

20211801	4 Barbara Road	
Proposal:	Change of use from dwelling house (Class C3) to residential care home (2 Bedrooms)(Class C2)(Amended 13/10/2021)	
Applicant:	Mr Nizam Bata	
App type:	Operational development - full application	
Status:	Change of use	
Expiry Date:	7 January 2022	
SSA	TEAM: PD	WARD: Braunstone Park & Rowley Fields



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Summary

- The application is brought to committee due to more than five objections received.

- 8 objections have been received on grounds of the use of the property as a care home, residential amenity, potential noise and disturbance, antisocial behaviour, inadequate parking and highway safety.
- The main issues are the principle of the use, the impact on the residential character of the area; increased activity, impact on amenity of nearby occupiers, highway safety and parking.
- The application is recommended for approval.

The Site

The property is a detached bungalow located within a primarily residential area. There is gated vehicular access providing one off-street parking space and an approximately 1m high brick boundary wall. There is patio area at the rear that leads to steps to a large sized rear garden that is on lower ground level.

The surrounding area is a mix of housing types that includes bungalows, two storey detached, semi-detached and terraced houses. The property to the north west side (2 Barbara Road) is a 2-storey semi-detached house. There is a double garage to the south east of the application site and then a detached house at no. 8.

Background

20081753 – In December 2008, an application was approved for alterations and an access ramp at the front; single storey extension at the rear of a bungalow (Class C3) to provide accommodation for a disabled person. Including the conversion of an existing garage, replacing the existing garage door with a window and extending it to the rear – Implemented.

19780263 - Details of bungalow granted outline planning permission on the 20th December 1976 under ref no 19761432 - determined on 29/03/1978. Implemented.

19761432 - Adjacent to 2 Barbara Road – Outline application for demolition of garage and erection of bungalow – Determined 13/12/1976

The proposal

The application is for change of use to a residential care home to accommodate a maximum of two persons at any point in time.

The property comprises 2 bedrooms, one with an attached wet room, dayroom/office, lounge, kitchen, utility, shower room which will be used as a shared facility. The day room/office will be used by the carers who will look after the children.

Alterations are proposed to the front courtyard to provide three off-site parking spaces.

The applicant states that:

- The proposal will accommodate a maximum of two children aged between 8 and 16 with learning disability and/or autism.
- Staff will work two 12 hour shifts covering the 24 hour period. Shifts will be 09.00am to 21.00pm. It is anticipated that the staffing ratio will be a maximum of 2 staff to 1

young person for the day shifts and 1 staff to 1 young person overnight. This would indicate that there will be a maximum number of 4 staff and 2 young people (weekends and when the children are not at school) with the occasional social worker/Ofsted/family visitor (possibly once or twice a week visit).

- There is sufficient parking on the drive for three vehicles for the Support Workers/visitors though it is anticipated most staff will take public transport to the Home.
- The Home will be Ofsted registered, and apart from the requirement that as a business, waste collection contracts will be set up for collection of refuse and recyclable waste, there will be little outward change in the proposed use.

Policy Considerations

National Planning Policy Guidance (NPPF) 2021

Paragraphs 2 and 11 (Presumption in favour of Sustainable Development)

Paragraphs 92 and 93 (Promoting Healthy and Safe Communities)

Paragraphs 110 and 111 (Highways safety)

Paragraph 119 (Effective use of land)

Paragraphs 130 and 134 (Good Design)

Development Plan policies

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

Supplementary Planning Documents (SPD)

Residential Amenity

Appendix 1 of the Local Plan – Vehicle Parking Standards

Consultations

Local Highway Authority: Demand for parking on Barbara Avenue does not appear to be excessive and the proposal is unlikely to generate a higher parking demand than a dwelling to result in severe detrimental impact on highway safety.

Representations

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

- The change of use breaches the restrictive covenant on all Rowley Fields residential dwellings which restricts the use of residential properties so you cannot carry out or perform a business activity from the property (covenants are not a material planning consideration)
- The change would have a negative impact on the character of the neighbourhood.
- The area is a quiet peaceful residential area, not a commercial area and it should be retained as a dwelling house. There are huge demands for rented residential accommodation.
- It would set a precedent for other properties to change their use to business rather than residential.

- The planning statement suggests that there is sufficient parking on the drive for 3 vehicles for the Support workers/ visitors; however, this is not true and there is only be parking for one car.
- Use would create more vehicular traffic and noise from all visitors, staff and service providers and disturb the peace and quiet of the road and will increase the number of cars parked outside the house. This is opposite to the Council's aim of reducing the private car journeys and increase the use of public transport.
- The proposal states that parking would be adequate as staff will be encouraged to use buses. There are no buses on the estate and private provision would of course necessitate parking. The road is already busy.
- Insufficient details of business and household waste collection, if bins placed at the front, it would affect the number of vehicles which could park at the front of the property.
- Several discrepancies on this application:
 - Name of the applicant on this application is not the name our neighbour gave us.
 - Application form states that there are no trees or hedges on the property, which is not true, there are trees there are hedges and shrubs in the front and trees at the rear.
 - There is sufficient parking on the drive for three but only one space available at front.
 - The 'Maps' button shows Number 2 Barbara Road as the planning application site highlighted instead of 4 Barbara Road. Residents in the area need to be notified of any changes to number 2 Barbara Road separately and immediately
 - The Application document refers to 2 part-time employees whilst the Supporting Info document states "there will be a maximum regular number of 4 staff", clarify whether there will be just two part-time staff or 4 full time staff on duty at the proposed care home.
- Protect the green provision/ wildlife by retaining the front and rear gardens.
- Lack of planning procedure; Insufficient publicity notification, nearby residents have not been notified and no site notice has been placed near the site.
- The proposal affects the whole street and not just the adjoining properties. The Council should rectify this omission and extend the deadline for the comments.
- The care home for two special need children aged 8-16 will need intensive support and their challenging behaviour probably will disrupt the current residential nature of Barbara Road and could pose significant risk to neighbours;
- Variety of backgrounds, teenagers with emotional needs and behavioural issues would bring more disturbance in the area and this needs to be weighed seriously in any decision.
- Concerned about the likely hood of any noisy, unruly, disruptive or anti-social behaviour, further increased noise levels and other disruptive elements.

