

**DEVELOPMENT CONTROL AND REGULATORY BOARD****9th SEPTEMBER 2021****REPORT OF THE CHIEF EXECUTIVE****COUNTY COUNCIL APPLICATION****PART A – SUMMARY REPORT**

APP.NO. & DATE:	2020/0600/04 (2021/Reg3Mi/0055/LCC) 14 th April 2021
PROPOSAL:	Change of use from a dwellinghouse (C3) to a children's home for over 16-year-olds (C2).
LOCATION:	72 Southfield Road, Hinckley, LE10 1UB
APPLICANT:	Children & Family Services, Leicestershire County Council
MAIN ISSUES:	Principle of development Parking and highways Activity and disturbance Fear of crime.
RECOMMENDATION:	Permit subject to conditions.

Circulation Under Local Issues Alert Procedure

Mr. S. Bray CC

Officer to Contact

David Wallis (Tel. 0116 305 3835).
Email: planningcontrol@leics.gov.uk

PART B – MAIN REPORT

The Site and Surroundings

1. Southfield Road connects Hawley Road to the West and Park Road to the East, on the edge of Hinckley. The road runs adjacent to the Leicester-Birmingham railway (approximately 50m to the South). The application site lies to the North of Southfield Road and outside Hinckley Town Centre as defined by Hinckley Town Centre Area Action Plan.
2. Southfield Road is made up of residential properties with commercial premises found towards Hawley Road and Park Road. The residential dwellings comprise a mix of detached and semi-detached properties with some spaces for off-street parking between the house frontages and the highway. Parking also occurs on both sides of the highway. There are no single or double yellow lines within the immediate vicinity.
3. The infrastructure / services listed below can be found close to the application site:
 - a. Station View Health Centre: 350m
 - b. Station Road bus stop: 460m
 - c. Hinckley railway station: 500m
 - d. Nearest supermarket: 520m
 - e. Hinckley town centre: 800m
 - f. Hastings High School: 1.1km
4. 72 Southfield Road is a detached dwellinghouse, sharing a driveway with the neighbouring 74 Southfield Road to the West. This provides access to garages at the rear of both properties. The garage at No.72 is 8.3m in length and 3.4m in width. Approximately 30 square metres of usable off-street parking space exists in front of the house within the application site, providing space for one vehicle. The property immediately adjacent to the east, 70 Southfield Road, is also residential.
5. The dwelling has four bedrooms over three floors with three reception rooms on the ground floor with a total Gross Internal Area (GIA) of 142 square metres.
6. The application site is within Flood Zone 1 (less than 1:1,000 annual probability of flooding). It is not within a conservation area, SSSI nor any other relevant international, national or local designated area.



Planning History

7. The property has been extended under two planning permissions (ref. 02/01056/FUL and 03/00737/FUL), which were granted by Hinckley and Bosworth Borough Council in 2002 and 2003 respectively.

Description of Proposal

8. The application seeks to change the use of the property (currently class C3) to a residential care home (class C2), which the applicant has stated will accommodate three people over the age of 16. The applicant indicates that two care-giving staff would be on-site at any given time, working to a 24-hour shift pattern and be responsible for the running of the home on a day-to-day basis.
9. No external alterations are proposed. Some internal alterations would be required to ensure the property meets specific safety requirements, however as

the building is neither within a Conservation Area nor a Listed Building, these do not require planning permission and therefore do not form part of the application.

10. The applicant has stated that the home would help to provide a safe and structured group living environment, capable of enhancing young people's development in preparation for adulthood.
11. The applicant has stated that most residential homes of this type are provided outside the county, which can cause trauma for young people moving away from familiar surroundings and existing support networks. For this reason, the applicant has identified a need to provide placements within Leicestershire.

Planning Policy

The Development Plan

12. *Hinckley and Bosworth Local Development Framework Core Strategy* (adopted December 2009). The relevant policy is Policy 1: Development in Hinckley. Relevant Spatial Objectives are:
 - a. 1: Strong and Diverse Economy
 - b. 5: Housing for Everyone
 - c. 8: Stronger Safer Communities
 - d. 11: Built Environment and Townscape Character
 - e. 13: Transportation and Need to Travel
13. *Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document* (adopted July 2016). The relevant policies are:
 - a. DM1: Presumption in Favour of Sustainable Development
 - b. DM7: Preventing Pollution and Flooding
 - c. DM10: Development and Design
 - d. DM17: Highways and Transport
 - e. DM18: Vehicle Parking Standards

National Policy

National Planning Policy Framework (NPPF)

14. In summary, the relevant paragraphs are:
 - a. 8 b) Social objective to provide strong, vibrant and healthy communities through a well-designed and safe built environment, with accessible services that reflect current and future needs and support communities' health, social and cultural well-being.
 - b. 92 a) Decisions should promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other through mixed use development (among other things).

