should assess the size, type and tenure of housing needed for different groups in the community and reflect this in planning policies and decisions. Local planning authorities should consider whether it is appropriate to include accommodation for children in need of social services care as part of that assessment.

- 2.16 **Quite simply, there is a nationwide shortage of this type of accommodation (see Chief Planner's letter attached), there is a Central Government push to support this type of small-scale operation and, quite brutally, these poor children have to be accommodated somewhere – that is a plain, sad and simple fact.**
- 2.17 These children are human lives, and exist, and will have to be accommodated somewhere; with any and all the externality impacts which might happen – be that here or somewhere else.
- 2.18 There are no proliferation issues at play here – there are no other known C2 operations akin to this on this street, or nearby.
- 2.19 Instead, it is rather considered there would be no tangible or unacceptable adverse impact on residential and other amenities from this very small, but well-regulated operation.

- 2.20 Attention is drawn to the recent OFSTED report for another one of the Forevercare premises (42 Chatsworth St, Sunderland City SR4 7TR):

How well children and young people are helped and protected: good

The managers and the staff ensure that children's risk assessments and individualised support plans are in place to help to keep the children safe. These assessments are reviewed regularly so the staff have the most up-to-date information to care for the children safely. As a result, children receive predictable, consistent responses during challenging times.

Staff and the managers are quick to identify emerging risks for the children. Collectively, they work well with all the agencies that work with the child, to promote the child's safety and welfare. When children's risks increase, such as going missing from the home, the managers are proactive, and they take action to minimise the risks. The managers alert the relevant professionals about the emerging concerns, and about the risks associated with the location of the children's home. This means that appropriate action is taken quickly to safeguard the child.

Children rarely go missing from this home. When children do go missing, there are clear procedures in place for staff to follow. This helps the staff to respond effectively to locate and safeguard the child.

The staff talk to the children regularly to make sure that they feel safe and secure. When a child has seen something that another child has done that worries or concerns them, the staff spend time with the child. The staff provide the child with an opportunity to talk about this, and they offer reassurance to the child. Children said that they feel safe living at the home.

Staff understand the children's behaviours and their triggers, so they respond appropriately when children are in crisis. On the rare occasion when children are unable to manage their emotions, the staff physically intervene to stop the children from hurting themselves. These interventions are appropriate and they are recorded in detail. The managers analyse each incident, and ensure that any learning from this is put into practice.

- 2.21 There are a range of factors in place to support the management and children within the proposed operation. There will be a designated manager. There will be at least one staff on site during the working day hours, and covered by a senior staff member.
- 2.22 During night-time there is at least one member of night staff on duty awake at all times and also a further person on call for support if needed. Individual risk assessments are completed by staff and social services. Building risk assessments are completed by management and staff.
- 2.23 It is considered that this the applicant runs well-monitored operations. The OFSTED and other legislative requirements demand that this is so, and thus on any fair balance of all competing material planning considerations, the final analysis has to be that the systems are in place to assuage a fair decision-maker that the home would be run safely, effectively and with minimal externalities.
- 2.24 This proposal would obviously be a small and modest operation, which would be strictly controlled by its own care and other legislation and should be considered to have a negligible impact on the locality.

