DELEGATED REPORT

Recommendation Made: 31 August 2011

Reference:- 11/00632/FUL **Parish:- Hinckley**

Applicant:- Ms Lucy Hogg
5 Regent Court
Hinckley
Leicestershire
LE10 0AD

Location:- 12 Trinity Vicarage Road Hinckley Leicestershire LE10 0BX

Proposal:- CONVERSION AND EXTENSION OF TWO STOREY BUILDING INTO RESIDENTIAL CARE HOME AND CHANGE OF USE OF BUNGALOW FROM DAY CARE CENTRE TO RESIDENTIAL CARE HOME (RESUBMISSION)

Introduction:-

This is a resubmission of a previous permission for the conversion and extension of a two storey building into a residential care home of three bed configuration and for the change of use of the existing bungalow from day centre for adults to a residential care home of two bed configuration.

A near identical application (ref: 10/01006/FUL) for the conversion and extension of two storey building into residential care home and the change of use of the bungalow from day care centre to residential care home received planning permission on 16 February 2011 and that the applicant can implement this permission. This application has been submitted with the following amendment:-

a) The original application showed 1 no. window unit within the western elevation of the proposed single storey extension. This windows has now been omitted within this application and a small velux roof light proposed within the western roof slope of the single storey rear extension.

The existing day care centre Use Class D1 (Non-residential Institution) is currently for adults with learning disabilities and the proposed residential care home Use Class C2 (Residential Institution) will also be for adults with learning disabilities.

The two storey building currently serves a garage at ground floor with bed sit above. The application involves the demolition of the existing single storey flat roof extensions serving storage areas to the rear of the building and erection of a single storey extension which will run the length of the building and project approximately 5.35 metres from the rear elevation to a maximum height of 3.65 metres. The existing external staircase used for the bedsit will be demolished.

The existing bungalow does not involve any extensions and alterations and the internal layout will remain unchanged and the existing car port is also set to be demolished. The existing garden area will be retained to form a communal garden between both the two storey building and the and existing bungalow. The existing access to the site will be retained and a car parking plan shows that there is provision for six off street car parking spaces.

The site is located within the settlement boundary of Hinckley, as defined by the Hinckley and Bosworth Local Plan (2001). The surrounding properties are predominantly residential dwellings with the exception of the Holy Trinity Church and Hinckley Leisure Centre.

The application is accompanied by a Design and Access Statement which states that the proposals fully utilise the two buildings on site. It concludes that the buildings would provide excellent homes for adults with learning disabilities to live and gain from the sites location next to the town centre.

The applicant has also submitted further information to support the application:-

a) The shift patterns for carers and the hours of operation are currently 9 am to 4pm and there are 6 to 7 staff currently working on the premise.

b) There would be a total of 4 adults with learning disabilities living on the site all the time. Staff will be on a shift basis 7am to 4pm, 4pm to 11pm and 1pm to 7am. There will be 4 members of staff between 7am until 11 pm and 3 members of staff between 11pm and 7 am.

c) Within the bungalow there would be 2 adults with learning disabilities and 2 members of staff between 7 am and 11pm. Between 11pm and 7am there will be 1 member of staff sleeping in the bungalow and 1 waking night staff. There are a total of 3 bedrooms in the bungalow; 2 bedrooms in the bungalow and another bedroom in the granny annex at the rear. One adult with learning disabilities will be sleeping in the bungalow, and the other sleeping in the bedroom within the respite care granny annex. The one member of sleeping staff will sleep in the other bedroom in the bungalow.

d) Within the conversion there would be 2 adults living there and 2 members of staff, however within the night shift 11pm and 7am there will be 1 waking night staff in the conversion.

