

<b>Planning Committee Report</b>	
<b>Planning Ref:</b>	FUL/2020/3127
<b>Site:</b>	6 – 7 Spencer Road
<b>Ward:</b>	Earlsdon
<b>Proposal:</b>	Proposed change of use of existing student accommodation (sui generis) to supported housing for homeless persons (sui generis), with no physical internal or external alterations to existing building.
<b>Case Officer:</b>	Darren Henry

## **SUMMARY**

The application seeks to change its current use to secure accommodation for homeless persons.

## **BACKGROUND**

The application site is currently used for student accommodation. The site is located in a sustainable location within the ward of Earlsdon where it is close to the City centre, local parks, amenities, public transportation and shops and services. The surrounding area is predominantly housing and opposite is King Henry the VIII School.

## **KEY FACTS**

<b>Reason for report to committee:</b>	The application Has received 123 objections, a petition with 8 signatories objecting to the proposal and 18 letters of support.
<b>Current use of site:</b>	Student Accommodation
<b>Proposed use of site:</b>	To change the use to supported housing for 27 homeless persons

## **RECOMMENDATION**

Planning committee are recommended to grant planning permission subject to conditions listed within the report and the signing of a s106 agreement to ensure the use remains for the purposes of housing homeless persons.

## **REASON FOR DECISION**

The proposal is acceptable in principle.

The proposal will not adversely impact upon highway safety.

The proposal will not adversely impact upon the amenity of neighbours. The proposal will not be detrimental setting, character or appearance of Kenilworth Conservation Area or nearby Grade II King Henry the VIII Listed Building

Together with the aims of the NPPF, the proposal accords with Coventry Local Plan Policies:

- AC1: Accessible Transport Network
- AC3: Demand Management
- AC4: Cycling and Walking
- DE1: Ensuring High Quality Design
- DS3: Sustainable Development Policy
- H3: Provision of New Housing
- H4: Securing a Mix of Housing

H8: Care Homes, Supported Housing, Nursing Homes and Older Persons accommodation

HE1: Conservation Areas

HE2: Conservation and Heritage Assets

## **APPLICATION PROPOSAL**

This planning application seeks permission for the change of use of 6-7 Spencer Road from student accommodation to a supported housing facility for homeless persons and persons at risk of homelessness. There will be no structural alterations to the building, either internally or externally. Currently there are 28 rooms across the three floors and the detached building to the rear. Whilst this configuration will remain, an existing bedroom on the ground floor will be used as office space. The proposed scheme will therefore provide 27 bedrooms.

Communal areas will continue to be provided for residents at the ground floor, including communal kitchen areas, a dining room, lounge and games area, as well as laundry room. Car parking will continue to be provided to the rear and front of the property for both staff and visitors (of a professional capacity), whilst there will be a cycle storage area to the rear for the residents and staff. Refuse storage will continue to the front of the premises.

## **SITE DESCRIPTION**

The site lies to the south of Coventry City Centre, in a predominantly residential area, with attractive detached and semi-detached properties, some of which are Victorian and Edwardian with ornate architectural detailing.

The application site is located on the south side of Spencer Road, with King Henry the VIII School playing fields across the road to the north. To the east of the site is Lyndon House, to the west is No.8 (dental practice) and to the south is 23 Bishops Walk. Approximately 100 metres to the west is Spencer Road Park and across the road from this is Spencer Road Recreational Ground. Both sides of Spencer Road are characterised by mature trees.

The building comprises a large 3-storey traditional redbrick property and is currently used for student accommodation. The main building is set back from Spencer Road behind a forecourt parking area with a mature tree and raised plant beds set within the parking area. A further parking area is provided to the rear of the property (accessed via a driveway off Davenport Road to the east), along with a communal lawned area for the residents.

The existing building provides 28 bedrooms in total, with 8 bedrooms on each of the three floors and a further 4 bedrooms within the outbuilding to the rear of the premises. Each individual bedroom is provided with toilet and wash facilities, including a sink and shower. The ground floor provides communal areas for the residents, including communal kitchen areas, a dining room, lounge and games area and laundry room. The accommodation within the outbuilding to the rear is self-contained.