- c. 92 b) Decisions should aim to achieve safe and accessible places so that crime and the fear of crime do not undermine quality of life or social cohesion.
- d. 93 e) Decisions should ensure an integrated approach to considering the location of community services (among other things).
- e. 119 Decisions should promote effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- f. 130 a) Development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- g. 130 c) Development should be sympathetic to the local character and history whilst not preventing appropriate innovation or change.
- h. 130 f) Decisions should 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.

Consultations

- 15. **Hinckley and Bosworth Borough Council (Planning)** – No objection.
- 16. **Hinckley and Bosworth Borough Council (Environmental Health)** – No objection.
- 17. **Highways Authority** – No objection subject to existing parking provision being maintained by condition.
- 18. One space is identified to the front of the property where the available dimensions of the parking area are 7.1m x 4.5m, a second space is identified within the garage to rear of the property that provides a parking area of 8.3m x 3.4m. While the space to the front of the property runs parallel with the highway and the property also lacks turning provision, the parking available at the site is an existing situation.
- 19. As a four-bedroom dwelling, three parking spaces would be required for the property as per the guidance within Part 3, Paragraph 3.173 of the Leicestershire Highway Design Guide. The property therefore currently lacks one parking space which is also the case for the existing dwelling. Should the owners of the property in its current residential use own three cars or have a visitor, they would have to park elsewhere.

20. At staff changeover times, the LHA consider there could be a situation where two members off staff are already parked within the site and two new members of staff arrive and have to park elsewhere. While the LHA would usually have concerns with proposals that could generate an increase in on-street parking on a B classified road, there is a level of on-street parking which already occurs along Southfield Road. If visitors were not present at the site during staff changeover times for example, the proposals could represent an increase in a single vehicle needing to park off-site in comparison to use of the property as a dwelling.
21. Given this, and the fact there do not appear to have been any Personal Injury Collisions within the vicinity of the site within the last five years that involve parked vehicles, and the site being near to Hinckley town centre, the railway station and bus stops, the LHA consider it would be difficult to defend a reason for refusal. The LHA therefore have no objection to the proposed parking arrangements.
22. **Leicestershire Police (Designing Out Crime Team)** – No comment received.

Publicity and Representations

23. The application has been publicised by means of site notice and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement.
24. Several letters of representation were received, comprising 13 objections within the statutory period in addition to other objections outside this period, raising objections on the following grounds:
 - a. inappropriate location of the proposed development;
 - b. parking and highways issues;
 - c. activity and disturbance;
 - d. fear of crime;
 - e. housing supply.
25. It should be noted that several representations include reference to negative impact on property value and re-saleability, however these are not material planning considerations and therefore cannot be considered in this determination.
26. The LHA requested further details regarding the demarcation of parking spaces and measurements of area available to park an appropriate vehicle. The applicant's response to this request was made publicly available online via LCC's Planning Record.
27. The material planning issues raised are considered in the Assessment of Proposal section of this report.

Assessment of Proposal

Principle of Development

28. 72 Southfield Road has the existing lawful use as a dwellinghouse which falls within the C3 Use Class.
29. The C2 Use Class is currently a distinct and separate use class from the C2a Use Class. C2a comprises secure residential institutions, such as prisons, young offenders' institutions and secure hospitals. As such, if the proposed application is permitted, a separate express grant of planning permission from the planning authority would be required to convert the premises to C2a use.
30. The proposal of a C2 facility, as opposed to a C2a facility, is identified by the applicant to meet the needs of Leicestershire County Council (LCC) as the relevant care provider. The application seeks approval for a residential institution rather than a secure institution.
31. The application proposes to use the premises as a residential institution. The premises is located in a residential setting, which is the type of context that is appropriate for a use of this type.
32. Whilst the principle of a residential institution use within a residential area is accepted, it is necessary to consider the aspects of the proposed use which could function differently to a dwellinghouse and may have the potential to adversely affect the amenity of the area.

Planning Policy Assessment

33. The NPPF requires LPA decisions ensure sustainable development. The proposal would provide a facility for the people of Leicestershire, reflecting current and future social needs. It would therefore support the local community's health, social and cultural well-being. In this regard, the proposal adheres to Paragraph 8b of the NPPF.
34. NPPF Paragraph 92a requires that development should promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other through mixed use development (among other things). The proposed change of use would enable opportunities for children in care to integrate with their community in line with Paragraph 92a. This integration would also be supported by Paragraph 93e by ensuring an integrated approach to the location of community services.
35. Paragraph 93b requires that planning decisions take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community. In this regard, the Borough Council's Young People's Strategy 2018 to 2022 is relevant as this seeks to enable young people to:

- a. Gain employment and be ready for work
- b. Empower young people to make informed choices and shape their future
- c. Enjoy life
- d. Be healthy
- e. Be safe and feel safe.

