

<b>Planning Committee Report</b>	
<b>Planning Ref:</b>	FUL/2021/0315
<b>Site:</b>	97 Broad Lane
<b>Ward:</b>	Earlsdon
<b>Proposal:</b>	Change of use from (C3) Dwellinghouse into (C2) Children's Care Home for four children
<b>Case Officer:</b>	Darren Henry

## SUMMARY

The application seeks to change the use of the property to provide a care home for vulnerable children between the ages of 6 – 17 who have social and emotional difficulties. The number of children in the care home will be limited to five and they will be supported by three members of staff at all times on a rota basis, including at night. The Planning Statement states that all of the children in care will attend mainstream schools or colleges during normal school term times. At all other times, the children will be resident within the home as a single household, not too dissimilar to a family, engaged with structured activities.

## BACKGROUND

The application site is located within a suburban area of Coventry, within the ward of Earlsdon. The surrounding area is predominantly housing.

Although the Council has no planning record, the property was previously registered with Ofsted for use as a home for children with Autism and learning difficulties, quite different from what is being proposed here, which is a care home for children with social and emotional behavioural difficulties, whereby routines will be in place to create a more balanced and structured pattern of living not too dissimilar to how families go about their lives.

A children's care home comes under a C2 use class (Residential Institutions). Other uses under this use class include other care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres. It should, however, be noted this class is separate from a C2a (Secure Residential Institution) use class which covers young offender's institutions, prisons, secure hospitals etc.

## KEY FACTS

<b>Reason for report to committee:</b>	16 letters of objection have been received as well as a petition with 33 signatories objecting to the proposal.
<b>Current use of site:</b>	Existing residential property
<b>Proposed use of site:</b>	To change the use to a care home for children.

## RECOMMENDATION

Planning committee are recommended to grant planning permission subject to the conditions listed within the report.

## **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.
- Together with the aims of the NPPF, the proposal accords with Coventry Local Plan Policies:

AC2: Road Network

AC3: Demand Management

DE1: Ensuring High Quality Design

DS3: Sustainable Development Policy

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

## **APPLICATION PROPOSAL**

The application seeks to change the use of the building from a dwelling (C3) to a children's care home (C2), thereby remaining as a residential property. The property will provide a safe environment for four vulnerable children between the ages of 6 – 17, along with two live-in members of staff, plus a further professional member of staff to provide 24-hour on-site support, in strict compliance with OFSTED'S required operating guidelines.

The proposed use will result in the loss of a single dwelling house; however, the loss of one housing unit is considered not to have a significant detrimental impact on the Council's overall housing delivery strategy.

## **SITE DESCRIPTION**

The application site is located on the south side of Broad Lane, with No. 91 to the east and No.99 to the west. The property is detached, with gable ends to the front and rear and the main entrance located to the side facing No.91.

To the front is a good-sized garden which has been hard-landscaped, with a driveway leading to a garage to the rear. The side boundaries of the front garden consist of mature hedging and continue to the rear, where there is an extensive rear garden, bounded by mature hedging with No.99 and panel fencing with No.91.

## **PLANNING HISTORY**

There have been a number of historic planning applications on this site, as set out below:

<b>Application Number</b>	<b>Description of Development</b>	<b>Decision and Date</b>
R/1999/0889	Construction of replacement dormer detached bungalow and detached garage	Approved 2 <sup>nd</sup> December 1999
R/2000/0986	Construction of replacement dormer detached bungalow and detached garage	Approved 23 <sup>rd</sup> May 2000

	(Discharge of Condition No. 2 (in part) samples of external facing and roofing materials)	
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**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:

AC2: Road Network

AC3: Demand Management

DE1: Ensuring High Quality Design

DS3: Sustainable Development Policy

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

**Supplementary Planning Guidance/ Documents (SPG/ SPD):**

SPD Coventry Connected

**CONSULTATION**

No objections subject to conditions received from:

- Coventry City Council Environmental Protection
- Coventry City Council Highways
- West Midlands Police

16 letters of objection have been received, along with a petition with 33 signatories objecting to the proposal, stating the following material planning considerations:

- When Rowan House Care Home was active there was Anti-social behaviour problems on a regular basis, missing persons, drug taking and criminal damage.
- It is an antiquated myth that putting people with problems in an affluent area is a good thing. It is misleading.
- Around the corner from the care home is one of the poorest housing estates in Coventry, which has a large level of minor crime and will be attractive to children with issues.

