

Regulatory Committee – 05 September 2023

Change of use of existing dwelling house (Use class C3a) to a Children’s Care Home (Use class C2) including conversion of the garage to office, external alterations and provision of parking spaces, 18 Staines Close, Nuneaton, Warwickshire CV11 6EA.

NBB/23CC002

Application No.: NBB/23CC002

Advertised date: 27/04/2023

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Registered by: The Strategic Director for Communities on 11 April 2023

Proposal: Change of use of existing dwelling house (Use Class C3a) to a Children’s Care Home (Use Class C2) including conversion of the garage to office, external alterations and provision of parking spaces.

Site & location: 18 Staines Close, Nuneaton, Warwickshire CV11 6EA.
[Grid ref: 293425, 437771].

See plan in Appendix A

Recommendation

That the Regulatory Committee authorises the grant of planning permission for the change of use of an existing dwelling house (Use Class C3a) to a children's care home (Use Class C2), including the conversion of the property's garage to an office, external alterations and the provision of parking spaces, subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

1. Application details

- 1.1 This application seeks planning permission for the change of use of an existing detached dwellinghouse (a use falling into Use Class C3 of the Use Classes Order 1987) to a care home for children (within Use Class C2).
- 1.2 The property would accommodate up to four children between the ages of 13 and 17 years who would live and socialise together, akin to living in a family environment. Care would be provided 24 hours a day, 7 days a week by a team of up to 12 carers employed to help run the home on shift work patterns.
- 1.3 The minimum amount of care staff on duty during the day would be two residential workers and one senior residential worker. Additionally, a Homes Manager and/or Deputy Manager would be available 24/7 on an on-call rota, and on-site between 9.00am and 5.00pm every day. Night-time supervision levels would be two Residential Workers in a Sleep-in role but no staff will live at the property.
- 1.4 Overall, the number of staff would be flexible depending on the needs of the children occupying the home. All staff would be provided with the necessary training to assist them in fulfilling their supporting roles.
- 1.5 In order to facilitate the change of use, it is proposed to make minor internal and external alterations to the property. These include:
 - The removal of a part of the front porch and alterations to the entrance of the property;
 - A new shallow pitched roof to the remaining porch and part of the existing garage;
 - Removal of the existing garage door and replacement with a window;
 - The conversion of the existing garage to an office and garden room;
 - Replacement roof to the rear conservatory (including the provision of two roof lights);
 - The provision of a new shower room to the first floor and the construction of a new window to the south east elevation;
 - Alterations to the front driveway to increase the number of parking spaces from 4 to 6;

- Replacement fencing where necessary between the rear gardens of nos. 16 and 18 Staines Close and the side of their front gardens, measuring approximately 1m high at the front of the site and rising to 1.8m high; and
- Draining and infilling the existing pond in the property's rear garden.

2. Consultation

- 2.1 **Nuneaton & Bedworth Borough Council – Planning:** Has no objections in terms of planning considerations but would advise the LPA to have regard to the character of the area when assessing the application. Additionally, vehicle trips to and from the application property and noise should also be considered. Furthermore, the relevant consultees will need to be notified, including Environmental Health and Highways and all neighbours whose boundary adjoins the application property.
- 2.2 **Nuneaton & Bedworth Borough Council – Environmental Health Officer:** No objection.
- 2.3 **WCC Highways:** Notes that the site would operate similar to a standard C3 dwelling. As a worst case there could be 4 children on-site along with 5 staff members during the day. If all 5 staff arrived in separate vehicles the proposed parking would be able to accommodate this. It is also noted that in order to accord with NBBC parking standards only 4 parking spaces would be required.
- 2.4 Based on the appraisal of the development proposals and the supporting information in the planning application the Highway Authority has no objection, subject to the following conditions:
1. The site shall operate in accordance with the details in the approved documents 'Supporting Planning and Design and Access Statement' and 'Transport Statement'
 2. The development shall not be occupied until the proposed parking has been provided in general accordance with the approved drawing 123809/09 Rev A and has been surfaced with a bound material.
- 2.5 **County Archaeologist:** No objection.
- 2.6 **County Ecologist:** Notes that the ecological appraisal survey of the site was carried out in November 2022. The site is small with existing habitats including improved grassland, trees, ornamental planting and a hedgerow, and the existing two-storey dwelling. The County Ecologist agrees with the measures stated in the PEA in relation to protected species (bats and lighting, nesting birds, terrestrial mammals) and recommended habitat enhancements (planting of native fruit/seed bearing species, nectar-rich species and bird and bat boxes). The County Ecologist recommends that any approval should be subject to a

condition securing these protection measures and biodiversity enhancements in line with protected species legislation and the NPPF.

