

Planning Committee Report	
Planning Ref:	PL/2023/0001118/FUL
Site:	19 Camelia Road, Coventry, CV2 1LG
Ward:	Longford
Proposal:	Change of use from residential (Class C3) to residential care home (Class C2) for use as children's home
Case Officer:	Holika Bungre

SUMMARY

The application proposes the change of use from a 3-bedroom dwellinghouse to a small Children's care home for up to 2 children, with no physical additions or alterations to the property.

KEY FACTS

Reason for report to committee:	Application is recommended for approval, but over five objections have been received
Current use of site:	C3 Dwellinghouse
Proposed use of site:	C2 Children's Care Home

RECOMMENDATION

Planning Committee are recommended to grant planning permission subject to conditions.

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 accords with Policies: DS3, H8, DE1, AC1 and AC3 of the Coventry Local Plan 2016, together with the aims of the NPPF.

SITE DESCRIPTION

The application site relates to a 3-bedroom dwellinghouse located to the south side of Camelia Road off Almond Tree Avenue in the Longford Ward. This property and the houses along this road are accessed by foot only, with an open area of green space to the front.

The area is residential in nature and there are good transport links including bus stops in Hall Green Road and Almond Tree Avenue within a 5–6-minute walk away, which include access to a number of bus routes including 20A, 78, 78A and 703. The nearest designated Local Centre is the Bell Green District Centre, accessible by bus or a 13-minute walk, with a number of other amenities and facilities within this distance.

APPLICATION PROPOSAL

The application seeks planning permission for the change of use of a 3-bedroom dwellinghouse (Use Class C3) to a small Children’s care home (Use Class C2) for a maximum of 2 children, between the ages of 10 and 18 who would live and socialise together, akin to living in a family environment. The children that would be housed may have complex needs including learning disabilities such as autism or ADHD.

Within the property it would involve 2 bedrooms being allocated for the children, and one bedroom for a permanent live in carer at all times (although this would have a changeover of staff on up to 12-hour shift patterns). The home would be staffed 24/7.

The applicant is Better Oasis, who are a Care Quality Commission assessed care provider subject to set responsibilities and inspections. The applicant’s statement explains that they currently provide such care services to Councils and they seek to work with Coventry City Council Children’s Services to offer this and potentially a number of their other properties (subject to all usual permissions), to help the community and provide towards the shortage of properties available to house looked after children. While the content and nature of discussions between them is not known to the Planning Department, the Children’s Services Department are aware that the applicant is making this application.

Their statement also explains that they use regulated and vetted care staff to provide their care services, which is not only positive and safe for the children, but the communities in which these properties exist.

PLANNING HISTORY

None

POLICY

National Policy Guidance

National Planning Policy Framework (NPPF) September 2023. 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 6th December 2017. Relevant policy relating to this application is:

Policy DS3: Sustainable Development Policy

Policy H8: Care Homes, Supported Housing, Nursing Homes and Older Persons Accommodation

Policy DE1 Ensuring High Quality Design

Policy AC1: Accessible Transport Network

Policy AC3: Demand Management

Supplementary Planning Guidance/ Documents (SPG/ SPD):

SPD Coventry Connected

CONSULTATION

Statutory

No Objections received from:

- Highways

Non-statutory

No Objections received from:

- Environmental Protection
- Archaeology

Neighbour consultation

Immediate neighbours and local councillors have been notified; a site notice was posted on 07/08/2023.

6 letters of objection have been received, raising the following material planning considerations:

- a) There is no parking outside the property, which will be needed for staff.
- b) Request for more details about the proposals and why it is needed.
- c) Not a suitable property or plot as too small and not detached.
- d) Disturbance expected from this type of use.
- e) Questions over planning process and assessment and if notification process was followed correctly, which it has been.

Within the letters received the following non-material planning considerations were raised, these cannot be given due consideration in the planning process:

- f) The property is currently being used as an air bnb.
- g) Parties, nuisance and antisocial/criminal behaviour associated with the property currently.
- h) The property is not maintained well currently.
- i) This use would devalue nearby properties.
- j) Area to the front is for the use of young children up to the age of 5.

Any further comments received will be reported within late representations.

APPRAISAL

The main issues in determining this application are the principle of development and highway considerations.