- 2.25 It is considered that this proposal would not lead to injurious harm and that the relevant material planning considerations make this proposal on balance acceptable. Furthermore, there are three final planning balance issues to consider:
- 2.26 Firstly, the occupation of the property as a completely unlimited family, with elder children owning cars, living completely uncontrolled, at whatever hours they so desire, thus with a much greater possible impact on residential and other amenities.
- 2.27 It is considered that this modest use, with a clearly limited number of children (maximum could be limited at 2, but it is more likely to be a single child anyway, which can be ensured by a planning condition), who are monitored 24 hours a day, 7 days a week, actually is acceptable in this residential property – due to the low number and the monitoring.
- 2.28 Secondly, it could be argued that notwithstanding the strict classifications of C2 and C3, that the low level, well-monitored, closely-controlled nature of the intended operation means that there is no MATERIAL change of use between the existing and proposed uses.
- 2.29 Nevertheless, if the decision-maker as part of the overall analysis of all material planning considerations, considers that there is no material change of use, or even just a very slim materiality to proposed change of use, then that weighs in favour of the case for permission being granted.
- 2.30 Thirdly, in comparison with any current or future lawful operation under Use Class C3(b), as articulated within the local resident responses, a use centred around the care of under 18s, which is obviously more strictly controlled, will have far fewer adverse externality benefits.
- 2.31 An Ofsted report published on 8 July 2022 states that there are too few suitable places to keep children in care close to home. Many children have to be placed in homes far away from their families amid national sufficiency challenge; as at (and attached):
- [Many children placed in homes far away from their families amid national sufficiency challenge - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/many-children-placed-in-homes-far-away-from-their-families-amid-national-sufficiency-challenge)
- 2.32 Accommodation is a national problem – more is needed, everywhere.

- 2.33 The proposed use will be well-regulated and monitored, cannot fairly be seen as unacceptable when in many cases such a small operation is not even seen as a material change of use.
- 2.34 The proposed operation would be closely controlled, not just by planning conditions, but also is controlled under OFSTED, care and health legislation as well.
- 2.35 To fairly resist this proposal there has to be some demonstrable, tangible and probable adverse impact – which is considered cannot be provided.
- 2.36 Quite simply, the proposed under 18 use is likely to be far less impactful and thus acceptable in land use planning terms and that is why planning permission should be granted.

3 CARBON & ENERGY / DIGITAL STATEMENTS

The Places for Everyone Joint Development Plan Document has been adopted and now forms a part of the development plan for Bury from 21/03/2024. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The policies of the PfE are therefore applicable to the assessment and determination of all planning applications from 21 March 2024.

3.1 Policy JP-S2 requires that:

JP-S2: Carbon and Energy

Requirements:

- Provide an energy statement to set out how the proposal complies with Policy JP-S2.
- The statement should set out how you intend to minimise energy demand and maximise energy efficiency unless it can be demonstrated that it is not practicable or financially viable.
- Development should comply with the 2022 Part L Building regulations.

3.2 The dwelling will operate as it did previously as a residential unit but as a commercial C2 operation and obviously will seek to minimise outgoing costs by turning off lights and ensuring electrical items are switched off when not in use.

3.3 Staff and children will be encouraged to wear warmer clothes in winter or when cold which will result in heating having to be used less.

3.4 There is no physical development, this is just a change of use - so there is no requirement or even opportunity to comply with Part L of the 2022 Building Regulations.

3.5 Policy JP-C2 requires that:

JP-C2: Digital Connectivity

Requirements:

- Provide a digital connectivity statement that outlines how the proposed development supports the provision of affordable, high quality, digital infrastructure with full fibre to premises connections, operational internet connections and accessibility to network providers unless technically infeasible or unviable

3.6 The internet connection to the property will be full fibre to premises from a commercial contractor.

4 LOCAL PLANNING POLICY

4.1 The duties of decision makers when making any determination under the Planning Acts are set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004.

4.2 This states that:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

RELEVANT DEVELOPMENT PLAN

4.3 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Development Plan is formed by the "Places for Everyone" joint strategic plan across the wider Manchester area, and the emerging Bury Local Plan.

4.4 There is also the National Planning Policy Framework produced by Central Government which is relevant to this application. This is addressed in the next section.

PLACES FOR EVERYONE

4.5 The title of this plan speaks for itself and this proposal also speaks for itself in its compliance.

4.6 The Introduction to the Joint Strategic Plan states:

1.2 Collectively our plans are focused on delivering the ambitions in the Greater Manchester Strategy: a good start in life for everyone; good opportunities for our young people to equip them for life; good work and the best jobs in a valuable, productive, zero carbon economy; safe, secure housing in inclusive and diverse communities; a good cultural and leisure offer for everyone; a green city-region; good health and support for people to live fulfilling lives, with quality care for those who need it; to be a good place to grow older and to be a place where everyone is connected – socially, digitally and by a clean, integrated and accessible transport system.