- 2.7 The County Ecologist notes that the Preliminary Bat Roost Assessment of the existing building included a full internal and external inspection. No evidence of bats was found and the building was of negligible suitability to support roosting bats. As such the proposed alterations to the building are not expected to have any impact on a bat roost. The County Ecologist recommends attaching the following note relating to bats and their protected status to the decision notice:
Existing trees and hedgerows should be protected by suitable buffer zones in line with British Standard BS5837:2012. No materials or machinery should be stored within these zones. If hedgerow planting is proposed to border the site, native hedgerow species should be used.
- 2.8 The existing pond in the back garden is proposed to be drained and filled in for health and safety reasons. The PEA report states that the Habitat Suitability Index Assessment of the pond for Great Crested Newts (GCN) is classified as 'poor' but this assessment appears to be missing from the report. The County Ecologist has expressed concerns regarding the infilling of the pond without a GCN survey because there are local records of GCN in the area (the nearest is within 700m), and the assessment of the pond was carried out in winter when marginal and aquatic vegetation is dormant. As such, based on the information initially available, it was not possible to determine if a GCN breeding pond would be directly impacted by the proposals. In line with the Habitats Regulations (2017 as amended), GCN and their breeding ponds are protected and a licence from Natural England is required to remove their breeding ponds. If the pond does not support any fish it may support Great Crested Newts and the County Ecologist would recommend that further information is provided by the applicant regarding the pond and its suitability for Great Crested Newt. If no fish are present and if suitable aquatic/marginal egg-laying vegetation is present in the pond during spring/summer, the County Ecologist would recommend that a Great Crested Newt presence/absence survey is carried out prior to determination of the application to determine if protected species are likely to be impacted by the proposed development.
- 2.9 Provided that the further information on protected species (Great Crested Newts) is addressed, the County Ecologist has no objection subject to a condition requiring an ecological mitigation and enhancement scheme to be submitted for approval which should include a method statement for the protection of protected species during construction works, detailed biodiversity enhancement features including native nectar-rich planting to attract wildlife, and the installation of bat and bird boxes within the development.
- 2.10 The County Ecologist would also recommend the following note is attached to any permission granted:

- Bats can be found in many buildings, even those that initially appear to be unsuitable or have been subject to a bat survey and found no evidence. Therefore, if any evidence of bats is found on site, work should stop while a bat survey is carried out by an experienced bat worker, and any recommendations made following the survey are undertaken. It should also be noted that as bats are a mobile species and can move into a property with potential access at any time. Bats and their roost sites are protected under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act 2000, and are also deemed a European Protected Species.

2.11 **County Ecologist – further response:** Following receipt of the survey results which found no signs of Great Crested Newt being present at the site, the County Ecologist recommends that as common frogs are breeding in the pond in the rear garden of the property, the recommendations in the submitted ecological report should be followed by the applicant, as best practice would be to drain the pond under the supervision of an ecologist.

2.12 **Diversity & Inclusion Officer:** No response received.

2.13 **Warwickshire Fire & Rescue Service – Chief Fire Officer:** No objection, subject to the standard criteria for access to the site as set out in standard response letter FPP2 being met.

2.14 **Warwickshire Police – Designing Out Crime Officer:** No objection.

2.15 **WCC Planning Policy Team:** No response received.

2.16 **Councillor Tromans:** No response received.

3. **Publicity**

3.1 A site notice was displayed on 27 April 2023 at the turning area at the end of Staines Close, which is directly adjacent to the application property.

3.2 17 neighbouring properties on Staines Close, Abingdon Way and Reading Avenue were individually notified on 27 April 2023.

3.3 6 representations were received, objecting to the proposal on the following grounds:

- Location is not suitable for the proposal
- There are many other more suitable locations in the area where such a facility could be established without posing a threat to the safety and well-being of local residents

- Staines Close is a quiet cul-de-sac consisting of a small community of mainly older residents – concern about the impact a children’s home would have on the community, especially considering the number and ages of the young people (12 to 18 years)
- Lack of understanding of local residents' personal circumstances (age, health issues, living on their own)
- Proposal would involve the coming and going of staff throughout the day, which would upset the stability of the Close and cause stress and anguish to the residents
- Impact on amenity from increased traffic and parking in the turning circle, and constant visits from support staff during night and day
- Concern about the potential negative impacts of such a development on the quality of life [of other residents in the Close]
- The proposed children's home is likely to generate significant noise and disturbance, which will be particularly disruptive to the peaceful environment currently being enjoyed
- Children in care can often have complex needs and behavioural challenges, which may result in frequent disruptions and disturbances throughout the day and night – this could have a profound impact on the wellbeing and mental health of local residents, particularly those living in close proximity to the proposed development
- Insufficient amount of car parking proposed on site
- Concern over proposals to pick up/drop off children at the nearby shops for their school run
- Concern over increase in traffic on Staines Close and Abingdon Way
- Lack of consultation of local residents regarding the proposals for this property
- Disappointment that the views and concerns of local residents have not been taken into account in the pre-approval stages of the planning process
- The Council appears to be going through a tick box exercise and neighbours’ concerns are not being listened to
- The impact of this proposal on the local community has to be considered and the concerns of those who will be most affected taken into account
- Concern about the impact that a children’s home could have on the character of the local area. The presence of a facility like this could potentially attract undesirable elements to the area, and could lead to a deterioration of the neighbourhood as a whole
- The potential negative impacts on the quality of life of local residents, combined with the lack of consultation and consideration for their views, make this development wholly inappropriate for our community
- Concern about the potential impact this could have on the safety and well-being of my young family

