

Recommendation: Conditional approval	
20201063	26 Asquith Boulevard
Proposal:	Change of use from dwelling house (Class C3) to residential care home (3 Bedrooms)(Class C2)
Applicant:	Jules Private Ltd
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20201063
Expiry Date:	21 September 2020
SSA	WARD: Knighton



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Summary

- The application is brought to committee due to the number of objections.
- 9 objections on grounds of use of the property as care home, neighbouring amenity, loss of privacy, potential noise and disturbance, antisocial behaviour and inadequate parking and highway safety.
- The main issues are the principle of the use, the impact on the residential character of the area; increased coming and goings, impact on amenity of nearby occupiers, highway safety and parking.
- The application is recommended for approval subject to conditions.

The Site

The application relates to a two storey dwellinghouse (4bed) (Class C3) with an integrated garage, located on a slip road Asquith Boulevard, on the southern side of

Asquith Way within a predominantly residential area. There is one off-street parking space in front of the garage and unrestricted on street parking along the road.

Background

There is no recent relevant planning history.

The Proposal

The application is for change of use to care home accommodate a maximum of three children at any point in time.

The property contains living room, a kitchen / dining room, toilet and laundry room at the ground floor which will be used as a shared facilities and 4 bedrooms with bathroom on the first floor. The fourth bedroom at first floor level will be used as an office/sleeping accommodation by the carers who will look after the three children.

There are no internal and external alterations required in order to facilitate the change of use to a care home.

The applicant state that:

- The children will be living as a single family unit. Whilst the proposal relates to a change of use from C3 dwelling to a care home to provide a home for three children with staff assisting to provide them with a homely environment similar to a typical family home.
- The use will be regulated by Ofsted and the Care Quality Commission and the children will be looked after in accordance with 'looked after children' regulations under section 20 of The Children's Act.
- There will be carers living offsite but attending the property 24/7 on a rota to support the children. There will be a manager who works 8am to 6pm Monday to Friday and alternate weekends to oversee the running of the premises.
- There will be other supporting professional visitors who will visit the children such as Social workers, local authority officer, and independent review Ofsted officer every 5 weeks.
- Friends and family are not allowed to meet at the property but are required to meet the child at a contact centre that is supervised. Such visits are pre-arranged via social workers.
- In terms of staff numbers there will be a support team of staff on duty during the day and during the night as required by Ofsted. The registered manager lives local and hence is able to act quickly to emergencies if the need arises. There will be a maximum of 2 support staff/carers and 1 Ofsted registered manager on site during the day and at night there will be 1 night sleep in staff available to look after the children.

Policy Considerations

National Planning Policy Framework (NPPF) 2019

Paragraph 2 states that applications for planning permission must be determined in accordance with development plans unless material considerations indicate otherwise.

Paragraph 11 states that there will be a presumption in favour of sustainable development.

Paragraph 108 states that development proposals should take up appropriate opportunities to promote sustainable transport modes; ensure safe and suitable access can be achieved for all users and; any significant impact (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable level.

Paragraph 109 states that development should only be 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.

Paragraph 127- Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) 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.

Development plan policies relevant to this application are listed at the end of this report.

Appendix 1 CLLP 2006 - Vehicle Parking Standards.

Supplementary Planning Document (SPD): Residential Amenity

Consultations

Noise and Pollution Control have no objections.

Representations

9 letters of objections have been received from nearby occupiers raising the following concerns:

- Proposed change is not acceptable in a residential area with young families and children;
- This is a family residential road and it should remain this way;
- Concerned about the likely hood of any noisy, unruly, disruptive or anti-social behaviour;
- Variety of backgrounds, teenagers with emotional needs and behavioural issues would bring more disturbance than the average family home;

- Concerned about the possibility of crime and antisocial behaviour as a result of the new arrivals;
- Want to know if the placements would be long or medium term or short term crisis? Care provision could put a great strain on the local community and neighbourhood;
- The proposals are for a care home for three children aged 8-18 but give no details about ages, a family group etc. that could pose significant risk to neighbours;
- Loss of privacy with a continuing stream of teenagers potentially looking into house and garden;
- Private home would not create a stable environment for vulnerable children;
- The change in this status of this house would have a negative impact on neighbourhood;
- Concerned about safety of young children;
- There does not appear to be any provision for a member of staff to sleep in overnight does it mean that there is to be a waking member of staff overnight , if so that would not be like a home. The house would not offer the level of personnel security necessary given the built up area surrounding it;
- Use will increase the number of cars parked outside near the house and the level of traffic using narrow slip road, as there are already issues with parking for the residents, who have cars, and vans.
- Further effect regarding parking and vehicles coming and going to the property, shift change at various times;
- Submitted information states that the house is in Asquith Boulevard but it refers to Northampton and also that there is a double garage, when there is not. Clearly this is a copy of a different application elsewhere;
- There is a house, a 2 star hotel called Race Course House that has had a detrimental effect on environment, health and well-being; proposed use will have a negative impact on the area, the environment and the local sense of community;
- It may set a precedent for change of usage of this house or additional changes of use of other houses in the street;
- Once approved as a residential care home it would then be easier to become a secure residential institution such as that for young offenders;
- Lack of planning procedure of notifying residents; Insufficient publicity notification, nearby residents have not been notified and no site notice has been placed;
- Request that the closing date to be extended for questions/objections and to allow for all neighbouring properties to be consulted;
- Request that the Planning committee to take into consideration of objections before making any decision;
- Councillor Geoff Whittle also emailed on behalf of a constituent asking to respond to the objector's queries and to be kept informed.