4.7 It is considered that the proposal is "*quality care for those who need it*" and thus is in line with the thrust of the plan.

4.8 The relevant Local Plan policy is discussed overleaf.

POLICY LP-H6: HOMES FOR LOOKED AFTER CHILDREN

4.9 Policy LP-H6 states:

Policy LP-H6: Homes for looked after children and care leavers

The Council will support residential development for looked after children and care leavers where the proposed development is compliant with other policies in PfE and the Local Plan.

In determining applications for new children's homes and Ofsted regulated semi-independent supported accommodation, the Council will seek to ensure that new provision:

- a. Is in a suitable, sustainable location and appropriate premises;
- b. Does not result in the clustering or overconcentration of provision for looked-after children in any particular area of the Borough; and
- c. Gives priority to children and young people from the Bury area in the first instance, in line with local needs.

With regards to criterion b, permission may not be granted where it will be within 400 metres of existing properties meeting similar needs. The Council will make a decision on a case-by-case basis and considering the factors listed above and any site-specific circumstances.

Applicants should liaise with the Council at the earliest opportunity to ensure priority is given to children and young people from the Bury area in the first instance.

- 4.10 It is underlined the Local Plan seeks to "*support residential development for looked after children*" and thus this scheme should prima facie be looked upon positively.
- 4.11 It is not believed that there is another unit within 400 metres of the application site; however the local authority will have to undertake its own internal consultations to further substantiate the position.
- 4.12 It is considered that the proposal is policy compliant for the reasons articulated throughout this document.
- 4.13 The structure has an existing lawful use for 16+child/person care already.
- 4.14 Being able to care for an under 16 there is not considered to be an unacceptable change or intensification of use.
- 4.15 A different, younger cared-for-person should not reasonably be regarded as an unacceptable cumulative impact or "*clustering and overconcentration*".

SUMMARY

- 4.16 These proposals are therefore considered to be in accord with the overall current policy framework – there is an actual policy supporting them in the Local Plan.
- 4.17 This scheme represents a more effective, efficient, appropriate and suitable use of this building and land, and comprises development which would not impinge upon existing interests of acknowledged importance to an unacceptable degree.
- 4.18 It is considered that this small-scale, staffed and monitored use would not be detrimental to general amenity.
- 4.19 It is considered that this property can acceptably accommodate the proposed use and thus any altered intensity/materiality/type of use will not tangibly adversely affect the character and amenity of the locality.
- 4.20 The most pertinent elements of national guidance are addressed in the next section.

5 NATIONAL PLANNING POLICY FRAMEWORK

NATIONAL PLANNING POLICY FRAMEWORK 5 – DEC 2024

- 5.1 The National Planning Policy Framework has been updated for a fifth major time and continues to be positive towards development, as did its predecessors dating back to 2012.
- 5.2 The NPPF5 still stresses that local authorities should seek to approve applications which propose sustainable development – i.e. those that do not compromise existing or future interests, as at:

2. Achieving sustainable development

7. The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development and supporting infrastructure in a sustainable manner. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs⁴. At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection⁵.
- 5.3 The new effective and efficient use of existing residential units, which can be regarded as previously-developed sites, obviously is something which is 'sustainable development' in principle; especially when the new use makes a more efficient and wider-aged use of the property.
- 5.4 Conversions of buildings, new layouts or systems, and/or renewal and refurbishment of residential units, all help accommodate more people in the housing stock, which is sustainability in practice.
- 5.5 The revised NPPF5 makes a positivity towards development clear throughout, especially at Page 13:

4. Decision-making

39. Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

- 5.6 All development proposals should be considered in a "*positive and creative way*" and decision-makers should seek "*to approve applications for sustainable development where possible*". This is direct national policy.
- 5.7 The effective and efficient use of all land remains a key tenet of planning policy, as at revised NPPF5:

11. Making effective use of land

124. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land⁴⁹.