History:-

10/01006/FUL	Conversion and extension of two storey building into residential care home and change of use of bungalow from day care centre to residential care home	Permitted	16.02.11
10/00915/FUL	Extensions and alterations to existing 2 storey building	Withdrawn	16.12.10
10/00938/COU	Extension of day service to 24 hour care facility	Returned	21.12.10
06/01040/COU	Change of use from residential dwelling to day care centre providing support for people with disabilities	Permitted	06.12.06
97/00902/FUL	Extension to dwelling	Permitted	13.11.97
88/01093/4	Extension above garage	Permitted	07.11.88

Consultations:-

No comments/ objection has been received from: -

Head of Community Services (Pollution)
Head of Community Services (Land Drainage)
Head of Business Development and Street Scene Services (Waste Minimisation)

No objection subject to conditions have been received from:-

Director of Environment and Transport (Highways)

Three letters of objection have been received raising the following concerns:-

a) Parking issues, exacerbated by other applications in the vicinity
b) Residential setting
c) Detrimental impact; disruption
d) Will a 2 metre high fence be erected at the rear to aid privacy?
e) How severe are the residents with learning difficulties?

f) Is the building going to be sound proofed?

One letter has been received from the neighbouring No.14 confirming the discussions between themselves and the builder and owner/occupier of the site.

Development Plan Policies:-

National Policy Guidance

Planning Policy Statement 1 (PPS1): 'Delivering Sustainable Development'

Planning Policy Statement 3 (PPS3): 'Housing'

Planning Policy Guidance Note 13 (PPG13): 'Transport'

Local Development Framework Core Strategy 2009

Spatial Objective 5: 'Housing for Everyone'

Policy 1: 'Development in Hinckley'

Hinckley and Bosworth Local Plan 2001

The site is within the Hinckley settlement boundary, as defined within the adopted Hinckley and Bosworth Local Plan.

Policy BE1: 'Design and Siting of Development'

Policy T5: 'Highway Design and Vehicle Parking Standards' r

Policy CF8: 'Residential Care and Nursing Homes'

Supplementary Planning Guidance / Documents

Supplementary Planning Guidance (SPG) Note 1C Residential Care and Nursing Homes (1997)

Appraisal:-

Principle of Development

The principle of the conversion and extension of two storey building into residential care home and the change of use of the bungalow from day care centre to residential care home has already been established in a near identical planning permission (ref: 10/01006/FUL) in February 2011. The site is therefore considered suitable for this use in principle.

This application is for the removal of a bathroom window and the insertion of a velux roof light and for the reasons discussed in this report, it is not considered that there are any issues which would suggest that the scheme would be contrary to development plan policies. In summary, it is considered that there is no in-principle objection to the application, providing that all other matters can be adequately addressed.

Design and Appearance

This re-submission refers to the removal of a bathroom window and the insertion of a velux roof light which is considered to represent a visual improvement.

It was previously considered that the single storey extension would be subservient to the main building, using materials in keeping with the style and appearance of the building from which it projects. The bungalow which does not propose any extensions and alterations is suitable in terms of its size and type for the proposed use and would maintain the visual appearance of a family dwelling thus ensuring the residential care home

assimilates into the streetscene.

In summary, it is considered that this re-submission proposes a visual improvement to the external appearance of the scheme, with the single storey extension appearing subservient and the scale and design of both developments are considered in keeping with the scale and character of the surrounding area in accordance with Policies BE1, CF8 and the SPG's on House Extensions and Residential Care Homes.

Impact Upon Residential Amenity

The residential dwelling most immediately affected by the development would be No. 14 Vicarage Road located to the west of the application site, given the proximity to the site.

The 1 no. window serving a bathroom has been omitted from this scheme and a velux roof light proposed, given the angle with the roof slope and the addition of glazing, no overlooking should arise. As such, if anything there is a reduction in the level of overlooking upon No.14 Vicarage Road.

It was previously acknowledged that the proposed C2 use could result in a degree of noise and general disturbance to neighbouring properties over and above that normally experienced at a residential dwelling house. However, it was considered within the previous application that whilst there would be an increase in the number of comings and goings of staff as a result of shift work, this would primarily be undertaken over three times within a 24 time period. It was therefore considered that the level of noise and disturbance from general comings and goings associated with the use were not considered to be significantly detrimental to residential amenity. The amenity space to the rear of the site has already been used in conjunction with the day care centre and the level of use is not expected to be over and above that of the existing.

In response to the letters of representation received, all raise issues in respect of the conversion, which has already been approved. For the avoidance of doubt, there existing 1.8 metre close boarded wooden fence to the rear of the site is considered sufficient and additional sound proofing over and above that required as part of the Building Regulations procedure is not considered necessary and has not been requested by the Head of Community Services (Pollution).