- Approval of this application will mean houses at 97, 135, and 162 Broad Lane, which are located within around 200m of each other, have the same use. These facilities should be spread across appropriate districts rather than concentrated in specific areas.
- The use will create exponential noise.
- Concerned for personal safety.
- Changing the status for the subject property from a dwellinghouse to a childcare home is not in keeping with properties within the immediate vicinity.
- The inclusion of three permanent members of staff on site as highlighted will inevitably see an increase in movement, noise and potential disturbance.
- The age band of 6 to 17 is very wide. However, the children are referred to as young people in the planning statement and not children which indicates all residents will be teenagers.
- The increase in this footfall will have a significant increase on noise levels which will be even more unacceptable to what we have previously experienced. The increase in footfall will also impact on our privacy due to proximity to neighbouring property.
- In section 5.11 of the planning statement it states that children living in care homes that are located in prosperous areas, such as Broad Lane, gain the confidence and aspirations to seek and secure highly skilled and long-term employment. Where is the evidence for this? A similar care home for 11 – 16-year olds was established on Broad Lane. The home was closed down after 19 months due to complaints from local residents due to the negative impact on the economic, social and environmental conditions of the area. This clearly demonstrates this type of dwelling is not beneficial.
- Object to the fact that it is close to a staggered junction with traffic lights. We have lived in Broad Lane for 11 years and there has been several accidents at this junction.
- Several comments received in relation to not receiving a consultation letter.
- If the residents are youth offenders, or being housed until they are old enough to be placed in secure institutions, there would be potential for anti-social behaviour e.g. hiding in people's gardens, damage to property, burglaries, groups of their friends congregating at entrance to property, or on the pavements nearby, plus police cars attending on a regular basis.
- The parking is very inadequate for use as a children's home due to the narrow driveway at the side of the property and only one parking space at the front of the property. When staff change over, it will be necessary to shuffle vehicles in and out of the driveway on to Broad Lane which disrupts traffic at the traffic light-controlled box junction with Wildcroft Road and Broadlands Close.
- The impact of children living at the address especially those with behavioural problems will have an impact on the elderly and other residents re noise pollution and possible anti-social behaviour problems as per the previous care home on broad lane a few years ago.

One letter of support has also been received, stating:

- There is great need for care homes for vulnerable children, particularly ones in a nurturing environment where there are opportunities to gain independence and prepare young people for the real world.

The Agent has also provided a number of benefits likely to result from the proposal, including:

- The care home will employ highly skilled, experienced staff to ensure the children have every opportunity to grow and thrive in a safe and nurturing environment.
- The children will experience a positive family lifestyle, in high-quality accommodation for, in some cases, the first time in their lives.
- The children will benefit from invaluable advice, guidance and direction
- The care home will ensure full attendance by each of the five children at the local schools, and that the children receive wholesome meals and that dental and doctor's appointments are fulfilled.
- The children will also receive access to broad leisure and recreational facilities, and a commitment to building upon each of their strengths.
- The proposal, which requires a number of support staff, will bring employment to Coventry, boosting its Health & Social Care sector.
- As a result of the support the children receive, they will receive have the best chance possible of obtaining employment, bolstering Coventry's economy in the process.
- The children will be encouraged to engage in fundraising events and other community activities to give them a sense of belonging,
- The proposal will support Local authorities by helping them to accommodate children at risk.

## **APPRAISAL**

The main issues in determining this application are: principle of development, the impact upon neighbouring amenity, design and visual appearance, landscape and trees, impact on highway safety and heritage

### **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 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, which states that *"(1) Proposals for care homes, nursing homes and other specialist and supported forms of housing for the elderly and those requiring care 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, and (2) Proposals should be of a high quality and design and be compatible with the character of the surrounding area"*.

The proposal is in accordance with Policy H8 as the site is within a sustainable location, close to schools, job opportunities and sustainable transport modes and its use will not detract from the existing character and appearance of the area.

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

### **Impact on residential 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 applicant states that the care home will be run similar to a family home. Indeed, the building itself was constructed as a dwelling and would generally retain a standard arrangement of rooms found in most homes, albeit with a staff room, including 7 bedrooms, 4 for the children and 2 for the staff, a lounge, kitchen and 2 bathrooms. In terms of the outside amenity space there is a large rear garden and patio area.

### *Impact on privacy*

There would be no changes to the property in terms of the position and size of windows in the existing dwelling. Objectors have however raised issues with regard overlooking of properties to the front. It is however considered there would be no difference to the potential of overlooking from that of the existing use of the building.

Therefore, there would not be a significantly greater impact from overlooking and loss of privacy as a result of the proposed use as compared to that of the existing dwelling.

### *Noise and disturbance*

Objectors have raised concern over noise and disturbance, stating the area is a quiet residential area and that the proposal will result in excessive noise, as well as light pollution disturbance from shift changes and the comings and goings of traffic.

In response to these issues, the property is relatively large, detached and is set within its own grounds with plenty of off-street parking. The number of staff required is low and the scale of the running of the care home would more than likely not require significant comings and goings, no more unusual than a normal family. There will always be two trained staff on-site. The two live-in staff will operate on a shift pattern of two days on, four days off and handovers will be around 10am or 11am. The carers will have their own bedrooms to sleep in every night, and the carers will alternate every 2 days.