- 5.8 The phrase "*as much use as possible*" is useful to stress. These proposals are considered to comply with the aims of the revised NPPF5:

125. Planning policies and decisions should:

- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;
- b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;
- d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)⁵⁰; and
- e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions – including mansard roofs – where the development would be consistent with the prevailing form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers. A condition of simultaneous development should not be imposed on an application for multiple upward extensions unless there is an exceptional justification.

- 5.9 The fact that the revised NPPF actually states under limb (a) that it seeks "*multiple benefits and....mixed uses*", is something which adds further weight to the case for these proposals.

- 5.10 This scheme is also considered to directly comply with limb (d), to: *"promote and support the development of under-utilised land and buildings."*
- 5.11 More efficient use of existing properties is something which is now being actively encouraged by National Policy – which is all about making the most of residential units in any way possible.
- 5.12 The effective and efficient use of land is continually promoted throughout the revised NPPF5:

Achieving appropriate densities

129. Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and healthy places.

- 5.13 This scheme is such a (more) *"efficient use of land"* – which allows for more aged-ranged occupants and should be located in a residential area.
- 5.14 The revised NPPF5 only underlines again that decision-makers within the planning process should look positively and proactively at all development schemes, and should try to approve them:

128. Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

- a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and
- b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.

- 5.15 Returning to the beginning of NPPF, it is considered these proposals comply with the overarching objectives:

8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
- a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

5.16 This scheme does not unacceptably conflict with any of the three main objectives above. These are the core aims with regards National Planning Policy.

5.17 The NPPF then states that sustainable development is to be "*pursued in a positive way*" with a "*presumption in favour of sustainable development*" (see overleaf).

The presumption in favour of sustainable development

11. Plans and decisions should apply a presumption in favour of sustainable development.
- For **plan-making** this means that:
- a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;
 - b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas⁶, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area⁷; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- For **decision-taking** this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance⁷ provides a strong reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination⁹.

5.18 There is nothing specifically prohibiting this form of development in the adopted Local Plan, **and there is even a**

Policy promoting support, however in the NPPF, the development control/management test is clear – "permission should be granted unless...any adverse impacts of doing so would significantly and demonstrably outweigh the benefits".

- 5.19 It is now up to the lpa to actually *demonstrate tangible* adverse impacts, which it is considered they will be unable to do in this context.
- 5.20 The main issue is encapsulated here – as it is considered the slight, intangible impact of making the accommodation for under 16years old child(ren) does not "*significantly and demonstrably outweigh the benefits*" of this scheme, notwithstanding also making a more effective and efficient use of the property.
- 5.21 **If there is no demonstrated harm, then applications should be approved.**

SUMMARY

- 5.22 National guidance encourages the efficient and effective use of all urban land.
- 5.23 It would be obtuse and contrary to the spirit and intention of national policy to inhibit minor care development such as this.
- 5.24 The determination of individual planning applications and appeals is intended to be on their specific merits within the framework of the planning system and not a blanket application of policy or guidance without consideration.
- 5.25 A balanced view of these proposals in the context not just of the locality, but the aims of national planning policy, should have resulted in a planning approval.
- 5.26 From the identification and discussion of the policies in the previous section and this, it is clear that these proposals either accord with all the policies and their provisions, or are not fatally contrary to them, and thus are generally and on balance acceptable.
- 5.27 Acknowledging that the development plan policies and national guidance and policies carry significant weight in the consideration of this scheme, and in view of this proposal's compliance, planning permission should be granted.

