



DEVELOPMENT CONTROL AND REGULATORY BOARD

26th OCTOBER 2023

REPORT OF THE CHIEF EXECUTIVE

COUNTY MATTER

PART A – SUMMARY REPORT

APP.NO.:	2023/Reg3Mi/0073/LCC
PROPOSAL:	Change of Use from a dwelling (Use Class C3) to children's home (Use Class C2)
LOCATION:	7 Bruxby Street, Syston
APPLICANT:	Children & Family Services, Leicestershire County Council
MAIN ISSUES:	Principle of Development Parking and highways Activity and disturbance Impact on residential amenity Fear of crime
RECOMMENDATION:	Permit subject to conditions

Circulation Under Local Issues Alert Procedure

Mr. T. Barkley CC.

Officer to Contact

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PART B – MAIN REPORT

The Site and Surroundings

1. The application site is located in the west of Syston on Bruxby Street off Fosse Way. It is located within walking distance of the centre of Syston which has a wide range of facilities including a large Health Centre and is a short distance from Syston Train Station, and in the opposite direction Wanlip Park and Watermead Country Park. In the immediate vicinity there is a retail store adjacent to the petrol filling station at the roundabout on Fosse Way and Wanlip Road and an area of open space including a play park off Archdale Street at the top of Bruxby Street.
2. The property itself is an attractive recently renovated two storey white rendered detached family dwelling with integral garage to the right-hand side which is set back from the street frontage with a gravelled driveway and two openings enabling separate access and egress. Bruxby Street consists of residential properties of varying design, age and size, which helps to create an attractive and welcoming street environment. Number 7 is located relatively close to the junction with Fosse Way.
3. Archdale Street to the west is predominantly terraced, with a mix of residential and commercial uses backing onto the application site on Maiden Street, and the rear gardens of terraced and detached properties on Fosse Way backing onto the side of the rear garden of 7 Bruxby Street.

Location Plan



Planning History

4. In 1979 planning permission was granted for the erection of a porch to the front of 7 Bruxby Street by Charnwood Borough Council (P/79/2339/27). The recent renovation of the property has not required planning permission and the appearance of the property has been updated.

Description of Proposal

5. The proposal involves the change of use from a family dwelling (Use Class C3) to a Children's Home (Use Class C2). The property will primarily be a home for two children, but, occasionally three children. There will be adults in the home directly responsible for caring for the children. At night there will always be an adult in charge of the home and the children's care. The care of the children will be delivered by Barnardo's but the children will be in the care of the County Council.
6. The home will have a registered manager and it will be registered with Ofsted. Other professional adults relating to the care of the children will visit the children in the home from time to time depending on the individual needs of the children.

It is estimated by the applicant that it is unlikely there will be more than three cars present at any one time.

7. It is proposed that the existing study will be used as the Manager's office with all other rooms retaining their current function.
8. Outside the property the existing drive area and landscaping will be retained with landscape management arrangements put in place for maintenance.
9. The Applicant has explained the need for a children's home and the research undertaken to find a home which will work well for the children's needs.

Planning Policy

The Development Plan

Charnwood Local Plan Core Strategy 2011 to 2028 (adopted November 2015)

10. The vision and objectives include "Our community will have access to homes to suit their needs. In particular, there will be a good provision of affordable housing particularly in rural communities. Issues previously associated with houses in multiple occupation will have been managed and social cohesion will have improved" (page 14). Strategic objectives relevant to this planning application include SO2 through to SO6.
11. Syston is identified as a 'Service Centre' on the Local Plan key diagram, this reflects a good range of services and facilities and good transport links enabling Syston to provide for the daily needs of the people living there as well as supporting nearby communities.
12. The key policies of the adopted Local Plan relevant to this planning application are:
 - a. Policy CS1: Development Strategy
 - b. Policy CS3: Strategic Housing Needs
 - c. Policy CS6: Employment and Economic Development
 - d. Policy CS16: Sustainable Construction and Energy
 - e. Policy CS17: Sustainable Travel
 - f. Policy CS21: Watermead Regeneration Corridor Direction of Growth
 - g. Policy CS25: Presumption in Favour of Sustainable Development

Borough of Charnwood Local Plan 1991 to 2006 (adopted January 2004) Saved Policies

13. A number of policies contained within the Borough of Charnwood Local Plan (2004) were saved in accordance with the transitional arrangements set out in Annex 1 to the NPPF. The following saved policies remain relevant to this proposal after the adoption of the Core Strategy:
 - a. Policy EV/1: Design
 - b. Policy TR/18: Parking Provision in New Developments

Neighbourhood Plan

14. There is no Neighbourhood Plan for Syston.

National Policy

National Planning Policy Framework (NPPF, September 2023)

15. 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.