- This particular location is not suitable for such a facility – concerns about the potential for anti-social behaviour and the impact this could have on the wider community
- The children who will be living in the home may not have the necessary support and supervision to prevent them from engaging in anti-social behaviour such as vandalism, drug abuse, and other criminal activities. These behaviours could potentially pose a threat to the safety of my family and the wider community, and I believe that this risk is simply too great to ignore
- The application property was expensive to buy – this money could have been spent on less expensive properties in a different area
- Purchase of this property does not represent a sensible use of the County Council's money
- Our back garden is overlooked by the occupants of 18 Staines Close. Under normal circumstances we would be able to form a stable relationship with our neighbours regarding, security, noise, privacy and patterns of activity. When No 18 becomes a Children's Home the residents, staff, visitors and contractors will be constantly changing. A domestic property would have regular neighbours who would mature and stabilise in the area but a publicly owned and operated concern will always be an ongoing threat and disturbance.
- Our lives will be under constant scrutiny of strangers, some of whom could well be malign.
- We do not want groups of teenagers attracted to the Close.
- We do not want the Drug Dealers continuing to arrive by car trading with others and then screaming off at speed.
- We do not want to be the ones to remonstrate with anyone about anti- social behaviour to the rear or front of the property.
- We do not want to spend days on end listening to loud music and raucous behaviour outdoors during good weather.
- We do not want to be invited round to engage with the residents.
- We do want our young grandchildren to be able to play on the water meadow without having to check what adolescent activities are going on there.
- We have great concern about the effects on the traffic in the Close.
- The amount of parking to be provided at No 18 is an indicator of the minimum number of vehicles that we can regularly expect. On top of this number there will be taxis, ambulances, WCC visitors, delivery vehicles, security and maintenance vehicles. It is likely that the Police will regularly attend plus various relatives and "friends" of the residents. There will be a constant flow of vehicles entering the Close and turning around at the end of the Cul de Sac. The vehicles that do not fit on the drive at No18 will make it necessary for those turning to do multi point manoeuvres with the attendant "vehicle reversing" warnings.
- The road surface is already in poor condition and the large puddle that always forms after any rain will be a hazard especially when frozen.

- The design and appearance of the area will be adversely affected. The area was designed for private, domestic residential use and the change of use automatically negates this concept. Although devaluation is not part of your consideration, we had every reason to expect that the nature of the area would not be blighted by a Public Authority. We purchased our property in 1987 because of its quiet, safe, domestic appeal. The change of use will destroy that forever.
- 3.4 The material planning issues raised are considered in the *Assessment and Observations* section of this report.
- 3.5 Councillor Kondakor (Nuneaton and Bedworth Borough Councillor) has commented on the proposal, in particular on the transport assessment submitted with the application. He expressed concerns about the reference in the transport statement that if taxis were to be used to transport children to and from the home, they would be encouraged to pick up/drop off children not at the property itself but at the corner shop (Coniston Way/Clay Avenue) to minimise the traffic accessing Staines Close.
- 3.6 Councillor Kondakor also noted a reference in the transport statement to the cycle parking requirements for a Class C2a development (secure residential institutions) and asked for clarification of the intended type of resident. He stated that while he would be happy for the home to be used for low intensity care which would be compatible with the location, he expresses concerns over the level of staffing and its impact on a very quiet road. He therefore requested that the scale of the proposal be reduced, both in terms of the number of children in care and the number of staff. Furthermore, he requested that a planning condition be included which prevents the use of the property to be changed to a future use falling within Use Class C2a (secure residential institutions).
- 3.7 Councillor Kondakor's comments are addressed in the assessment section of this report.

4. Previous Planning History

- 4.1 In October 2002, planning permission was granted by Nuneaton and Bedworth Borough Council for the construction of a conservatory to the rear of the property.

5. Assessment and Observations

Site and Surroundings

- 5.1 The application property is a detached dwelling in a residential area in Nuneaton which was developed in the second half of the 20th century.

- 5.2 Staines Close is a cul-de-sac located off Abingdon Way in an established residential area in the northern part of Nuneaton. Surrounding dwellings consist mainly of two-storey buildings of similar style, age and size as the application property.
- 5.3 The application property is a two-storey detached 5 bedroom property with an attached garage to the side and a conservatory to the rear. To the front of the existing dwelling is a driveway providing off road parking for approximately 4 cars. To the rear of the property is an enclosed garden.
- 5.4 Following the purchase of the application property by Warwickshire County Council the previous residential use has now ceased and the property is currently vacant.

Planning Policy

National Planning Policy

- 5.5 **Paragraph 11** of the National Planning Policy Framework (NPPF) July 2021 explains that there is a presumption in favour of sustainable development and what that means. What the presumption means in relation to a planning application is that:
- (a) proposals which accord with an up-to-date development plan should be approved without delay; and
 - (b) where there are no relevant development plan policies or the policies most important for determining the application are out-of-date, then permission should be granted unless:
 - the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or
 - 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.

Where the presumption in (b) applies, it is often referred to as the “tilted balance” in favour of the application.