6 IMPACT ASSESSMENTS

- 6.1 CABE guidelines (within Design & Access Statements, CABE 2006) advise that proposals should be considered under the following topic areas: Use, Amount, Scale, Layout, Landscaping, and External Appearance.
- 6.2 It is considered that the proposed new, still residential USE across this site is acceptable for the reasons articulated throughout this statement.
- 6.3 The site is within an existing residential area.
- 6.4 It is considered that the AMOUNT and SCALE of development is acceptable as the proposed internal layout maintains bedrooms and rooms of an acceptable size and dimensions. This scheme makes a more effective and efficient use of the building by allowing for under 16s, without comprising over-development or requiring extension or proposing un-necessary changes.
- 6.5 It is considered that the LAYOUT of the development on the site is logical, obvious and therefore appropriate in redevelopment terms.
- 6.6 The LANDSCAPING aspects of this scheme are considered moot as there is no built redevelopment or changes to the footprint and layout of the host structure with gardens arrangement.
- 6.7 The EXTERNAL APPEARANCE of the property would likely be refreshed as part of any refurbishment and new use; but no changes requiring planning permission are sought.

ACCESS & CAR PARKING CONSIDERATIONS ASSESSMENT

- 6.8 The site is accessed by vehicle by existing roads and on foot by existing pavements; most staff do not own cars.
- 6.9 The car parking allowance has been informed by local authority design standards and national planning policy (which seeks to inhibit the use of the private car where possible and to set maximum rather than minimum standards).
- 6.10 Restricting car parking by limited provision on-site where there is existing on-street provision is an accepted and acceptable

situation for uses of this nature in built-up urban areas near to bus stops and to encourage other sustainable modes of transport such as cycling and walking.

- 6.11 Best practice car parking standards clearly indicate that provision is to be to **MAXIMUM** standards; and thus the developer can choose to supply fewer spaces: if he so desires; and/or, if the use suits fewer spaces; and/or, if the site suits less capacity either due to its nature or other constraints; and/or, because the site is located close to facilities & services; and/or, this site is on good public transport lines; and/or, if the site is within or adjoining or close to a town centre.
- 6.12 It is considered that this site is easily accessible and clearly satisfies enough criteria above, which seek to allow development to minimise car parking provision.
- 6.13 Importantly, strong and appropriate weight must be given to the very important factor of the recent National Planning Policy Framework (NPPF). The NPPF document makes it very clear that a positive approach HAS to be taken to all development proposals.
- 6.14 It stresses, like never before, that development proposals, particularly residential development proposals, must be approved, *unless significant and demonstrable harm* can be proven. That is a very high test, not breached by this proposal.
- 6.15 It is good planning to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling; and this scheme does exactly that by not creating unnecessary car parking.
- 6.16 This is re-enforced in transport, highways and traffic terms, in NPPF5, which states that:
116. 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, following mitigation, would be severe, taking into account all reasonable future scenarios.
- 6.17 It is considered that the impacts of this very modest scheme could never be considered to be "severe".
- 6.18 Limiting car parking provision helps encourage & ensure people do not own a car and thus helps achieve: "*the fullest possible use of public transport, walking and cycling*".

- 6.19 This over-arching policy and attitude is underlined by the Manual for Streets which states:

"Paragraph 8.3.6: Provision below demand can work successfully and where it is possible for residents to reach day-to-day destinations, such as jobs, schools and shops, without the use of a car. This will normally be in town and city centres where there will be good public transport and places that can be accessed easily on foot and by cycle. For residents who choose not to own a car, living in such an area may be an attractive proposition" (Manual for Streets page 103).

- 6.20 It is considered that this proposal is well beyond any previous fine balancing line between acceptable and unacceptable development and that the relevant material planning considerations combine to make this proposal eminently and reasonably acceptable.
- 6.21 It is thus concluded this development cannot be fairly regarded as unacceptable, or inappropriate in this location, but rather is an effective and efficient use of this land resource, as a development responding to market demands, housing and care provision shortfall; and thus planning permission should have been granted.