## PLANNING HISTORY

Reference	Description	Decision
L/1998/0204	Change of use from residential to care home and single storey extension to rear	Approved 18/09/1998
R/2000/0026	Side extension to incorporate lift shaft	Approved 30/03/2000
R/2000/0373	Change of use from residential to care home and single storey extension to rear (variation of Condition 3 to increase number of residents from 19 to 22 and Condition 4 to relocate staff accommodation within second floor imposed on permission number 47501 granted on 18/9/98)	Approved 30/03/2000
FUL/2014/0195	Proposed alterations and additions to existing residential care home	Refused 07/05/2014
FUL/2014/4051	Change of use from a 21-bedroom care home to a 24-bedroom house and a further 4-bedroom house in multiple occupation for post-graduate students	Approved 07/01/2015

## POLICY

### National Policy Guidance

National Planning Policy Framework (NPPF). The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that is relevant, proportionate and necessary to do so. The NPPF increases the focus on achieving high quality design and states that it is "fundamental to what the planning and development process should achieve".

The National Planning Practice Guidance (NPPG) adds further context to the NPPF and it is intended that the two documents are read together.

### Local Policy Guidance

The current local policy is provided within the Coventry Local Plan 2016, which was adopted by Coventry City Council on 6<sup>th</sup> December 2017. Relevant policies relating to this application are:

AC1: Accessible Transport Network  
AC3: Demand Management  
AC4: Cycling and Walking  
DE1: Ensuring High Quality Design  
DS3: Sustainable Development Policy  
H3: Provision of New Housing  
H4: Securing a Mix of Housing  
H8: Care Homes, Supported Housing, Nursing Homes and Older Persons accommodation  
HE1: Conservation Areas  
HE2: Conservation and Heritage Assets

## **CONSULTATION**

No Objections received from:

Coventry City Council Environmental Protection

No objections subject to conditions received from:

Coventry City Council Highways

West Midlands Police

No Comments received from:

Coventry City Council Conservation

Neighbour notification was sent in accordance with the Communications Record and a site notice was posted on the 14<sup>th</sup> of January 2021.

There have been 123 letters of objection, a petition with 8 signatories objecting and 18 letters of support. Objections received raised the following material planning considerations:

- The building is very close to the local Spencer Park children's play area and King Henry the VIII School. Whilst not wishing to over generalise, the annual Shelter report points to the fact that most homeless hostel facility places are occupied by single men and people with severe and ensuing MH/substance abuse issues and long-term homelessness
- The shelter would be placed opposite both a school and around the corner from a nursery where there are vulnerable children in attendance. This is would be completely irresponsible for housing of this sort to even be considered in this location. It poses a risk to their safety and children will be playing out on the field every day right opposite the shelter.
- Homelessness unfortunately attracts antisocial behaviour such as drinking and drugs. Children should not be around this type of behaviour. Furthermore, needles or glass bottles are likely to be left on the street. Spencer Park is a beautiful park where children play; it cannot be a place for these people to congregate.
- There is a need to provide services for the homeless. This location however should even be considered for this purpose. It is close to two schools and a popular park with a busy children's playground in the middle of a quiet residential area. This is a busy pick up/drop off area for the schools and some of the children wait on the street for their parents. Also, there are already 2 shelters on Spencer

Road/Spencer Avenue and there is also the Hylands Hotel nearby that serves this purpose. At the Cyrenian shelter, while it's mostly peaceful, there are regular outbursts of inappropriate language and some disruptive anti-social behaviour that can be heard and seen.

- The proposed change of use is unsuitable; it will bring the risk of antisocial behaviour and create a transitory population.
- This is an inappropriate location. There is a lot of new drug related activity nearby due to the Hylands Hotel. The drug dealing activity has been reported to the police. Unfortunately, reporting to the police on this occasion has seen little change. With a school nearby this is completely the wrong location.
- Although not every homeless person has a problem with drug and alcohol abuse, the levels of drug and alcohol abuse are much higher amongst the homeless population compared to the normal population.
- There is a clear association between the creation of a new homeless shelter and an increase in crime in the local area. The presence of a shelter appears to cause property crime to increase by 56% within 100m of that shelter, with thefts from vehicles, other types of theft, and vandalism increasing. This association has been well documented e.g. Crisis UK in its recent report stated 27% of its clients reported problematic drug/alcohol use due to the stress of living on the streets or being homeless. In shelters, even those that have 24-hour wardens, drug paraphernalia, criminal activity, noise nuisance and theft are a common occurrence.
- During the hours of 8am - 10am and 3pm -5pm traffic increases significantly on the corner of Spencer Avenue and any changes to use may result in more traffic causing additional risk.
- A supported housing complex for the homeless will create increased noise levels and general disturbance to nearby residents.

