



Appeal Decision

Site visit made on 14 March 2022

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2022

Appeal Ref: APP/B2002/W/21/3284085

184 Waltham Road, Grimsby DN33 2PZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Keys Group Limited against the decision of North East Lincolnshire Council.
 - The application Ref DM/0650/21/FUL, dated 24 June 2021, was refused by notice dated 9 September 2021.
 - The development proposed is change of use of dwelling to a residential care home for up to 5 young people.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of dwelling to a residential care home for up to 5 young people at 184 Waltham Road, Grimsby DN33 2PZ in accordance with the terms of the application Ref DM/0650/21/FUL, dated 24 June 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Site Plan and Proposed Plans.

Application for Costs

2. An application for costs was made by the appellant against the Council. This application is attached as a separate Decision.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The living conditions of the occupiers of neighbouring properties, having regard to noise, disturbance and anti-social behaviour; and
 - Highway safety.

Reasons

Living conditions

4. No 184 is a large two-storey, detached dwelling which is located within a predominantly residential area. There is a reasonable gap between the appeal

- building and properties on either side due to their associated driveways. The dwelling currently has 5 bedrooms so could be occupied by a large family.
5. The proposal would maintain a residential use in a residential area, albeit of a different use class. The appellant's case sets out the staffing levels during the day and night as well as the staff shift changeover times.
 6. No 184 benefits from a substantial rear garden and there are a number of properties which share a boundary with the appeal site. Young people occupying the home would be able to play inside and outside at any times of day which could result in noise. However, that could also occur with the existing lawful use of the building. In addition, staff would always be present at the care home whereas if the building was used as a family dwelling there might be times where children are left on their own without an adult.
 7. There is no substantive evidence before me to demonstrate that the comings and goings from the proposed development would be significantly more than that associated with a large family dwelling or that it would increase noise and disturbance, including car movements and people's voices, at unsociable hours. The changeover of staff would normally occur during the day when there would be a level of background noise. Having regard to the changeover times and staffing levels as well as the gap between the appeal building and neighbouring properties, I am satisfied that there would be sufficient staff to provide care and the proposed development would not result in unacceptable disruption.
 8. In terms of crime and anti-social behaviour, my attention has been drawn to the appellant's annual report, the suitability of the company and safeguarding issues. Furthermore, it has been highlighted that the Children's Services at the Council has recently been rated as inadequate by Ofsted and put into special measures.
 9. A registration process is required with Ofsted before the appellant can open a residential home. Part of the registration process involves staff assessments to ensure the manager of the home and the responsible individual are appropriately trained and experienced. The management of the home would fall under the responsibility of the appellant, who manages many other similar facilities, and would be overseen by Ofsted who would inspect the care home.
 10. The care home would be staffed 24 hours a day. The staff would be professionally trained in the supervision of young people. At the request of the Council, the appellant submitted a Location Risk Assessment which is a confidential document. The police's crime reduction officer raised no objections to the proposed development. Having regard to the above, there is no robust evidence to demonstrate that the proposed use would result in an increase in anti-social behaviour and would result in an unsafe area for the public or increase opportunities for crime and fear of crime.
 11. For these reasons, the proposed development would not have an unacceptable effect upon the living conditions of neighbouring properties, having regard to noise, disturbance and anti-social behaviour. Accordingly, it would not conflict with Policy 5 of the North East Lincolnshire Local Plan 2013 to 2032 (2018) (LP). This policy requires that consideration is given to the proposals impact upon neighbouring land uses by reason of noise, air quality, disturbance or visual intrusion. It would also comply with the National Planning Policy Framework (the Framework). This states that developments should create

places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Highway safety

12. The Council highlight that the B1203 Waltham Road provides a main route into Grimsby town centre from the villages to the south. Whilst only a snapshot during the day, I observed on my site visit that there was a steady flow of vehicles. I am mindful that the Council and residents highlight that Waltham Road is busy and have referred to accidents as well as drivers speeding.
13. The existing property benefits from two access points, with associated driveways and garages, which would not be altered. The access arrangement is reflective of other residential properties along this section of Waltham Road. Although the appeal site is close to a slight bend, the accesses benefit from good visibility in both directions due to the width of the grass verge and pavement. There would be sufficient space for up to 6 cars to be parked within the appeal site. In addition, there are no parking restrictions within the vicinity of the site.
14. No 184 is located close to the junctions of Heatherdale Close and Orchards Croft which are short cul-de-sacs. In addition, on the opposite side of the road is the junction with Southfield Road. Adjacent to the appeal site is a bus stop. I understand that an associated bus shelter has been approved. The bus stop could be used by staff, visitors and the young people occupying the care home to provide a sustainable mode of transport without the reliance on a vehicle. In addition, there are local services and facilities within walking distance.
15. There is nothing before me which demonstrates that the proposed development would significantly increase the use of the accesses and traffic movements compared to the existing use. Furthermore, the changeover of staff would normally occur outside peak times. Given that the building could be occupied by a large family and the speed limit of Waltham Road and the surrounding roads, width of the grass verge and pavement, I do not consider that the change of use and the nearby bus stop would unacceptably impede visibility and restrict traffic flow. The scheme would not substantially increase the traffic movements compared to those associated with a large dwelling. I am also satisfied that any resultant on-street parking would be minimal and could be accommodated without there being an unacceptable effect on the ability to navigate the surrounding streets safely.
16. For these reasons, the proposed development would not have an unacceptable impact on highway safety. Consequently, it would accord with Policy 5 of the LP which requires that consideration is given to access and traffic generation. It would also not conflict with the Framework which 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.

Other matters

17. I have considered in detail the other matters raised in the objection comments. These concerns relate to: property value, potential for expansion, litter, impact

on wellbeing, impact character of the area, planning procedure, alternative suitable buildings, misleading information, lack of need, property on the market, lack of public consultation as well as vulnerable residents living nearby.

18. The Council did not refuse the planning application on these grounds. In terms of impact on property values, it is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property. Any future expansion would be subject to relevant planning considerations. The scheme would not have an adverse impact on the character of the area because the development does not propose any external changes to the building and the residential use is reflective of the area. The presence of alternative buildings and questioning whether there is a need would not represent reasons to withhold permission for the proposed development. There is no compelling evidence before me that would lead me to an alternative conclusion to the Council on the other matters raised, and they do not lead me to a different overall conclusion on the main issues.

Conditions

19. I have imposed the standard conditions relating to the commencement of development and specifying the relevant plans in order to provide certainty.

Conclusion

20. For the reasons given above, the appeal succeeds.

L M Wilson

INSPECTOR