- 5.6 **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 Nuneaton and Bedworth Borough Plan 2011-2031, adopted in June 2019. 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.

- 5.7 **Paragraph 48** explains that authorities may give weight to relevant policies in emerging development plans according to: a) the stage of preparation of the emerging plan; b) the extent to which there are unresolved objections to relevant policies; and c) the degree of consistency of the relevant policies in the emerging plan to this Framework.
- 5.8 In this case, there is a development plan in place which has relevant policies that are considered to be up-to-date so far as they relate to this proposal. Therefore, the application should 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 Development Plan relevant to the proposal consists of the Nuneaton and Bedworth Borough Plan 2011-2031 (adopted June 2019).
- 5.9 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.

National Planning Policy Framework

- 5.10 The NPPF states (at **Paragraph 8**) that the planning system has three overarching objectives; economic, social and environmental which are interdependent and need to be pursued in mutually supportive ways. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 5.11 This includes a *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.
- 5.12 **Paragraph 82** of the NPPF states that planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or

networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.

- 5.13 **Paragraph 92** requires that planning 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); that planning 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; and that planning decisions should ensure an integrated approach to considering the location of community services (among other things).
- 5.14 **Paragraph 109** of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.15 **Paragraph 119** requires planning policies and decisions to promote an 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. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
- 5.16 **Paragraph 130** states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and create places that are safe, inclusive and accessible and which promote health and well-being.
- 5.17 **Paragraph 155** of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).
- 5.18 **Paragraph 163** of the NPPF advises that when determining any planning application, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.
- 5.19 **Paragraph 166** states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.
- 5.20 **Chapter 15** of the NPPF relates to conserving and enhancing the natural environment, requiring that planning decisions should contribute to and enhance the natural and local environment by means

including ensuring they minimise impacts on and provide net gains for biodiversity and prevent new and existing development from contributing to unacceptable levels of soil, air, water or noise pollution or land instability.

- 5.21 **Paragraph 174** states that planning decisions should contribute to and enhance the natural and local environment by means including minimising impacts on and providing net gains for biodiversity.
- 5.22 **Paragraph 183** of the NPPF states that the focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.
- 5.23 **Paragraph 185** requires that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
 - b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
 - c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

The Development Plan

Nuneaton and Bedworth Borough Plan 2011-2031 (adopted June 2019)

- 5.24 *Policy DS1 – Presumption in favour of Sustainable Development* states that when considering development proposals the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). It will always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
- Planning applications that accord with the policies in this Borough Plan (and where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.
- Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then the

council will grant permission unless material considerations indicate otherwise – taking into account whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies in the Framework that indicate development should be restricted.

- 5.25 *Policy DS2 – Settlement Hierarchy and Roles* confirms that Nuneaton has the primary role for employment, housing, town centre, leisure and service provision and that most development will be directed to Nuneaton as the primary town.
- 5.26 *Policy DS3 – Development Principles* requires all new development to be sustainable and of a high quality, fully supported by infrastructure provision, as well as environmental mitigation and enhancement, as required in the policies contained within the Development Plan. New development within the settlement boundaries, as shown on the proposals map, should be acceptable subject to there being a positive impact on amenity, the surrounding environment and local infrastructure.
- 5.27 *Policy BE3 – Sustainable Design and Construction* requires that all development proposals should contribute to the local distinctiveness and character of the area.
- 5.28 *Policy H1 – Range and mix of Housing* addresses the need for a range and mix of housing and supports specialised housing proposals where a local need can be demonstrated.
- 5.29 *Policy NE3 – Biodiversity and Geodiversity* requires development proposals to ensure that ecological networks and services, and biodiversity and geological features are conserved, enhanced, restored and, where appropriate, created.

Planning Policy Review

- 5.30 The proposed change of use of a dwelling to a C2 use as a residential institution is supported by policies contained in the NPPF and the development plan, particularly with regard to the location of the proposal. Subject to any effects and impacts being appropriately mitigated and managed, the proposed development would accord with the policies of the NPPF and the development plan. The potential issues are discussed below.

Location of the proposed development

- 5.31 The application site is located within an established residential estate in Nuneaton. Nuneaton has the primary role for employment, housing, town centre, leisure and service provision within the Borough. Policy

DS2 states that most development will be directed to Nuneaton as the primary town. The site is also within the defined settlement boundary, as outlined within Policy DS3. As such, the site is considered to be within an acceptable and sustainable location for development.

