Planning Committee: 21 June 2022
Observations received following the publication of the agenda

ITEM 7 - W/21/1625 - 264 Valley Road, Lillington, Leamington Spa

Further consultee comments

WCC People Directorate have objected to the proposed change of use on the following grounds:

- Lack of dining area
- One of the shower rooms is too small and present accessibility issues
- The kitchen is very small and does not provide sufficient space for children to develop independence skills
- The proposal does not demonstrate how the children's home would be suitable for children who have additional needs such as accessibility, adaptions etc.

The concerns that WCC People Directorate have raised relate to the requirements of the children's home to become a WCC provider for children's care which would need to be applied for and granted separately to the planning permission for the change of use. The care home would also need to be registered with Ofsted which again is separate to the planning process. The requirements for the property to become a WCC provider or Ofsted provider are covered under separate legislation and are not considered material to the consideration of the planning application for the change of use. Rather, it is a case of both planning permission and the relevant approvals from the County Council being needed before the use can commence.

Further public objection comments

- Social services have noted an inadequacy in the accommodation to meet the needs of children in care.
- The children's home is unlikely to prove acceptable for social services/ Ofsted.
- No evidence to demonstrate a need for the care home in this neighbourhood
- The location is close to a park with a history of anti-social behaviour and so an inappropriate location for vulnerable minors.
- No provision shown on the plans for refuse.
- The applicant suggests 5 parking spaces can be accommodated on site which appears as an overestimate.

Additional comments from the case officer to address objections

In terms of the concerns raised over the care home meeting social services standards and Ofsted requirements, the applicant will be required to engage with the relevant authorities when seeking to become a registered provider of care for children and in doing so will need to address any concerns relating to specific requirements and facilities for a children's home. As stated above, this is a separate requirement from the planning process.

In terms of the need for a care home in this neighbourhood, the Local Plan does not require applicants to demonstrate a need for such uses in residential areas. The application site is located within an urban area and in a sustainable location, therefore in principle officers are satisfied that a children's home of this scale is acceptable in this location.

The applicant has stated that any particularly vulnerable young persons will be accompanied during their free time outside of the care home.

In terms of refuse, the site benefits from a large, covered car port to the side of the property that can accommodate bins. The Residential Design Guide SPD sets out the standards for refuse storage, there are no specific refuse standards for a C2 use. Based on the scale of the development officers consider it similar to a single household which is required to provide 1x180L grey bin, 1x240L green bin and recycling containers. The existing car port can accommodate the refuse storage containers which will be out of sight of the public highway.

The driveway parking to the front is substantial and able to accommodate a minimum of 3 cars and in addition the car port can accommodate a further space whilst still providing enough space for refuse storage. The SPD only requires the provision of 2 spaces in any case.

Other

It has been brought to Officer's attention that the site is currently in use as a C4 House in Multiple Occupation (HMO). The property does not benefit from planning permission for the existing C4 use and in the absence of a Lawful Development Certificate to demonstrate that the existing use is lawful, Officers are satisfied that the description of development is correct.

Moreover, the Officer's assessment and recommendation would remain the same even in the event the lawful use of the property was a C4 HMO.

ITEM 9 – W/22/0313 - 68 Braemar Road, Lillington, Leamington Spa.

Further public comments

A further objection has been received on grounds that the proposal will result in further demand for on-street parking as two parking spaces for a four-bed HMO is insufficient.

ITEM 11 – W/22/0432 – 27 Eastfield Road, Leamington Spa.

Further public comments

Additional comments have been received from the neighbouring resident at No.40 Newbold Terrace East, objecting on grounds that due to the size of the apartments at No.39, the rear first floor room is in effect dual purpose as both habitable and sleeping accommodation - i.e. the room is purposed during day time for one use

and at night a bedroom, which would make separation rule 27m for windows not the 22m stated.

The comment also states that the previous dwelling at the site had been designed to avoid overlooking with the side facing window being opaque glazed.

In Officer's view, the window serves a bedroom and therefore in accordance with the adopted Distance Separation Standards, a 22m separation distance is required and is met.