Other Policy Considerations

16. The Charnwood Local Plan 2021 to 2037 is the emerging Local Plan for Charnwood Borough which will replace the current adopted Local Plan in the future, most likely in 2024. It sets out a strategy for growth which seeks to simultaneously safeguard the environment and build healthy communities in Charnwood Borough.
17. It was submitted to Government at the end of 2021 and is currently in the examination stage. Two blocks of hearing sessions have been held and at the end of the examination the Inspector will send a report to Charnwood Borough Council recommending whether or not the emerging Local Plan can be adopted. This stage has not happened yet, though due to the Charnwood Local Plan 2021

to 2037 having reached an advanced stage, significant weight, similar to that of the adopted Local Plan needs to be attributed to the policies within.

18. The relevant emerging Local Plan policies are:
 - a. Policy DS1: Development Strategy
 - b. Policy DS2: Leicester and Leicestershire Unmet Needs
 - c. Policy DS3: Housing Allocations
 - d. Policies HA1 to HA6: Housing Allocations in Syston
 - e. Policy LUA1: Leicester Urban Area
 - f. Policy H1: Housing Mix
 - g. Policy H3: Internal Space Standards
 - h. Policy E1: Meeting Employment Needs
 - i. Policy T3: Car Parking Standards
 - j. Policy CC1: Flood Risk Management
 - k. Policy CC5: Sustainable Transport
 - l. Appendix 4: Design Guidance

19. Note Syston is now identified as part of the Leicester Urban Area with Syston Centre identified as a District Centre.

Consultations

20. **Charnwood Borough Council (Planning)** – No comments received.
21. **Charnwood Borough Council (Environmental Health Officer)** – No objection.
22. **Syston Town Council** – No comments received.
23. **Highways Authority (Leicestershire County Council)** – No objection.
24. The Local Highway Authority Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe.
25. **Leicestershire Police (Designing out Crime Team)** – No objections, however a number of observations are made.
26. Recommendation for access, security and lighting to be in-line with the most-up-to-date building regulations and British Standards.
27. Recommendation to consider CCTV and an alarm system prior to occupation due to the change of use and the children's personal safety, and that CCTV should include number plate recording and coverage of key vehicle and pedestrian access points to the site as well as entry points to the building.

Publicity and Representations

28. 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.

29. Several letters of representation were received from 6 households within the statutory period, raising objections on the following grounds:
- a) inappropriate location of the proposed development;
 - b) parking and highways issues;
 - c) activity and disturbance;
 - d) loss of privacy
 - e) concerns over safety and crime.
30. It should be noted that several representations include reference to negative impact on property value and personal circumstances, however these are not material planning considerations and therefore cannot be considered in this report.
31. During the consultation period, a list of residents' concerns and questions were collated, in which the applicant provided a written response which was sent via email to neighbours and made publicly available online via LCC's Planning Record on 4 October 2023.
32. A further representation was subsequently received from an existing objector, stating that there were lots of questions that had not been answered.
33. The issues raised are considered in the Assessment of Proposal section of this report.

Assessment of Proposal

Principle of Development

34. The proposal is for C2 Use Class at 7 Bruxby Street, Syston, this would require change of use from the existing use as a dwellinghouse which falls within the C3 Use Class.
35. The C2 Use Class is 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.
36. This planning application for change of use seeks approval for a residential institution not a secure institution.
37. The planning application proposes to use the premises as a residential institution and is located in a residential setting which is the type of context that is appropriate for a use of this type.
38. 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

39. The NPPF requires Local Planning Authority decisions to 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, and in this regard, the proposal adheres to paragraph 8b of the NPPF.
40. 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.
41. 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 on the community. In this regard Charnwood Borough Council's Children and Young People's Strategy 2019 to 2024 is relevant as this seeks to ensure children and young people in Charnwood are safe and living in families where they can achieve their full potential, and the Charnwood Local Plan 2011 to 2028 Core Strategy refers in the Strategic Objectives (SO2) to "secur(ing) the provision of accessible facilities and services to meet the needs of all local people, having regard to the particular needs of the young, old and "hard to reach"".
42. Leicestershire County Council's Strategic Plan (2022 to 2026) and LCC's Children and Family Services Departmental Plan (2020 to 2023) share the vision to help every child to get the best possible start in life and the Departmental Plan has a clear ambition to help children in Leicestershire to live in safe, stable environments and have secure attachments. The provision of high-quality placements for children in Leicestershire therefore would align with Charnwood Borough Council's Children and Young People's Strategy, the Charnwood Local Plan, LCC's Children and Family Services Departmental Plan, LCC's Strategic Plan and therefore accords with Paragraph 93b of the NPPF.
43. In the Charnwood Local Plan 2011 to 2028 Core Strategy (adopted November 2015) Syston is identified as a 'Service Centre', this indicates a good range of services and facilities and good transport links providing for the daily needs of people living there as well as supporting nearby communities. In the emerging Charnwood Local Plan 2021 to 2037 Syston is identified as part of the Leicester Urban Area with the centre identified as a District Centre, recognising the sustainable location and evolving role Syston is to take in accommodating new development.
44. The proposal, if permitted, would result in the loss of a single dwelling house. However, it would be replaced by an alternative form of residential provision. This is not considered significant in the context of local or strategic housing supply. Charnwood Borough Council has not raised an objection to the loss of one dwelling.