Leicestershire County Council's Children and Family Services Departmental Plan (2020 – 2023) seeks to help every child to get the best possible start in life. The provision of high-quality placements for children in Leicestershire therefore would align with HBBC's Young People's Strategy, LCC's Children and Family Services Departmental Plan and therefore accord with Paragraph 93b of the NPPF.

36. Policy DM10 of the Site Allocations and Development Management Policies DPD allows development to be permitted where it meets nine criteria (points a-i). Point a) stipulates that development should not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration and visual intrusion. DM10 a) is addressed further in specific sections of this report below.
37. Policy DM10 b) concerns the protection of amenity of occupiers of proposed development. With regard to this application the residential nature of the local area and the residential nature of the proposed development, the amenity of occupiers under the proposed use would not be affected.
38. Policy DM10 c) stipulates that development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. The external appearance of the site would not be affected if planning permission were granted. As such the proposed development does not conflict with DM10 c). Furthermore, DM10 points d) to i) relate to new-built development, which the application would not conflict with.
39. The proposed development therefore accords with the relevant requirements of DM10.

Housing Supply

40. The proposal, if permitted, would result in the loss of a single dwellinghouse. However, it would be replaced by an alternative form of residential facility. Overall, this is not considered significant in the context of local housing supply. Hinckley and Bosworth Borough Council has raised no concerns to the loss of one dwelling.

Traffic, Access and Parking

41. The proposal would be of a relatively small scale in nature, housing a maximum of three children, which is unlikely to result in comings and goings in excess of those which could reasonably be expected in a residential area.

42. The application initially stated that two parking spaces are available at the front of No.72. The LHA requested information regarding the demarcation of existing parking spaces on-site. This clarification is provided, as detailed:
- a. One space is identified to the front of the property where the available dimensions of the parking area is 7.1m x 4.5m.
 - b. A second space is identified within the garage to rear of the property that provides a parking area of 8.3m x 3.4m.

The space to the front of the property runs parallel with the highway and the property also lacks turning provision. These two indicated spaces are shown as per the existing situation.

43. In the context of the existing use as a four-bedroom dwelling, as per the guidance within Part 3, Paragraph 3.173 of the Leicestershire Highway Design Guide, three parking spaces would normally be required for the property. The property therefore lacks one parking space but given that the proposed use is not likely to lead to a material increase in parking demand, a refusal on this basis could not be sustained.
44. Given the existing use and existing parking provision of the property, as well as the anticipated levels in comings and goings associated with a residential area, the LHA have advised that the two existing on-site spaces are acceptable for the proposed development. The highway authority has asked for these spaces to be retained in perpetuity, secured by condition. However, given that there are no controls over car parking for the existing residential use, this requirement is not considered reasonable.
45. The proposed development is therefore deemed to accord with policies DM17 and DM18.

Transport

46. The application site approximately 460m from the nearest bus stop and 500m from Hinckley railway station. The site is in a highly sustainable location and could be accessed by members of staff and visitors via a choice of sustainable transport.

Activity and Disturbance

47. Concerns about noise have been raised by local residents.
48. The proposed use has the potential to create activity and low-level noise typically associated with a normal residential use. It cannot be assumed that residents living at this property would generate any more noise than if the property were occupied as a dwelling. The planning system cannot control the noise that may be created by specific residents who may live at the property. A refusal on this basis could therefore not be justified. Any noise problems would be dealt with

under Environmental Health legislation in the same way as if any noise issues arose in a residential area.

49. Hinckley and Bosworth Borough Council's Environmental Health Officer has raised no objections to the proposed development. As such, the proposal does not conflict with Policy DM10 a) on disturbance grounds.

Crime and Fear of Crime

50. The Core Strategy notes that crime reduction and stronger communities is an issue facing Hinckley and Bosworth Borough.
51. A number of objections raised concern around the potential for increased public nuisance and crime. In assessing this, the existing use must be considered.
52. The fear of crime should only be considered a material planning consideration in cases where evidence exists that the associated development would likely increase crime. No evidence submitted as part of this application indicates that crime might increase if the application were permitted.
53. It cannot be assumed that children living in care would be more likely to behave antisocially or create levels of noise over and above children living in a 'traditional' family unit.
54. Leicestershire Police's Designing Out Crime Team have been consulted, but no response had been received at the time of writing.
55. For the reasons detailed above the proposal is considered not to conflict with the requirements of the NPPF with regard to safe places, especially Paragraphs 8b, 92b and 119 and therefore would not be unacceptable on fear of crime grounds.
56. It is important to note that if matters of poor management or behaviour were to occur as a result of the home these would be a matter for the relevant regulatory bodies.

