Planning Committee: 21 June 2022 **Item Number:** 7

Application No: W 21 / 1625

Registration Date: 26/08/21
Town/Parish Council: Leamington Spa **Expiry Date:** 21/10/21
Case Officer: Rebecca Compton
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264 Valley Road, Lillington, Leamington Spa, CV32 7UE
Application for a change of use from a single dwelling (use class C3) to a children's residential care home for up to 4 children (use class C2). FOR Mr Malle
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This application is being presented to Committee due to the number of objection comments having been received.

RECOMMENDATION

That planning permission is granted.

DETAILS OF THE DEVELOPMENT

The application seeks permission for a change of use from a residential dwelling to a children's residential care home for up to 4 children. No external alterations ae proposed.

THE SITE AND ITS LOCATION

The application site is a two storey detached dwelling located within a predominantly residential area. The site is located on Valley Road, Leamington Spa.

PLANNING HISTORY

None relevant.

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking

Guidance Documents

- Parking Standards (Supplementary Planning Document- June 2018)
- Residential Design Guide (Supplementary Planning Document- May 2018)

- Royal Leamington Spa Neighbourhood Plan 2019-2029

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Object due to concerns over the impact on neighbouring amenity and the lack of a management plan, details of shift patterns for staff, parking provision and details of where children would be referred from.

Cllr Russell: Objects due to concerns over impact on neighbouring amenity.

WCC Highways: No objection.

WDC Environmental Health: Recommend a condition requiring a management plan.

Public response: 9 objection comments received raising the following concerns:

- Impact on neighbouring amenity
- Inappropriate location for the use
- Impact on the character of the area

5 support comments received on the following grounds:
- Beneficial service for children and the community

ASSESSMENT

The main issues in the consideration of this application are:

- Principle of development
- Impact on adjacent properties
- Access and Parking

Principle of development

Policy DS5 of the Warwick District Local Plan and the National Planning Policy Framework requires consideration of the principles of sustainable development.

The Warwick District Local Plan does not have a policy which specifies where C2 uses should be directed. The application site is an existing residential dwelling that is located within the urban boundary of Leamington and is therefore considered to be located within a sustainable location. Therefore, in principle a C2 use in this location is acceptable subject to compliance with other Local Plan policies.

Impact on adjacent properties

Policy BE3 of the Warwick District Local Plan 2011-2029 states (inter alia) that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

The existing property is a detached residential dwelling located within a residential area. The Environmental Health Officer has been consulted and initially raised an objection on the grounds that a children's residential care home in this location would result in loss of amenity to neighbouring residents.

Subsequently, the applicant has provided further information on how the care home will be managed on a day to day basis and how behaviours will also be managed by staff. This includes a set amount of free time for children to have outside of the home and ensure they return by a set time; sensors are fitted to all external doors to ensure children are not able to leave the home without authorisation or supervision from staff members.

The care home would facilitate accommodation for four young people and a minimum of one carer on site at any one time. There is a potential for increased comings and goings from vehicles due to shift changes and the transportation of residents to schools etc.

Officers consider it is unlikely to be highly dissimilar to a single residential dwelling. It is not considered that there would be any significant changes in character, noise or disturbance to what would be expected from a large family dwelling. As such, it is not considered that the proposed use would have any significant impact on the amenity of nearby residents.

It is noted that a number of objections have been raised from local residents raising concerns over noise and disturbance. Officers also note a number of support comments have been received stating the development will be of a benefit for at risk children and the local community.

The Environmental Health Officer has recommended a condition requiring a detailed management plan for this site to set out how the children's residential care home will operate to avoid any impacts on neighbouring residents. In addition, the management plan would set out how residents can proactively work with the care home to ensure any impacts on neighbours are minimised. Subject to a condition requiring a management plan, the proposal would comply with Local Plan Policy BE3.

Access and Parking

Policy TR3 of the Warwick District Local Plan 2011-2029 states that development will only be permitted that makes provision for car parking that does not result in on-street parking that is detrimental to highway safety. It also requires development to comply with the Parking Standards SPD. Policy BE3 states that development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

The adopted parking standards require the following car parking provision for a C2 use; 1 space / 3 residents staff + provision for an ambulance.

The supporting information confirms that the site will accommodate up to 4 children. The application site benefits from front driveway parking with ample space to accommodate the required 2 parking spaces. The Highways Authority have been consulted and have raised no objection to the proposals.

The proposal is considered to comply with Local Plan Policy TR3.

Other matters

The development does not propose any external alterations to the property and so the development would not have a harmful impact on the street scene.

Summary/Conclusion

It is considered that the proposed change of use would not have an adverse impact on the amenities of adjacent properties by creating unacceptable levels of noise and disturbance and is considered to comply with Local Plan policy BE3.

CONDITIONS

1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing D1-A, and specification contained therein, submitted on 26th August 2021. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

3 The development hereby permitted shall not be occupied unless and until an Operational Management Plan relating to the activities to be carried out pursuant to this planning permission has been submitted to and approved in writing by the District Planning Authority. The Operational Management Plan shall detail the measures that will be taken to minimise impacts on existing residential amenity, including noise and anti-social behaviour. Upon receipt of the written approval, the agreed Operational Management Plan shall be implemented and thereafter all activities taking place pursuant to this planning permission shall be carried out in accordance with its provisions. The plan shall be reviewed, and this review agreed in writing by the District Planning Authority every year following approval. **Reason**: To secure a satisfactory form of

development in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

4 The development hereby permitted shall not be occupied by more than 4 children at any time. **REASON**: To protect the amenity of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.