Need for the proposed facility

- 5.32 Policy H1 states that development is required to provide a mix of housing types, sizes and tenures based on the need and demand identified in the most up to date Strategic Housing Market Assessment (SHMA) as well as the characteristics of the surrounding area and that development proposals for specialised housing will be approved where a local need can be demonstrated. The most up to date SHMA for Nuneaton and Bedworth Borough does not analyse the need for care homes for children but the local need for this type of development derives from the County Council's statutory responsibility to care for vulnerable young people.
- 5.33 The Children's Act 1989 states that the "responsible authority" (in this case, Warwickshire County Council) must ensure that, as far as reasonably practicable, the placement:
- allows the child to live near his/her home;
 - does not disrupt his/her education (particularly at Key Stage 4);
 - enables the child and his/her sibling to live together, if the child has a sibling who is also looked after by the local authority;
 - provides accommodation which is suitable to the child's needs if the child is disabled; and
 - is within the local authority's area.
- 5.34 Under the Children's Act 1989, each local authority has a duty to safeguard and promote the welfare of children who are assessed as being in need. It is Warwickshire County Council's aspiration to have Warwickshire children placed within Warwickshire, as their outcomes are better when they are close to their support networks; family, friends, school and services.
- 5.35 Often placements are stable, however, at times such arrangements do not work as well as anticipated. Children don't always settle, and service providers cannot always meet existing needs. This means that at times, new accommodation has to be found, sometimes at extremely short notice. While the majority of children currently placed in residential accommodation are outside the County, this does not mean that they will remain there indefinitely.
- 5.36 While demand for placements is high and supply is low, this does not equate to a "waiting list" in the traditional sense. Where children are at risk of harm or if the current provider/foster carer cannot meet their needs, they need to be placed in different accommodation immediately. In some cases, children will be placed in temporary placements whilst the local authority searches for more permanent placements. Similarly,

if a child is placed out of County because there are no placements available within Warwickshire, the County Council would not look to further traumatise them by repatriating them to Warwickshire when a placement is available unless it was in their best interests and in line with their wishes. As of August 2023, the County Council's placement hub is looking for residential placements for 21 children, with 10 of these places being required because the previous placement arrangements have broken down.

- 5.37 The cost to the County Council of having children placed outside the County is significant as staff have to travel to the placement locations. Also, where contact time is in place, the County Council pays for family members to travel. In addition, the County Council's quality team often have to complete visits to providers to assess quality of provision over multiple days, resulting in increased travel times and therefore costs to the authority. The provision of local residential placements would therefore allow the better use of limited financial and staff time resources.
- 5.38 In the previous 18 months, two consents for care homes for children have been granted, one to provide a home for four children in the Stratford District (planning permission reference SDC/21CC001, granted in June 2021) and one in Warwick District, providing a permanent home for four children and emergency care for an additional two children in two adjacent buildings in Leamington Spa (planning permission reference WDC/22CC006, granted in December 2022). While this covers the south of the County, additional provision is still required in the north. There is therefore a local need for this type of specialised housing in the context of Borough Plan Policy H1 and consequently it is considered that the proposal accords with the aims of this Policy.
- 5.39 WCC supply/demand data has identified a need for two County Council owned and operated children's homes in the Nuneaton and Bedworth area. A review of Warwickshire County Council assets was undertaken to understand if any existing buildings owned by the County Council would be suitable to accommodate a children's home in this location. However, the only suitable WCC assets were situated in the South of the County and are already being used for similar purposes, as detailed above.
- 5.40 The County Council engaged with key stakeholders such as NHS Estates and Nuneaton and Bedworth Borough Council, but these organisations similarly did not have suitable premises available. As such the WCC Cabinet and Full Council took a decision (in February and March 2022 respectively) to make funds available to purchase a property on the open market. A specification was then developed and agreed, identifying the key criteria which had to be met during the property search. These included: detached properties, six bedrooms, and three bathrooms (not en-suite), or the potential to be redeveloped

to offer this, space for a staff office due to the need to store confidential documents and have confidential discussions, space for a family group of 6 to dine together, and at least two additional living spaces, sufficient parking for at least 4 vehicles, plus a garden. The property purchase and any renovations also need to be achievable within budget.

Properties need to be accessible for staff to get to, and also for children accessing other services locally, e.g. schools, GPs, leisure facilities etc.

- 5.41 The application property met the above criteria. A location risk assessment was carried out prior to the purchase of the application property to ensure that the police and other key local stakeholders did not have any specific concerns regarding the property location, e.g. from a safeguarding perspective.
- 5.42 The proposed use would be acceptable in this location, it would not have unacceptable adverse impacts on the surrounding area and is therefore in accordance with the relevant Borough Plan policies (DS1 – Presumption in favour of Sustainable Development, DS2 – Settlement Hierarchy and Roles, and DS3 – Development Principles).

Ecology

- 5.43 There are no Sites of Special Scientific Interest (SSSI) or Local Nature Reserves (LNR) in close proximity of the application site, the nearest being Ensor's Pool SSSI and LNR, 4.2 km south west, and Griff Hill Quarry SSSI, 4.5 km south of the site. Both are located south of the built up area of Nuneaton. Galley Common LNR is 5.5 km to the west, Burbage Common & Woods LNR and Burbage Wood and Aston Firs SSSI are 7 km to the east and Bentley Park Wood SSSI is 8 km to the west of the application site.
- 5.44 The proposal would not result in adverse effects on the SSSIs and LNR, owing to the distance of the application site from such designated areas.
- 5.45 The application is accompanied by a Preliminary Ecological Survey which details the results of an ecological desk study and a walkover survey that were undertaken in accordance with Phase 1 Habitat Survey methodology. The pond in the eastern corner of the site contains suitable aquatic habitat opportunities for common amphibians. However, it is understood that it was previously stocked with fish which may reduce its suitability for use by Great Crested Newts. A Great Crested Newt Habitat Suitability Index (HSI) was carried out on the pond and found it to have poor suitability to support this species. The amenity grassland and introduced shrub surrounding the pond are considered sub-optimal terrestrial habitats for amphibians. The site also had limited dispersal opportunities with the fence acting as a barrier between the site and the brook 15 m east of the site.