Residential Amenity

57. As the proposed development would not result in the adding of any external windows there would not be any additional overlooking or loss of privacy as a result of the proposal. As such the proposal would align with DM10 a) on visual intrusion grounds.

Socio-Economic Impact

58. There would be two staff onsite at all times. This is expected to generate 6-8 full time jobs, depending on shift pattern. The creation of local jobs, both directly in care provision and also through other support staff would contribute to Policy 1 of the HBBC Core Strategy in ensuring that there is a range of employment opportunities within Hinckley.

Sustainability

59. To achieve sustainable development, the planning process has three overarching objectives, namely Economic, Social and Environmental. In seeking to provide C2 use, the proposal would meet the Social Objective (paragraph 8b) of the NPPF in that such use would enhance LCC's ability to provide such a service for the people and communities of Leicestershire. Furthermore, the proposed use would facilitate the personal development of young people in a safe and structured environment, supporting those in need of care to live independently. This would directly contribute to the wider community's health, social and cultural well-being.
60. Whilst this justifies the need for such development, the siting of the development must also be considered. It is believed that the provision of an environment to support young people to live more independently should provide the conditions to enable those individuals to successfully integrate with their local community. As such the setting of a children's home on Southfield Road offers a socially sustainable location for the potential residents of the home. In this regard, the proposed development would meet paragraph 92 a) of the NPPF by promoting social interaction especially by providing opportunities for meetings between people who might not otherwise come into contact with each other.
61. For these reasons the application is considered to accord with the sustainability requirements of the NPPF and policy DM1 of the Site Allocations and Development Management Policies DPD.

Conclusion

62. A children's care home is a type of residential use, which is appropriate in a residential area. As such there is no concern with the principle of the proposed development in this location.
63. The proposed children's home would be of a relatively small scale, housing a maximum of three children, which is unlikely to result in an amenity or highway impact above and beyond those potentially occurring from both the existing use of the site and surrounding area.

Statement of Positive and Proactive Engagement

64. In determining this application, the County Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and any valid representations that may have been received. Issues of concern have been raised with the applicant and addressed through the submission of further information. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

Recommendation

1. PERMIT subject to the conditions set out in Appendix A.

Officer to Contact

David Wallis (Tel: 0116 305 3835)
E-Mail planningcontrol@leics.gov.uk

Conditions

1. The development hereby permitted shall be begun within 3 years from the date of this permission.

Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.

2. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the submitted application, documents and recommendations of reports.

Reason: For the avoidance of doubt as to the development that is permitted.

3. No more than three 16+ year olds shall be resident at the site at any time.

Reason: For the avoidance of doubt as to the development that is permitted.

DEVELOPMENT CONTROL AND REGULATORY BOARD

The considerations set out below apply to all the preceding applications.

EQUALITY AND HUMAN RIGHTS IMPLICATIONS

Unless otherwise stated in the report there are no discernible equality and human rights implications.

IMPLICATIONS FOR DISABLED PERSONS

On all educational proposals the Director of Children and Family Services and the Director of Corporate Resources will be informed as follows:

Note to Applicant Department

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970 and the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984 and to the Equality Act 2010. You are advised to contact the Equalities function of the County Council's Policy and Partnerships Team if you require further advice on this aspect of the proposal.

COMMUNITY SAFETY IMPLICATIONS

Section 17 of the Crime and Disorder Act 1998 places a very broad duty on all local authorities 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all reasonably can to prevent, crime and disorder in its area'. Unless otherwise stated in the report, there are no discernible implications for crime reduction or community safety.

BACKGROUND PAPERS

Unless otherwise stated in the report the background papers used in the preparation of this report are available on the relevant planning application files.

SECTION 38(6) OF PLANNING AND COMPULSORY PURCHASE ACT 2004

Members are reminded that Section 38(6) of the 2004 Act requires that:

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Any relevant provisions of the development plan (i.e. any approved Local Plans) are identified in the individual reports.

The circumstances in which the Board is required to "have regard" to the development plan are given in the Town and Country Planning Act 1990:

Section 70(2)	:	determination of applications;
Section 77(4)	:	called-in applications (applying s. 70);
Section 79(4)	:	planning appeals (applying s. 70);
Section 81(3)	:	provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991);
Section 91(2)	:	power to vary period in statutory condition requiring development to be begun;
Section 92(6)	:	power to vary applicable period for outline planning permission;
Section 97(2)	:	revocation or modification of planning permission;

Section 102(1)	:	discontinuance orders;
Section 172(1)	:	enforcement notices;
Section 177(2)	:	Secretary of State's power to grant planning permission on enforcement appeal;
Section 226(2)	:	compulsory acquisition of land for planning purposes;
Section 294(3)	:	special enforcement notices in relation to Crown land;
Sched. 9 para (1)	:	minerals discontinuance orders.

This page is intentionally left blank