

Recommendation: Conditional approval	
20202350	48 Cantrell Road
Proposal:	Change of use from dwelling house (Class C3) to a children's home (3 children) (Class C2)
Applicant:	Mr & Mrs Percy & Lydia Chinyani & Mabwe
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20202350
Expiry Date:	17 February 2021
SS1	WARD: Braunstone Park & Rowley Fields



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Summary

- Brought to committee given the number of objections
- Objections from 13 addresses and a petition with 61 signatures on grounds of character, noise and disturbance, traffic, parking and anti-social behaviour.
- Issues are the principle of the use, impacts on residential amenity and traffic
- Recommended for approval

The Site

48 Cantrell Road is a two-storey semi-detached house (4 bed) located in a primarily residential area. It is on a corner between Cantrell Road and Braunstone Lane. There are 3 on-site parking spaces at the front of the property.

Background

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Application 20180057 – Construction of two storey extension at side and rear, single storey extension at rear of house (class C3). This application was approved and implemented.

The Proposal

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On the ground floor of the property there would be an open plan sitting room/dining room/kitchen, a bathroom and 2 storerooms and on the first floor there would be 3 bedrooms, a bathroom and a staffroom/office on the first floor.

There are no external alterations.

The applicant states that:

- The home will provide a home for up to 3 children aged between 8-17 referred by the Local Authority. There will be 2 staff on the premises 24/7 for a maximum of 5 people in total living in the home. Staff will be working 12 hour shifts 8am to 8pm and 8pm to 8am. Statutory visits by social workers are pegged at once in a period of 6 weeks.
- 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 this is to provide a home similar to a typical family home. The care is provided within the community to ensure the children keep normality within family homes;
- Each child will have their own care plans and would conform to a behaviour management policy which has been submitted. A locality risk assessment has been carried out and submitted and the home will have a house risk assessment, individual children risk assessments, activity risk assessments and policies to mitigate any existing community risks.

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

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

Supplementary guidance

Appendix 1 CLLP 2006 - Vehicle Parking Standards.
Supplementary Planning Document (SPD): Residential Amenity

Consultations

Traffic and travel planning

No objection

Representations

Letters of objections have been received from 13 nearby addresses (including a petition with 61 signatures) raising the following concerns:

- Worried about what goes on in the homes; will the children be helped and educated or left to their own devices;
- There is a homeless hostel close by and there is already police, council, and paramedics often in the vicinity, plus there is also a childcare centre nearby with lots of comings and goings, with further

disturbance there is concern there would be increased pressure on these services;

- Worries about drug use, theft, and antisocial behaviour;
- Worries if children are hanging around the green and it is unknown what they are there for;
- There are lots of elderly people living nearby;
- Worries about the proposal affecting a child living nearby, and that it would affect someone's depression and anxiety;
- Worries about the ability to sell a house nearby and generally the development would affect house prices;
- Worries about someone's young family being able to be safe in the area;
- Not wide enough neighbour notification;
- There would be unpleasant behaviours and creating a horrible atmosphere;
- There would be an increase in noise;
- Families occupying these houses keep Braunstone as a better community;
- Worries of vehicles being damaged;
- Worries the health and wellbeing of nearby residents would be affected;
- It is not a children's home but a young adult home;
- There is a lack of parking which would be exacerbated;
- Worries about disabled and elderly being a target for abuse;
- Concerns about the safety of the elderly who have experienced issues with vandalism from youths;
- Concerns about general impacts on residents during the children's rehabilitation and exposure of children to bad behaviours;
- People have a right to live in peace and without impact from a unit with troubled individuals;
- Strain on resources such as parking and social facilities;

Consideration

The main issues are principle of the use, level of accommodation, impact on amenity and parking.

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 saved policy H16 of the City of Leicester Local Plan 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 family 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, some comings and goings to and from the house may change in character, however this is unlikely to be significantly above the levels expected in a family house.

There are no 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. There is on-site parking available for at least three vehicles at the site which would account for 2 staff plus a visitor at any one time.

There is unrestricted on street parking on the road in front of the property. Moreover, it is located close to amenities on Sun Way and is in a sustainable location where there are regular bus services and use of sustainable modes of travel available to staff members. It is unlikely that permanent residents will have individual car use.

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 be severe.

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.

Within Class C2 the property could be used for a residential school, college, training centre or health facility. 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

Children's homes are 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 the care team and other enforcement agencies. Likewise, emotional needs and behavioural issues, security and supervision and health care provisions are matters for the care team and other agencies.

The application has been given the publicity required and adjoining neighbouring properties have been notified, and sufficient time has been allowed to submit their concerns.

Conclusion

I consider that the use of the application property as a 3 bed-care home is an acceptable and appropriate 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 recommend approval subject to the following conditions:

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
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 submitted planning statement received by the City Council as local planning authority on 24/11/2020 and existing/proposed plans received by the Council on 28/11/2020, 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 engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application no pre-application advice was sought before the application was submitted and no negotiations have taken place during the course of the application. The City Council has determined this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. As the proposal is clearly unacceptable, it was considered that further discussions would be unnecessary and costly for all parties.

Policies relating to this recommendation

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.
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_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_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.