## **APPRAISAL**

The main issues relating to this application are the principle of the development, impact of the development on the impact on neighbouring amenities and the perception and fear on crime, the design, appearance and impact on the character of the Conservation Area and impact on highway safety.

### **Principle of development**

The site is in a residential area within a sustainable location close to the City Centre where there are excellent facilities and services within easy reach by foot and buses. The area is very serene, close to parks and open spaces to spend quality time and self-reflect, conducive to healthy living. Furthermore, the change of use would be supported by Policy H8. Indeed, the reasoned justification states supported housing should be located in areas close and easily accessible to a wide range of services and facilities. "As

*such*”, the justification states “*sites within or adjacent to designated centres will be supported in order to facilitate such access*”. Furthermore, paragraph 61 of the National Planning Policy Framework (NPPF) states that “*the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies . . .*”.

Policy DS3, Sustainable Development Policy, states that When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework to secure development that improves the economic, social and environmental conditions in the area, including:

- a) access to a variety of high-quality green and blue infrastructure;
- b) access to job opportunities;
- c) use of low carbon, renewable and energy efficient technologies;
- d) the creation of mixed sustainable communities through a variety of dwelling types, sizes, tenures and range of community facilities
- e) increased health, wellbeing and quality of life;
- f) measures to adapt to the impacts of climate change;
- g) access to sustainable modes of transport;
- h) preservation and enhancement of the historic environment; and
- i) sustainable waste management.

Policy H4, Securing a Mix of Housing, states The Council will require proposals for residential development to include a mix of market housing which contributes towards a balance of house types and sizes across the city. The policy further states that schemes where it is not appropriate to provide the full range of housing types.

The proposal is in accordance with the above policies as the site is within a highly sustainable location, close to parks, job opportunities, sustainable transport modes and its use will not detract from the existing character and appearance of the Conservation Area or nearby heritage assets. Whilst the scheme itself provides only one type of housing and tenure within the building, the scheme will add to the mix of housing types in the area, providing a low-cost form of housing and thereby adding to the tenure type in the area. This will help to diversify the existing housing stock and ensure suitable housing pathways are created within the local community.

It is therefore considered that the principle of the development is acceptable, unless material matters prove otherwise.

### **The Impact on Neighbouring Amenity and the Perception and Fear of Crime**

#### *Impact on Neighbouring Amenity*

The way buildings relate to each other must provide and protect acceptable levels of amenity for both existing and future residents. Therefore, the orientation and separation distance must be holistically thought out, taking into account of front, rear and side facing windows to habitable rooms, as these will be protected from significant overlooking and overshadowing where such windows are the primary source of light.

The proposal does not propose any extensions so there will be no further impact with regards to causing any loss of light, privacy or aspect to any neighbouring properties. The

property will also continue to serve as a form of residential accommodation. Additionally, the detached nature of the building and spacing between surrounding properties means the proposed use will not transfer unacceptable noise or disturbance to adjoining uses. Furthermore, Environmental Protection were consulted and raised no objections regarding noise.

#### *Perception and Fear of Crime*

The NPPF states that “*Planning policies and decisions should ensure that developments: 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*” (paragraph 127).

Of the 123 objections almost all stated concerns that the proposed change of use to provide supported housing for the homeless would introduce varying types of anti-social behaviour, such as the use of drugs/alcohol, vandalism, inappropriate language and the perceived risk to children, amongst other anti-social activities, all of which has created a fear of crime associated with the proposal.