- 5.46 An eDNA survey carried out in May 2023 did not find any signs of Great Crested Newt being present on the application site.
- 5.47 The Preliminary Ecological Survey recommends that vegetation and building clearance should be undertaken outside the nesting bird season, that any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape, and that the pond on site should be drained in a sensitive manner under the supervision of a suitably qualified ecologist.
- 5.48 A Preliminary Bat Roost Assessment has been submitted with the application. During an internal and external inspection the application property was found to be in good condition, with no potential roosting features or access points for bats and was therefore considered to have negligible potential for roosting bats. The site as a whole provides limited foraging habitats. The proposed works to adapt the existing building are considered to be unlikely to have negative impacts on bats.
- 5.49 The County Ecologist agrees with the findings of the Preliminary Ecological Appraisal and the Bat Roost Assessment and has no objections to the proposal, subject to the recommendations in the eDNA Great Crested Newt survey being followed when draining and removing the existing pond. Consequently the proposed development would be acceptable in environmental terms.

Heritage

- 5.50 There are no listed buildings within close proximity to the application site, the nearest being the Grade II listed Church of St James, about 1.8 km to the west. The application site is not within or adjacent to a Conservation Area, the nearest being Abbey Conservation Area and Nuneaton Town Centre Conservation Area, both between 2.0 and 2.8 km to the south west. Neither the Conservation Area nor the Listed buildings are seen in the same context as the application site. The County Archaeologist advised that there are no comments to make on the proposed development. There is considered to be no impact on heritage assets as a result of the proposed development.

Representations from the Public

- 5.51 Some of the reasons for objection (e.g. concern over the value of properties) These objections fall into six main categories:
- Inappropriate location of the proposed development;
 - Impact on amenity of local residents/concern about activity and disturbance;
 - Design and appearance;

- Parking and highways issues;
- Fear of crime; and
- Proposal is not a sensible use of County Council's money.

These are addressed in turn below.

Inappropriate location of the proposed development

- 5.52 There have been several objections on the basis that the application site would be in an “inappropriate location” for the proposed development. Although it is not explicitly stated what is considered to be an “appropriate location”, this concern is in part linked to the second category (impact on amenity/concern about activity and disturbance). In planning and land use terms, it is appropriate to locate the proposed development in an existing residential area. Furthermore, as referenced above, the application site is located within the primary town of the Borough and within the defined settlement boundary and therefore is in accordance with Nuneaton and Bedworth Borough Plan Policies DS2 and DS3.
- 5.53 Staines Close is a residential cul-de-sac and number 18 is a detached 5-bedroom property with an enclosed rear garden and off-road parking to the front driveway. The County Council has undertaken extensive research and risk assessments and through this process considered the property to be suitable for a children’s care home. It is within a residential area so that children can live within a family environment and in close proximity to amenities and facilities including local schools. It is therefore considered that the property is entirely appropriate for the proposed use.

Impact on amenity of local residents/concern about activity and disturbance

- 5.54 As noted in the supporting planning statement, the proposed care home would only accommodate up to four children at any one time. It is proposed to create a family home for future residents who would live and socialise together and therefore the noise and activity would be similar to any other family home. While care staff would be present at the property, it is likely that only two residential workers and one senior residential worker would be at the property during the day, with two residential workers present at night. The exact number of residential workers would depend on the needs of the children occupying the home. The property would operate in a similar way to a family dwelling and the development would therefore be unlikely to cause any more harm to amenity than a family dwelling. In addition, a home manager would be on duty 24/7 to assist with any issues. The adverse impacts of the proposed development would therefore be sufficiently controlled, and the proposal would meet the requirements of paragraph 185 of the NPPF with regards to its impacts on the quality of life of other residents.

Design and appearance

- 5.55 Representations by local residents raise concern that the design and appearance of the area would be adversely affected, as the area was designed for private domestic residential use. This application relates to a change in the use of an existing residential property. While the proposal includes some minor external alterations to the building, these are considered to be acceptable in their design, extent and the external materials proposed and would not be unacceptable on any other residential building. The proposed development would be acceptable in a residential area. It would not have an unacceptable visual impact on local amenity and would not result in the overlooking, overshadowing or a loss of privacy of neighbouring properties. The change from a residential to a children's home would therefore not have an unacceptable adverse effect on the design and appearance of the area.