URBAN DESIGN STATEMENT & ASSESSMENT

- 6.22 Urban design recognises seven qualities of successful places: character; continuity & enclosure; quality of public realm; ease of movement; legibility; adaptability; and, diversity.
- 6.23 The proposals continue the residential use of this site which is in keeping with the character of the uses across the immediate locality and thus provides continuity.
- 6.24 The scheme provides for visual continuity with no external extension and not altering existing surrounding highway layout. Enclosure details likewise are existing and retained to its neighbours.
- 6.25 The public realm is not directly affected by this scheme; but it is indirectly bettered by any repairs, maintenance & improvements in the appearance of the site from its new use.
- 6.26 Ease of movement would be ensured in and around the development by the existing pavements and road accesses.
- 6.27 The proposed residential use is legitimate and legible; eminently suitable for this locality as it exists proximate, as has been made clear throughout this statement.

- 6.28 Whilst residential-orientated, the redevelopment scheme will not prevent the buildings being adapted or diversified should that be seen as necessary in the future.

ECONOMIC & SOCIAL IMPACT ASSESSMENT

- 6.29 This redevelopment scheme will enhance the immediate locality and the wider City through considered and controlled extended use of an inner-urban site contributing to the residential, social, cultural and economic well-being of the town.

ENVIRONMENTAL IMPACT ASSESSMENT STATEMENT

- 6.30 It is considered professional opinion that this application does not require an Environmental Assessment as it does not fall within Schedule I and is not considered to be a Schedule II development of such a scale as to require an EIA.

SUSTAINABILITY ASSESSMENT & STATEMENT

- 6.31 It is important to consider the sustainability aspect of this scheme. The proposal is sustainable for a number of reasons, which include:
- The proposal involves the re/extended-use of an existing inner-urban, property site within the settlement limits.
 - The site has bus stops nearby on the main roads.
 - The development will provide more residential care accommodation of an acceptable quality which will be of benefit to the Borough.
 - This development is all about care and all about creating 'mixed' communities which is considered to be an important tenet of all Central Government policy.

7 CONCLUSION

- 7.1 An objective analysis of this scheme against all relevant material planning considerations has considered this scheme to be acceptable.
- 7.2 There are no material planning considerations that preclude the grant of planning permission for this development scheme allowing for under 16 child(ren) as described in the planning application.
- 7.3 The NPPF means this proposal should *prima facie* be considered, on balance, acceptable as these proposals are sustainable, on previously-developed land, and therefore there is a clear presumption they should be considered favourably.
- 7.4 It is clear that national guidance and policy indicates this application should be approved.
- 7.5 **The NPPF makes it clear that in order to resist and refuse these proposals the local authority must demonstrate tangible and significant adverse impacts.**
- 7.6 The NPPF does not just *request* positivity with regards to development proposals; national guidance is now *demanding* it.
- 7.7 Schemes like this are exactly the sort of proposal which *may* have been considered contrary to a draconian interpretation of local policy in the past, but rather now should be looked upon *positively*, as there are no significant adverse impacts; certainly none to outweigh the benefits.
- 7.8 **The NPPF clearly states that local authorities should attempt to: "create sustainable, inclusive and mixed communities" which is what these proposals are all about.**
- 7.9 It is underlined that it is not the role of the development management/control system to minutely dissect, examine and/or approve the possible detailed operational aspects of a proposed use, or vet and limit all possible residents, employees or attendees; rather the role is to make a considered and objective decision on the proposed use in a holistic way.
- 7.10 If specific details such as a management plan are required to be taken into account through the planning / development

control process, then their acceptability can be made a condition of any consent. It is rather thought that OFSTED and care legislation deals with those specifics and there is no need for the planning system to get involved in such levels of operational details.

- 7.11 Any Use Class C3 dwellinghouse could generate far more uncontrolled traffic than a small C2 operation.
- 7.12 Proposed staffing levels are very low and should not cause a demonstrable impact to an unacceptable level on the locality.
- 7.13 Therefore, it is respectfully requested that, for the reasons outlined in this statement, that planning permission is granted for the development proposed to allow for care use for under 16s.

Dr Anton Lang MRTPI – May 2025