Consideration

The main issues are principle of the use, level of accommodation, impact on amenity of nearby occupiers and whether the staff working on shift patterns will have significant change in the character of a dwelling-house through increased coming and goings, access and parking demand.

Principle of development

The City Council aims to facilitate the provision of a range of accommodation to meet the special housing needs of all City residents. The Council's Core Strategy Policy CS06 supports the provision of supported housing to meet other identified special needs

The property is located outside a restricted hotels, hostels and residential institutions area where CLLP policy H16 states that planning permission will not be granted for a change of use to a residential institution unless it can be demonstrated that there would be no adverse effects on the amenities of neighbours or on the residential character of the area.

There does not appear to be a concentration of such uses in the immediate locality.

The property is surrounded by predominantly residential properties. Whilst the change of use would result in the loss of a house, the proposed 3 bed care home will be a managed provision where assisted living is provided for the residents.

I consider the principle of the use is in accordance with the aims of Core Strategy policy CS06.

Amenity and character and appearance

Each of the bedrooms will be provided with good outlook from the existing windows. I consider an acceptable level of amenity will be provided in terms of outlook and natural light for each of the residents.

The three children to be housed will be accommodated within the existing bedrooms, and whilst some comings and goings to and from the house may increase, however this is unlikely to be significantly above the levels expected in a family house.

There are no internal and external alterations required in order to facilitate the change of use to a care home. I do not consider the proposal would adversely affect the residential character or appearance of the property or have any negative visual impact on the surrounding residential area or the street scene. I conclude that the proposal would comply with policies CS03, CS08 and PS10 and is acceptable in visual and residential amenity terms.

There is a medium sized garden area at the rear of the house, screened by a boundary fence which would provide satisfactory private amenity area, storage for cycle and bins for the residents.

Access and parking

Policy CS14 of the Leicester Core Strategy (2014) states that development should be easily accessible to all future users, and that it should be accessible by alternative means of travel to the car, promoting sustainable modes of transport such as public transport, cycling, and walking and be located to minimise the need to travel.

Appendix 1 of the City of Leicester Local Plan sets out the parking requirements for the City. The maximum number of parking spaces for a residential institution within Zones 3 and 4 is one space for every four bedrooms, which would equate to a maximum requirement for one off street car parking space. There is on-site parking available for at least two vehicles at the site. There is unrestricted on street parking on the slip road in front of the property. Moreover, it is located close to amenities and is in a sustainable location where there is regular bus services and use of sustainable modes of travel available to staff members. It is unlikely that permanent residents will have access to the cars.

Given the number of residents and the care staff required at any one time, I consider that the proposal will not have a detrimental impact on local on street parking capacity and the highway/parking impact of the proposal would not so severe to warrant a refusal

As such I do not consider that the proposal is contrary to saved policy AM11 of the City of Leicester Local Plan and Core Strategy policy CS14 and para 108 and 109 of the NPPF.

However, within Class C2 the property could be used for a residential school, college, training centre or a hospital. These uses could result in additional comings and goings, general disturbance and greater parking demand. Further consideration for these types of uses is necessary and for this reason I am recommending a condition that restricts the uses of the property to a care home.

Other matters

The issues /concerns over the use of the property, amenity, access and parking raised by the residents have been addressed in the above relevant sections.

The agent has stated that the use will be regulated by Ofsted and the Care Quality Commission. The property would provide a home for the three children with staff assisting to provide them with a living environment similar to a typical family home and the children will living as a single family unit.

The proposal is a managed provision and therefore issues relating to with crime and anti-social behaviour would be managed by care team and by the other law and enforcement agencies. Likewise, emotional needs and behavioural issues, security and supervision and health care provisions are matters for care team and other agencies.

The application has been given the publicity required and adjoining neighbouring properties have been notified and sufficient time have been allowed to submit their concerns. There is no requirement for posting site notices in this instance.

Conclusion

I consider that the use of the application property as a 3 bed-care home is an acceptable use within a residential area.

The property will be used in a way that is similar to a typical family house and as such, I do not consider the proposal would cause harm to the amenities of neighbouring properties or result in detrimental impact on the residential character of the surrounding area.

The development is not likely to cause severe harm to the local highway network or result in additional parking demand and is considered acceptable in highway terms. I consider that the proposal would be in accordance with the aims of the NPPF and development plan polices and guidance.

I therefore recommend **APPROVAL** subject to the following conditions

CONDITIONS

1. START WITHIN THREE YEARS

2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, or any order amending or revoking and replacing that Order with or without modification, the premises shall not be used for any purpose other than for a care home within Class C2 of the Order, unless otherwise approved in writing by the local planning authority. (To enable consideration of the amenity, parking and highway safety impacts of alternative Class C2 uses, in accordance with Policies CS03, CS06 and CS14 of the Leicester Core Strategy (2014) and saved Policies PS10 of the Local Plan (2006.)

3. This consent shall relate solely to the application form and submitted plans received by the City Council as local planning authority on 18/06/2020, and revised supporting statement received on 14/09/2020 ,unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received.

The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019 is considered to be a positive outcome of these discussions.

Policies relating to this recommendation

2006_AM01	Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.
2006_AM11	Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01.
2006_H16	Planning permission will not be granted for new or extended hotels, hostels and residential institutions within Restricted Zones unless criteria can be met.
2006_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
2006_UD06	New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
2014_CS03	The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
2014_CS08	Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
2014_CS06	The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.

2014_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.

2014_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.