Traffic, Access and Parking

45. Local residents have raised concerns about the level of traffic and parking that may be generated by the proposal.
46. The proposal if permitted would provide a home for two children, or occasionally three, with adult care givers providing support. There would also be further care giving adults visiting on a less frequent basis. In totality, and in terms of timing, it is unlikely that the vehicle movements would be any different to that of a family home.
47. The Local Highway Authority have advised that in its view the impacts of the development on highway safety would not be unacceptable and when considered cumulatively with other developments, the impacts on the road network would not be severe.
48. The application states that three parking spaces are available to the front of the property on an off-road driveway, and this was confirmed from the officers' site visit. There are two points of access to the driveway providing the opportunity to limit manoeuvring when entering and exiting. This level of parking provision meets both the requirements of Policy TR/18 from the Saved Policies of the Borough of Charnwood Local Plan which would require three parking spaces and Policy T3 of the emerging Charnwood Local Plan which refers to LCC's Highway Design Guide which includes advice on parking standards.
49. Given the existing residential use and existing parking provision of the property, as well as the anticipated levels in comings and goings associated with the proposed use and its location within a residential area, the likely vehicle movements and three existing on-site parking spaces are considered acceptable.

Sustainable Transport

50. The application site is in a highly sustainable location, within walking distance of Syston Railway Station and close to bus services which would enable staff, visitors and residents (older children) to have a choice of sustainable transport.

Activity and Disturbance

51. Local residents have raised concerns about the level of noise and disturbance that may arise from the proposal.
52. The proposed use will have the potential to create activity and noise typically associated with a normal residential use. It cannot be assumed that the residents, in particular the children, living at this property will create more noise than if the property were occupied as a dwelling by a family. 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 any noise issues in a residential area.
53. Charnwood Borough Council's Environmental Health Officer has raised no objections to the planning application for change of use to a children's home.

Crime and Fear of Crime

54. Local residents have raised concern about the potential for increased nuisance and crime.
55. In assessing the potential for increased public nuisance and crime the existing use must be taken into consideration. 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.
56. The measures suggested by Leicestershire Police's Designing Out Crime Team are equally applicable to improving the security of dwellings.
57. The recommendation to consider CCTV prior to occupation cannot be followed through due to the need to protect the privacy of the children and to adhere to Ofsted's strict control on such matters. All other suggested measures will be considered.
58. 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.
59. For the reasons detailed above the proposal is not considered to conflict with the requirements of the NPPF with regard to safe places, especially Paragraph 8b, 92b and 119 and therefore would not be unacceptable on fear of crime grounds.
60. It is important to note that if matters of poor management or behaviour were to occur as a result of the change of use to a children's home these would be a matter for the relevant regulatory bodies.

Residential Amenity

61. Local residents have raised concerns about the potential loss of privacy.
62. An existing side window to the garage is proposed for removal and the proposal does not include the addition of any external windows. As such there would not be any additional overlooking or loss of privacy as a result of the proposal.

Socio-Economic Impact

63. There will be two members of staff on-site at the children's home at night and one member of staff during the day, when the children (if under 16 years of age) will be at school during term time. This is expected to create 4 to 6 full time equivalent posts.
64. The creation of local jobs, both directly in care provision and also through other support staff roles would contribute towards meeting employment needs in accordance with Policy CS6 of the adopted Charnwood Local Plan and Policy E1 of the emerging Charnwood Local Plan.

Conclusion

65. A children's home is a type of residential use which is appropriate in a residential area. As such there is no objection to the principle of the proposed change of use on Bruxby Street in Syston.
66. The proposed children's home would be of a relatively small scale, housing two children, occasionally three children, and adult care givers, and is unlikely to result in an amenity or highway issue above those potentially occurring from both the existing use of the site as a family home and the surrounding residential area.

Statement of Positive and Proactive Engagement

67. 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. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

Recommendation

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

Officer to Contact

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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, and the following plans:

- a) Drawing 1 titled 'Plans as existing' dated 21/07/2023
- b) Drawing 2 titled 'Plans as proposed' dated 21/07/2023
- c) Drawing 3 titled 'Landscape as existing and proposed' dated 21/07/2023
- d) Drawing 4 titled 'Location and block plan' dated 21/07/2023
- e) Drawing 5 titled 'Parking provision' dated 21/07/2023

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

3. No more than three children 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.

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