This means that there will be care staff in the house 24 hours a day, seven days a week, who will be supported by a Manager with Level 5 Leadership from Mondays to Fridays between 9:00am to 5.00pm.

During unsociable hours, like most homes, it is expected the residents would be more than likely asleep or within the house. Therefore, whilst there may be some increased impact; it is considered likely that there would not be a significantly greater impact from noise and disturbance than could be experienced from the existing use.

Coventry City Council Environmental Protection Officers were consulted and did not raise any issues with regards to noise and disturbance.

### **Impact on the character of the 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.

In terms of the character of the area, objectors have stated that the area's character would change for the worse due to the proposal and the commercial aspect of the proposed care home. Whilst there may be a slightly more intensive use of the property, in all probability, due to the small scale of the proposal and it being run in a similar way to that of a family household, it is considered that proposed use will not be any different from that of its current use as a C3 dwelling.

It is therefore considered the proposal would not warrant a refusal reason on this issue.

### *Perception and Fear of Crime and Anti-Social Behaviour*

Objection has been received from local residents who suggest this proposal would result in an increase in crime, vandalism, anti-social behaviour and police call-outs in the area and that this would affect the amenity of the residents and character of the area, referencing issues at previous care homes in the vicinity.

Whilst the objector's concerns are noted and highlight potential issues that can result from the running of care homes, there is no actual link between this care home and others previously in the area. It could be the case that the proposed children's home would not result in such significant issues. The behaviour of the occupiers, however, would be a matter for the individuals in the home and the management of it.

In one case law example (Bromley 02/12/1994 DCS No 033-844-797) a Planning Inspector states "that the frequency of bad behaviour would be difficult to predict and would depend on individual children and the supervision they received. These were personal matters not concerned with the use of the property".

Whilst in the opinion of objectors, the home would result in crime and anti-social behaviour to the detriment of the character of the area and the community, it should be tempered with the fact that the home will be staffed 24/7 by care workers and a manager and that the home will be registered with OFSTED.

Whilst a children's care home does not require internal CCTV cameras, nor would that be Ofsted compliant, the applicants would be willing to accept CCTV on the outside of the property to safeguard children from any potential intruders. The use of external CCTV would be solely for the purpose of security. Furthermore, the WM Police have recommended several Secured By Design Measures to help reduce the potential for crime at the property, which if approved, will be imposed as a condition of the approval.

Whilst any incidences of anti-social behaviour would not be welcomed, there is no evidence that such behaviour will occur at the proposed children's care home. Indeed, it is much more likely that the children will benefit from a structured lifestyle akin to how a family operates its daily routines, as opposed to entering a life of crime or causing anti-social behaviour. Therefore, it is considered that the use of the land, as a care home, would not warrant a refusal for this issue.

### **Parking and Highway Safety**

The property benefits from a garage and a large driveway for four cars, three of which will be for staff and one available for a visitor. There are also good links to public transport for sustainable travel options.

Objectors have detailed that the off-street parking may not be usable as they state the access is dangerous and is next to a junction with traffic lights. If permission is granted it is unlikely that on-street parking would occur as it is restricted due to double yellow lines.

Coventry City Council Highways were consulted and have stated that in respect of this application the Highway Authority considers that the impacts of the development are not severe and has no objections, subject to conditions relating to bicycle storage.

### **Other Issues**

Comments have been made regarding the legalities of the consultation and stating that wider consultation should have taken place. The Development Management Procedure Order sets out the minimum requirements for consultation which, in this case, would require adjoining neighbours or a site notice. The consultation carried out has been far more extensive than required.

### **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 and any highway issues and therefore recommended to Members grant planning permission subject to relevant conditions. 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, DE1, and H8.

### **CONDITIONS:/REASONS**

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

**Reason:** *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 139 GA001A Issue 2.

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

3. Prior to occupation of the Care Home hereby permitted, details of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be provided in full accordance with the approved details prior to first occupation of the building and thereafter those facilities shall remain available for use at all times and shall not be removed or altered in any way.

**Reason:** *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. Any gas boilers installed on site shall have a dry NOx emission rate of no more than 40mg/kWh. One electric vehicle recharging point per dwelling shall be

provided prior to occupation and shall not be removed or altered in any way and shall be kept available at all times

**Reason:** *To mitigate the impacts of development on air quality in accordance with Policy DS3 of the Coventry Local Plan 2016 and the aims and the objectives of the NPPF (RAQ2).*

5. Prior to occupation of the development hereby permitted, an on-site Management Plan to include Secured by Design security measure shall be submitted to and approved in writing by the local planning authority. Details to be submitted shall include:
- i. First floor windows with limiters
  - ii. Installation of an Intruder alarm
  - iii. Installation of external CCTV cameras at the front and back of house
  - iv. Retention of 1.8 metre boundary fence to the sides and rear of property.

**Reason:** *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.*