- Recent official report on children's' care homes highlights the constant danger of criminal drug gangs and other predators targeting child care homes and the highly vulnerable children inside them
- The proposal fails to explain how the two-bed care home would be financially viable and would meet the needs of these children effectively. The proposed provider has no experience of providing children's residential care.
- No reassurance that once granted there would not subsequently be further extension and expansion.
- It will affect property prices in the area (not a material consideration).

Consideration

The main issues are principle of the use, level of accommodation, impact on the amenity of future and nearby occupiers and whether the staff working on shift patterns will have significant change in the character of the dwelling and the wider area through increased coming and goings, waste management, access and parking demand and representation received .

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 City of Leicester Local Plan 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. Although the change of use would result in the loss of a house, the proposed 2 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

The bedrooms and other principal rooms will be provided with good outlook from the existing windows. I consider an acceptable level of amenity will be provided in terms of privacy, outlook and natural light for each of the residents.

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

There are no internal and external alterations required to the dwelling itself in order to facilitate the change of use to a care home except for changes to the front courtyard. 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 Core Strategy policies CS03 and CS08 and saved local plan policy PS10 and is acceptable in visual and residential amenity terms.

The rear garden is approximately 140sq.m and is screened by a boundary fence which would provide satisfactory private amenity area, storage for cycle and bins for the residents.

Waste bin storage

The applicant states that a contract will be set up for collection of refuse and recyclable waste. However, the provision of waste storage would remain as existing and there will be little outward change by the proposed use. A condition is being recommended in this respect and I therefore consider this part of the proposal to be acceptable.

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 other than by car, promoting sustainable modes of transport such as public transport, cycling, and walking and be located to minimise the need to travel. I have attached a condition that requires details of cycle parking to be provided.

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.

The front courtyard is bounded by approx. 1m high brick wall and partly paved area at the front. There is gated vehicular access and off-site parking available for at least one vehicle at the site. The submitted plans shows three parking spaces but no details have been provided. However, the depth of the front yard is approx. 6m deep where two additional car parking spaces could be accommodated if the front wall is removed and a new access created.

There is unrestricted on street parking in front of the property and any additional on street parking will have a minimal detrimental impact on highway safety. Moreover, the site is within 250 metres of a good public transport link on Narborough Road and Barbara Road itself is a wide road with minimum level of vehicular traffic. It is located close to amenities and in close proximity to where there is sustainable modes of travel available to staff members and visitors. 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 severe detrimental impact on parking in the local area or result in highway safety 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 paragraphs 110 and 111 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 concerns over the use of the property, amenity, waste management, access and parking raised by the residents have been addressed in the above relevant sections.

The property would provide a home for two children with staff assisting to provide them with a living environment similar to a typical family home and the children despite having special needs will be living as a single family unit.

The proposal will be a managed provision and would meet the needs of the children effectively therefore issues relating to crime and anti-social behaviour would be managed by the 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 teams, other agencies and regulations.

Neighbour notification letters were sent out on 27th September referring to the correct application address to the adjoining properties and sites opposite the application site in accordance with adopted Statement of Community Involvement and statutory planning legislation. The required 21 days was allowed for residents to submit their concerns. There is no requirement for posting site notices for this type of proposal. Sufficient time has been allowed for residents to submit their concerns.

Any restrictive covenant that may have been imposed on the property would be a civil matters and not a material planning consideration.

The ownership certificate B has been submitted and a required notice has been served to the owner about the development.

No external alterations are proposed to the dwelling, except for the proposed alterations to the front courtyard to provide additional parking.

There are no protected trees or hedge on the site and their removal do not require planning permission.

The viability of the proposed use is a matter for the operator and the impact on the value of properties in the area are not material planning consideration.

Conclusion

I consider that the use of the application property as a small two 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 significant harm to the amenities of the future occupiers or the 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 2021 and development plan policies 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. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the City Council as local planning authority. These arrangements shall be maintained thereafter. (In the interests of the amenities of the surrounding area, and in accordance with policies UD06 and PS10 of the City of Leicester Local Plan and Core Strategy policy CS03.)
4. Before the occupation of any part of the development, all parking areas shall be surfaced and marked out in accordance with details which shall first have been submitted to and approved by the City Council as local planning authority, and shall be retained for parking and not used for any other purpose. (To ensure that parking can take place in a satisfactory manner, and in accordance with policies AM01 and AM11 of the City of Leicester Local Plan and Core Strategy policy CS03.)
5. No part of the development shall be occupied until secure and covered cycle parking has been provided and retained thereafter, in accordance with written details previously approved by City Council as local planning authority. (In the interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan.)
6. Development shall be carried out in accordance with the following approved plans and supporting documents:
Block/Site Location Plan - received on 19/07/2021
Existing and Proposed Floor Plan and Elevations - drawing ref no. 21-02-01-07A received on 03/09/2021
Planning Statement received on 23/09/2021
(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. This planning application has been the subject of positive and proactive discussions with the applicant during the process. 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 2021 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_AM12 Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
- 2006_H05 Planning applications involving the loss of housing will be refused unless they meet criteria.
- 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_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_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.