The applicant, Spring Housing, has made assurances that there will be staff on site 24hrs a day to manage the facility. This comprises two members of staff on weekdays and one member of staff at weekends. The site has a high-quality CCTV system which will be retained and the main door will be secured by an entry fob system. Internal rooms will all have individual locks. An external lighting system will be installed to include a sensor system. If the application

This scheme aims to provide supported housing provision for individuals aged 25 years or above. Referrals are received directly from Coventry City Council through a triage system, predominantly through the Temporary Accommodation Team. Officers will assess all referrals and discuss with Spring Housing where appropriate. The Agent states that in terms of who is placed at the facility, it is not prescriptive, but the proposed facility is for people with a range of support needs, which can include physical and mental ill-health. On average, residents usually stay for 12 months. Spring Housing work in conjunction with Coventry City Council who will also offer additional support to residents at Spencer Road.

Policy H8 refers to supported housing types and states that such schemes will be encouraged in areas that are accessible by a choice of means of transport and that are situated in close proximity to key local services. It further advises that proposals should be of a high quality and design and be compatible with the character of the surrounding area and that new homes brought forward under this policy need to be in close proximity and accessible to a wide range of services and facilities.

With this in mind and the security measures to be implemented, it is considered that reasonable measures have been put in place to prevent anti-social activities emanating from the property. If approved, a condition will be imposed requiring the applicant to provide an on-site management plan to include further safety and anti-social measures, as advised by West Midlands Police.

## **Impact on Visual Amenity and the Character of Kenilworth Road Conservation Area**

Section 12 of the National Planning Policy Framework 2019 (NPPF) outlines the Government's commitment to good design and attaches great importance to the design of the built environment, highlighting it as a key aspect of sustainable development. Consequently, decisions should aim to ensure that developments are visually attractive as a result of good architecture and appropriate landscaping.

The NPPF further states that "where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development". However, "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents" (130).

Furthermore, Policy DE1: Ensuring High Quality Design, states: "All development proposals must respect and enhance their surroundings and positively contribute towards the local identity and character of an area". In reference to new housing Policy H3 states that new residential development must provide a high-quality residential environment to help urban regeneration and create sustainable communities with adequate amenity space and car parking provision and be safe from environmental pollutants, excessive noise and air quality issues.

Local Plan Policy HE2 reflects NPPF policy and states that development proposals involving heritage assets in general and listed buildings in particular, should acknowledge the significance of the existing building and the area by means of their siting, massing, form, scale, materials and detail.

The application site is located within Kenilworth Conservation Area and within close proximity to King Henry VIII School Grade II Listed Building. However, no external physical alterations are proposed to the building, only the change of use. It is therefore considered that the proposal will not harm the special architectural or historic interest or appearance of which the building was listed or appearance and character of the area conserved. The proposed change of use will ensure the building remains occupied and continue to contribute positively to the sense of place and existing character along Spencer Road, and within the wider Kenilworth Conservation Area.

The Conservation Officer was consulted and has no objection to the scheme.

## **Highway Safety**

Policy AC1 refers to developments which will create additional trips on the transport network, whilst AC3 requires safe and appropriate access to the highway system together with satisfactory on site arrangements for vehicle manoeuvring so as to ensure safety for all users and AC4 encourages walking and cycling.

The drawing P20-3198-04-001A shows seven car parking spaces and the provision of seven secure cycle spaces all provided on-site. Once the building is operational there will be two members of staff on-site at any given time during the week. The parking provision is sufficient for both members to have a car parking space and allow for any shift overlap. On weekends, there is one member of staff on-site.

In terms of residents, low-income groups and people who have are experiencing homelessness do not generally have access to or ownership of vehicles. According to the Agent, across all Spring Housing managed sites, vehicle ownership equates to 2%. At a comparable site in Birmingham (24hr Hostel in Edgbaston), 1% of customers residing on site have vehicles. Using the higher figure of 2% across the Group, that Agents states that the proposed development would generate less than one car. Therefore, in the worst-case scenario that four car parking spaces were occupied by staff (assuming two staff on-site and simultaneous shift change) and rounding the resident car ownership to 1 car, there remains spare capacity for two further cars.

In terms of visitor management, customer visitors are not permitted on-site and this forms part of the Spring Housing tenancy offer. Professional visitors, for example, repair contractors, health and other public/third-sector agencies, may visit periodically. As set out above, there is spare capacity to allow for these visitors to park on-site.