Principle of development

The National Planning Policy Framework, paragraph 11, states that “Plans and decisions should apply a presumption in favour of sustainable development. For Decision Making, this means:-

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

The National Planning Policy Framework, paragraph 12 goes on to explain that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. In this case the up to-date plan consists of the Coventry Local Plan 2016, which was adopted by Coventry City Council on 6th December 2017. The application should therefore be determined (as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004) in accordance with those policies unless material considerations indicate otherwise.

The courts have made it clear that for the purposes of Section 38(6) it is enough that the proposal accords with the development plan considered as a whole. It does not have to accord with each and every policy in the plan. It is a matter of judgement for the Committee whether the proposal accords with the plan, considered as a whole, bearing in mind such factors as the importance of the policies which are complied with or infringed, and the extent of compliance or breach.

Local Plan Policy H8 states:

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.

2. Proposals should be of a high quality and design and be compatible with the character of the surrounding area.

The proposal is acceptable in principle and are strongly supported by all of the criteria provided in Policy H8 for care homes and supported housing, given their importance and the great shortage and need for such properties. Firstly, the property is situated in an established residential area and a sustainable location, well served by a choice of transport such as the range of bus routes which are accessible within a 5–6-minute walk.

Also the Bell Green Designated Local Centre is accessible by bus or just a 13-minute walk from the property where there are a number of facilities and amenities. Within this distance there are also a range of other facilities such as a local library and a doctor's surgery etc.

As this use would be provided within an existing residential property to which no physical alterations will be made, it will be of a good quality and will remain entirely in character with the surrounding properties and area also. Furthermore the property is suitable and appropriate in its type and scale for what is proposed here – a small residential property for a proportionately small number of children, in a typical residential area; as close to a normal home as is possible for them.

Highway considerations

Proposals for the provision of car parking associated with new development will be assessed on the basis of parking standards set out in Appendix 5.

There will be no change in the density of the development as it will remain a 3-bedroom property, and parking provision will remain as is, on street. It can be confirmed that the parking requirements for this proposal will not change from that of the existing use.

It is worth noting that in terms of the parking needed for the proposal, the numbers of permanent children will be capped at 2 maximum (which will be conditioned), and only 1 adult will be present for the majority of the time. There would be a changeover of staff between shifts where an extra car may briefly be at the property, and very occasionally if there was an incident an extra supporting member of staff may visit also, so generally up to one car would be there all of the time with an extra car briefly at times.

Overall, the comings and goings will be no more than a typical family dwelling of this size, which could often house 2 or more adults (all of which could have cars), plus children, and also any number of people visiting by car for any length of time. Therefore in reality, it's quite possible that less comings and goings would be likely to occur than a normal dwelling. Highways have also not objected to the proposal.

Therefore the proposal will not result in an unacceptable impact on the surrounding highway network from the perspective of the level of traffic being generated, the capacity of the highway, or road safety and is therefore acceptable in highway terms.

Other Matters

As there are no physical changes to the building, there are no visual considerations or to be made within the planning assessment or any neighbour impacts that could usually arise from such alterations or additions.

While comments have been made about the current use, disturbance and antisocial behaviour surrounding the property, the Council cannot confirm if this is the case. In any case if it were, it would be expected that a use of this nature with regulated and vetted staff living there (who are looking after the children at all times, of which there are only 1 or 2), would be a likely improvement in this sense, and would be more controlled than checks that can usually be made on any other typical residential owner or occupier.

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 or highway safety subject to relevant conditions. The reason for Coventry City Council granting planning permission is because the development is in accordance with: Policies DS3, H8, DE1, AC1 and AC3 of the Coventry Local Plan 2016, together with the aims of the NPPF.

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:
Existing Site, Block and Site Layout Plans D-001,
Existing Ground, First and Roof Plans D-002 and
Existing Front, Side and Rear Elevations D-003.

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

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), the property shall only be used as a residential home falling into Use Class C2 and there shall be no more than two residents at any time.

Reason *To ensure that the development is not used in an over-intensive manner, prejudicial to or likely to cause nuisance to occupiers of nearby properties in accordance with Policies DE1, H3 and H5 of the Coventry Local Plan 2016.*