Parking and highways issues

- 5.56 The planning application is accompanied by a Transport Statement which considers car parking and trip generation.
- 5.57 The site is accessible by sustainable modes of transport. The surrounding area exhibits good levels of pedestrian and cycling infrastructure, and there are a number of public transport opportunities within acceptable walking distance of the site.
- 5.58 The Nuneaton and Bedworth Borough Council "Transport Demand Management Matters" Supplementary Planning Document states that one parking space is required per four residents and one space per two (full time equivalent) staff members. However, considering the proposed use of the property as a children's home, it is not considered necessary to provide parking for the residents as the children would not be old enough to drive or own a car. Consequently, the assessment of the number of car parking spaces would apply to staff parking only. The existing driveway in front of the garage is of sufficient dimensions to accommodate four cars. In addition, it is proposed to provide two additional spaces at the front of the property.
- 5.59 There would be sufficient parking provision on the site, and the applicant advises that the home's manager would ensure that there is no on-street parking or irresponsible parking affecting any residents within the street. Visitors to the home would park on the drive.
- 5.60 The number of vehicle movements associated with the proposed development would not be dissimilar to those associated with a 5-bedroom residential property occupied by two adults and two children who are old enough to drive themselves.

- 5.61 As noted in the supporting planning information, staff handovers and shift changes would be in line with meeting the needs of the children placed within the home. These would be staggered to avoid several staff cars accessing or leaving the property at any one time.
- 5.62 The proposal would therefore 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.
- 5.63 The proposed alterations to the building include the installation of an electric vehicle charging point. It is considered appropriate to include a planning condition requiring this to be provided prior to the property being occupied.
- 5.64 The Highway Authority has no objection to the proposal. The proposed development is considered to be acceptable in terms of highways and traffic impact, subject to conditions requiring the site to operate in accordance with the details in the design and access statement and transport statement, and requiring the proposed car parking to be provided and surfaced with a bound material before the property is occupied.
- 5.65 The proposed development would therefore be in accordance with Borough Plan Policy DS1 – Presumption in favour of Sustainable Development.

Fear of crime

- 5.66 Objections from local residents raised concern about the potential for increased public nuisance and crime. In assessing this, the existing use must be considered.
- 5.67 Both the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) set out guidance in creating safe and accessible communities. 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.
- 5.68 The proposed children's care home would be carefully managed by staff and a home manager. It should not be assumed that children living in care would be more likely to be antisocial or create levels of noise over and above children living in a 'traditional' family unit. If any antisocial behaviour occurs, it would be addressed through the appropriate stakeholders. The contact details of the home manager have been provided during a previous consultation meeting with local residents.

- 5.69 Warwickshire Police's Designing Out Crime Officer has been consulted and does not have an objection to the proposed development.
- 5.70 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 it would not be unacceptable on fear of crime grounds.

Other concerns which are not material planning considerations

- 5.71 Residents have expressed the view that the proposal involved the purchase by the County Council of a detached 5-bedroom house and is therefore not a sensible use of the County Council's money. Objections to the proposal were also received on the basis that the County Council has not engaged with local residents prior to the submission of the application, and that the personal circumstances (such as age and health) of neighbouring residents have not been considered.
- 5.72 These matters are not material planning considerations, i.e. matters which are relevant to making the planning decision in question, and have therefore not been taken into account when arriving at a recommendation.

Further changes of use

- 5.73 Councillor Kondakor expressed concerns over possible future changes of use to a Class C2a use (secure residential institutions). The proposed change from the previous C3 use (dwellinghouses) to a proposed C2 use (residential institutions) requires a planning permission. The Use Classes Order would allow a permitted change from C2 use only to a state funded school or nursery, or back to the previous residential use. A change to any other use class, including uses falling into Class C2a, would require a full planning permission.

6. Conclusions

- 6.1 The County Council is currently requiring additional residential placements for 21 children as a matter of urgency. While in recent months planning permissions have been granted for children's homes in Stratford and Warwick Districts, there remains an evidenced need for this type of development in Nuneaton and Bedworth.
- 6.2 Warwickshire County Council has a statutory duty to provide residential care placements for children. Currently, some of these are provided by external suppliers under a nationwide bidding system, with no guarantee of the location of available places. At present, only 5 of the total of 72 Warwickshire children in residential care placements (equivalent to under 7%) are being cared for within Warwickshire itself, while the majority is being cared for outside the County. The use of a

facility operated directly by the County Council would allow children to be located within the County, which would be less disruptive for the children and a better use of staff time and financial resources. In addition, there is a high demand and low supply of available places, which sometimes can be required at very short notice. There is therefore an identified case of need for additional residential places in Warwickshire for children in the care system.

- 6.2 The proposed facility would be located in a residential area in Nuneaton. The Nuneaton and Bedworth Borough Plan directs new development within the Borough to Nuneaton as the primary town. The proposal is therefore in accordance with the approved settlement hierarchy set out in Policy DS2. The proposed use would be an appropriate use within a residential area.
- 6.3 The Highway Authority has no objection to the proposed development subject to a condition requiring the proposed vehicle parking area to be constructed and hard surfaced prior to the occupation of the property. The proposed car parking provision would be appropriate for the nature of the development.
- 6.4 The proposal would not result in an unacceptable impact on local ecology or protected species. A survey of the existing pond in the rear garden of the property has confirmed that there are no protected species present. The County Ecologist has no objection, subject to a condition requiring the recommendations in the Great Crested Newt eDNA survey, which recommends that the proposed draining and infilling of the existing pond in the rear garden of the property should be supervised by a qualified ecologist, to be implemented.
- 6.5 The objections to the proposed development have been noted. The majority of concerns expressed in the representations are material considerations which have to be balanced against the need for the development. The proposed development would provide residential places for four children, and staff would be on site at all times. The property would operate akin to a family home and is considered not to give rise to unacceptable harm to amenity. On balance, therefore, the proposed development is considered to be in accordance with the requirements of the NPPF and local plan policies and is recommended for approval subject to the planning conditions listed in Appendix B.