In summary, the nature of the proposed changes ensures that there are no additional impacts over and above that already approved. It has previously been considered that the proposed changes of use would not materially increase the level of noise and disturbance from both enjoyment of the rear amenity space and general coming and goings of pedestrians and cars over and above that currently exerted by the existing care home use. As such, the scheme accords with Policies BE1, CF8 and the Council's SPG's on House Extensions and Residential Care Homes.

Parking and Highway Issues

This application does not involve any changes to the car parking arrangements for the provision of 6 no. off street car parking spaces.

Objections have been received in respect of increase in traffic and parking problems. The Director of Environment and Transport (Highways) states that whilst it is clear that the level of parking provision is substandard, due to the sites existing use and location close to the town centre and therefore proximity to alternative modes of transport and there is no objection from a highway point of view, subject to the imposition of a cycle parking condition.

In summary, given the sustainable location of the proposal is considered that there is sufficient off street parking provided for the development not to have a detrimental effect on highway safety. As such the proposal is in accordance with Policies T5, CF8 and Council's SPG's on House Extensions and Residential Care Homes.

Other Matters

Sustainability

The site is located within the settlement boundary of Hinckley within a residential area, close to houses, a bus

route and other services therefore future residents will have easy access to shops, public facilities and public transport. Accordingly the proposal is in accordance with Policy CF8 and Council's SPG's on Residential Care Homes.

Financial Contributions

The general approach to developer contributions must be considered alongside the guidance contained within Circular 05/05 and more recently in the Community Infrastructure Levy Regulations 2010 (CIL).

CIL confirms that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed. In such cases, and where the development is needed to meet the aims of the development plan, it is for the local authority and other public sector agencies to decide what is to be the balance of contributions made by developers and by the public sector infrastructure providers in its area supported.

The requirement for financial contributions towards public open space is set out in policies REC2 and REC3 of the Hinckley and Bosworth Local Plan. Both of these policies state that financial contributions are sought based on the number of dwellings proposed on a residential development scheme.

The two storey building already contains 1 bedroom and resultant of the changes will contain 3 bedrooms, the existing bungalow does not involve and extensions and alterations and as such will retain the 2 bedrooms. As the development results in a net gain of two bedrooms, and not a net gain of a dwelling then a financial contribution towards play and open space is not a requirement in this case.

Conclusion

In conclusion, the principle of the conversion and extension of two storey building into residential care home and the change of use of the bungalow from day care centre to residential care home has already been established in the grant of a previous planning permission (ref: 10/01006/FUL), can the applicant can implement this permission.

This application relates to the removal of a bathroom window and the insertion of a velux roof light, which do not give rise to any significant material impacts. Overall the proposed use is unlikely to be detrimental to the character and appearance of the area, occupiers of neighbouring properties or highway safety. Accordingly it is recommended that the application be approved, subject to the imposition of planning conditions.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it is considered in an appropriate location and would not be detrimental to visual or residential amenity or highway safety.

Hinckley & Bosworth Local Plan (2001):- Policies BE1, T5, CF8, House Extensions SPG, Residential Care Homes SPG.

Hinckley & Bosworth Borough Council Local Development Framework: Core Strategy (2009): - Spatial Objective 5, Policy 1.

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drawing No.'s 1483/04 Rev A; 1483/06 Rev H;1483/02 Rev K; 1483/03 Rev A received by the Local Planning Authority on 2 August 2011.

3 The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application, unless alternative materials are first agreed in writing by the Local Planning Authority.

4 The car parking spaces shown on plan 1483/02 Revision K; shall not be obstructed and shall thereafter permanently remain available for car parking, unless otherwise agreed in writing by the Local Planning Authority.

5 Before the development hereby permitted is first used, cycle parking provision shall be made to the satisfaction of the Local Planning Authority and once provided shall be maintained and kept available for use thereafter.

Reasons :-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 For the avoidance of doubt and in the interests of proper planning.

3 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.

4 To ensure that there is adequate off street parking the proposed development in accordance with Policy T5 of the Hinckley and Bosworth Local Plan.

5 In the interests of the sustainability of the development and to encourage alternative transport choice in accordance with Policy T5 of the Local Plan.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

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