Coventry City Council Highways were consulted and raised no objection, subject to conditions relating to the details of the bicycle storage, stating *“In respect of this application the Highway Authority considers that the impacts of the development are not severe and has no objections to the current proposal”*.

### **Developer Contributions**

The NPPF sets out that the planning obligations should be considered where otherwise unacceptable development could be made acceptable. However, paragraph 56 of the NPPF 2019 notes that these obligations should only be sought where they meet all of the following tests:

- a. necessary to make the development acceptable in planning terms;
- b. directly related to the development; and
- c. fairly and reasonably related in scale and kind to the development.

Paragraph 91 of the NPPF also outlines the need for planning to take account of and support local strategies to improve health, social and cultural well-being for all, and deliver sufficient community and cultural facilities and services to meet local needs.

Section 122 (2) of the CIL Regulations reiterates that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is compliant with these three tests. It is therefore necessary to have regard to these three tests when considering the acceptability of planning obligations.

Additionally, Policy IM1: Developer Contributions for Infrastructure of the CLP states that

1. Development will be expected to provide, or contribute towards provision of:
  - a) Measures to directly mitigate its impact and make it acceptable in planning terms; and
  - b) Physical, social and green infrastructure to support the needs associated with the development

No developer contributions are required but the developer is required to enter into a s106 agreement to secure the tenure for homeless accommodation only as any alternative use would require affordable housing.

## **Equality Implications**

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

There are no known equality implications arising directly from this development.

## **Conclusion**

The proposed development is considered to be acceptable in principle and will not result in any significant impact upon neighbour amenity, character and visual appearance of the area or heritage assets, highway safety, or result in increased risk of flooding or contamination, subject to relevant conditions and the signing of a s106 agreement. Together with the aims of the NPPF, the reason for Coventry City Council granting planning permission is because the development is in accordance with the following Coventry Local Plan 2016 Policies: AC1, AC3, AC4, DS3, DE1, H3, H4, H8, HE1 and HE2.

## **CONDITIONS:/REASONS**

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.

**Reasons:** *To conform with Section 91 of the Town and Country Planning Act 1990 (as amended).*

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan P20-1398-01-001; Existing Block Plan P20-1398-02-001; Existing Floor Plans P20-1398-03-001; Proposed Block Plan P20-1398-01-004-001a; Proposed Floor Plans P20-1398-05-001.

**Reasons:** *For the avoidance of doubt and in the interests of proper planning.*

3. The change of use of the building hereby permitted shall not be occupied unless and until cycle parking facilities have been provided in full accordance with the approved details. Thereafter those facilities shall remain available for use at all times and shall not be removed or altered in any way.

**Reasons:** *In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable city in accordance with Policies DS3, AC3 and AC4 of the Coventry Local 2016.*

4. Prior to their incorporation into the development hereby permitted, an on-site Management Plan to include Secured By Design security measures in accordance with details to be submitted to and approved by the local planning authority.

Within the On-site Management Plan we would like to see: CCTV; vandal proof lighting and access control systems; a suitable key fob operated access control system; internal doors to resident's bedrooms be fitted with anti-barricade doors, which can be opened outwards as well as in; that all first floor opening windows be fitted with robust limiters to reduce the potential for a resident jumping, or falling, out; staff only offices/areas must be protected by a lockable door of solid construction and capable of withstanding bodily attack and to LPS 1175 SR 2; panic attack alarms shall be made available to staff members and also implemented in all office areas; details of a security lighting scheme with movement-monitored sensors to be located to the rear yard/garden area; details of the bin storage area showing that they capable of being locked and secured; the cycle parking area shall be located in a secure unit and must be capable of being lit at night using vandal resistant, dedicated energy efficient light fittings and energy efficient lamps; shall be submitted to and approved in writing by the Local Planning Authority. These measures shall be installed in full accordance with the approved details prior to the first occupation of the development and thereafter shall be retained and shall not be removed or altered in any way.

**Reasons:** *To ensure Secured by Design standards are met, in the interests of safety and security and the health and wellbeing of future occupiers of the development in accordance with Policies DS3, H3 and DE1 of the Coventry Local Plan 2016.*