7. Supporting Documents

- 7.1 Submitted Planning Application – Planning reference NBB/23CC002
- 7.2 Appendix A – Map of site and location.
- 7.3 Appendix B – Planning Conditions.

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Appendix B.

Change of use of existing dwelling house (Use class C3a) to a Children's Care Home (Use class C2) including conversion of the garage to office, external alterations and provision of parking spaces, 18 Staines Close, Nuneaton, Warwickshire CV11 6EA.

NBB/23CC002

Planning Conditions.

1. The development hereby approved shall be begun no later than three years from the date of this permission.

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

2. The development hereby approved shall be carried out in accordance with the application form, Planning Supporting Statement (dated 30 March 2023), and drawings numbered:
 - Site Location Plan
 - 123809/09 Rev. A Proposed Block Plan
 - 123809/07 Proposed Elevation Plans
 - 123809/05 Proposed Ground Floor Plan
 - 123809/06 Proposed First Floor Plan

and any samples or details approved in accordance with the conditions attached to this permission, except to the extent that any modification is required or allowed by or pursuant to these conditions.

Reason: To ensure a satisfactory standard of development, in accordance with Policy DS3 – Development Principles of the Nuneaton and Bedworth Borough Plan 2011-2031.

Use of the site

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.

Reason: A change of use to any other use or use class requires the impacts to be considered afresh, and to comply with Policy DS3 –

Development Principles of the Nuneaton and Bedworth Borough Plan 2011-2031.

Car parking

4. The property shall not be occupied until the car parking layout has been provided in general accordance with drawing no. 123809/09 Rev. A (Proposed Block Plan) and has been surfaced with a bound material.

Reason: To ensure that sufficient vehicle parking provision is available on the application site, in accordance with Policy DS3 – Development Principles of the Nuneaton and Bedworth Borough Plan 2011-2031.

Electric Vehicle Charging

5. The property shall not be occupied until an electric vehicle charging point has been installed.

Reason: To provide the necessary infrastructure for electric vehicles, in accordance with Policy DS3 – Development Principles of the Nuneaton and Bedworth Borough Plan 2011-2031.

Ecology

6. The development hereby permitted shall not commence until an ecological mitigation and enhancement scheme for the development has been submitted and approved in writing by the County Planning Authority. The scheme shall include details of the following: a method statement for the protection during construction works of protected species including nesting birds; timing of works; and details of biodiversity enhancement features including native nectar-rich planting to attract wildlife and the installation on the site of any bat and bird boxes within the development. The works and ecological enhancement shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the works do not have an unacceptable adverse ecological impact, and that any protected species and habitats to be retained are not harmed by the development, in accordance with Policy BE3 – Sustainable Design and Construction of the Nuneaton and Bedworth Borough Plan 2011-2031, the National Planning Policy Framework (NPPF) 2021, and ODPM Circular 06/2005.

7. The recommendations in Section 7 of the Preliminary Ecological Appraisal (Report no. 159450-01, dated December 2022 and submitted with the application) shall be implemented during the construction of the development hereby permitted.

Reason: To ensure that the works do not have an unacceptable adverse ecological impact, and that any protected species and habitats

to be retained are not harmed by the development, in accordance with Policy BE3 – Sustainable Design and Construction of the Nuneaton and Bedworth Borough Plan 2011-2031, the National Planning Policy Framework (NPPF) 2021, and ODPM Circular 06/2005.

Development Plan Policies Relevant to the Decision.

Nuneaton and Bedworth Borough Plan 2011-2031 (adopted June 2019)

Policy DS1 – Presumption in favour of Sustainable Development

Policy DS2 – Settlement Hierarchy and Roles

Policy DS3 – Development Principles

Policy BE3 – Sustainable Design and Construction

Policy H1 – Range and mix of Housing

Policy NE3 – Biodiversity and geodiversity

Compliance with the Town and Country Planning (Development Management Procedure) Order 2015

In considering this application the County Council has complied with paragraph 38 contained in the National Planning Policy Framework 2021.

Notes

Ecology

1. In accordance with best practice guidance relating to lighting and biodiversity, any new external lighting should be carefully designed to minimise potential disturbance and fragmentation impacts on sensitive receptors, such as bat species. The recommendations listed in Section 6 of the Preliminary Bat Roost Assessment (Report no. 159450-02, dated December 2022) should be followed when designing any external lighting.
2. If works relating to the pond have not commenced within two years from the date of the Great Crested Newt survey carried out in May 2023, an updated survey shall first be undertaken to allow any changes in the status of Great Crested Newts on site to be assessed, and to inform a review of the conclusions and recommendations made.