

APPLICATION REFERENCE: PL/2020/02907/PPFL**Site Address:** 6 Maple Leaf Drive Marston Green Solihull B37 7JB

Proposal:	Change of use from a dwelling house (Class C3) to a residential children's home (Class C2).
Web link to Plans:	Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at: https://publicaccess.solihull.gov.uk/online-applications/

Reason for Referral to Planning Committee:	More than 5 objections received.
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Recommendation:	APPROVAL SUBJECT TO CONDITIONS
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EXECUTIVE SUMMARY

This planning application seeks consent for a change of use from a dwelling house (Class C3) to a residential children's home (Class C2) to accommodate no more than 3 children aged between 8 and 17 years old with 2 adult carers in a five bedroom detached house. No external alterations to the building are proposed.

This report will demonstrate that the proposal will not be harmful to the character of the area, residential amenity, highway safety or the free flow of traffic, The proposal is therefore in accordance with the adopted development plan and guidance in the National Planning Policy Framework (the Framework). The development therefore benefits from the presumption in favour of sustainable development and the planning balance is firmly in favour for this proposal.

MAIN ISSUES

The main issues in this application are: -

- The effect of the development on the appearance of street scene and character and local distinctiveness of the local area;
- The effect of the proposal on the living conditions of the occupiers of neighbouring properties; and

- Highway issues
- Other Material Considerations
 - Public Sector Equality Duty; and
 - Human Rights

CONSULTATION RESPONSES

Statutory Consultees – None

Non Statutory Consultees: The following Non-Statutory Consultee responses have been received:

SMBC Drainage - No observations.

SMBC Highways – No objection.

SMBC Public Protection – No objection.

SMBC Planning Policy – No objection.

PUBLICITY

The application was advertised in accordance with the provisions set down in the Town and Country Planning (General Development Procedure) Order 2015.

1 letter of support was received detailing that children need a safe place and if this provides a place of comfort and support for children then this can only mean good!

A letter of Objection was received from Councillor Bob Sleight detailing there would be a loss of amenity to neighbours and a change in character of the area.

A further 22 responses in objection to the proposal were received from different addresses. All correspondence has been reviewed and the main issues raised are summarised below:

Highways and safety

- Lack of parking will result in congestion on adjacent roads.
- Bin collection problems due to parking and traffic congestion.
- There is simply insufficient space for all the potential cars and a turning area at the address.
- The hedge would need to be removed to enable a better line of sight to the junction for those exiting.
- There will be an increased risk to other road users from workers whom have finished a shift being tired and coming onto the road.
- A commercial property must have a separate commercial waste collection.

- An increase in traffic and resulting noise.
- It is not safe for a waste lorry to park in front of the property as it will block the already risky junction.
- Why don't the council grant speed bumps into our road to slow the racing cars through here using it as cut through.
- This will be a shared drive way and shared frontage and unsuitable for a business use.
- There is enough excess traffic already with parking, drop off- collections with taxi, prescription drop offs, mini bus drop off-collections, deliveries etc. from other care homes nearby.

Amenity

- Privacy of the locality has been severely impacted because of strangers in the form of a group of escorts walking patients through the neighbourhood.
- Another residential care facility will severely impact the already deteriorating balance of this locality and exacerbate woos further.
- There is a basic right to have a private family life based out of a balanced and serene locality and the care and consideration extended in the proposal will come at the expense of the quality of life for local kids.
- There would be increased footfall, noise and traffic from staff, visiting relatives and friends, bringing with it extra pollution and noise and parking issues especially as this is a corner plot.
- Increased noise from lots of residents, likely to be young;
- Increase in anti-social behaviour;
- Unrealistic and inappropriate mix of clientele.

Character

- Another loss of a family home further reduces the community feel and becomes more and more commercialised.
- This estate was built for residential family's to live in not care homes.
- Another family home been transferred into another money making care home. There are already enough care home facilities around here.
- Not knowing the age group of the children, what their backgrounds, difficulties, issues and behaviours are its not comfortable having such an establishment so close to existing residents.
- This locality has seen a fair share in providing for the social fabric through the following: - Brooklands Hospital - Maple Leaf Centre - Maples Residential Care Home; 2 Radlow Crescent is a family of four including 2 young kids aged 11 and 4. It is located just opposite to the Maple Leaf Centre, which has been a continuous source of traffic, noise, antisocial and unruly behaviours and shouting all throughout.
- There is no mention in the application of whether this will be a regulated children's home and whether it will be regularly inspected or by whom.
- No consideration has been given to individual children's visiting family members/ careers/ support agents/authority personal attending the property thought-out the stated 24hrs a day 7 days a week in a residential area, were people work/live?

- Unregulated homes for children in care under the age of 16 will become illegal in England from September 2021. If the children are going to be over the age of 16 this creates further problems in relation to noise and visiting of friends.
- Increase of litter, fly-tipping, attracting vermin.
- This is already an area that has formal care establishment for day care and residential care of young people, plus mental capacity deficiency assistance through Dementia and Alzheimer's at the John Black clinic on Maple Leaf Drive.
- Is the home proposed to be a hospice for children, shelter for vulnerable children, or housing for delinquent children?
- Who would be employing the members of staff and confirming their ability to look after these children, the homeowner or Solihull Council?
- The location is not suitable and may give rise to further neighbourhood issues of anti-social behaviour.
- We have at least 2 houses converted in Maple Leaf number 10, 74 and now number 6.
- Coleshill Road also has many houses converted to care homes.
- Directly on Maple Leaf Drive we have Solihull Mental health centre and at the other end a Residential high dependency unit. All of these were not what residents bought into when they bought their family homes.
- Existing residents to not support this establishment housing individuals with challenging behaviour who are not supervised to the same degree, who are not part of a family setting/unit and do not have a sense of community or a feeling of being 'at home'; turnover of residents and a fresh intake of new residents would be a perpetual concern as a consequence; issues would inevitably spill into the community.

PLANNING ASSESSMENT

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that: -

'Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise'.

The National Planning Policy Framework at paragraph 2 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

This report considers the proposal against the Development Plan (Solihull Local Plan 2013), the relevant policies of the National Planning Policy Framework ("NPPF") 2019, the National Planning Practice Guidance.

The Council Planning Policy Officers have been consulted and have no objection detailing the site is located within an urban area of the borough. The principle of the proposal is acceptable in policy terms provided it is not deemed to be harmful to the character, quality, amenity and highway safety of the area regarding Local plan policies P15-Character, P14-Amenity, and P P8-Highway safety.

This report continues below to demonstrate that despite neighbour concerns the proposal is compliant with these policies.

The effect of the development on the appearance of street scene and character and local distinctiveness of the local area

Policy P15 of the Solihull Local Plan requires all development to achieve good quality, inclusive and sustainable design, which conserves and enhances local character, distinctiveness and streetscape quality and ensures the scale, massing, density, layout, materials and landscape of the development respects the surrounding natural, built and historic environment. Developments will be expected to create a sense of place. Policy P15 of the Local Plan is consistent with policies set out in the Framework and full weight can be attributed to this Local Plan Policy.

The proposed development would use the existing layout of this 5 bedroom detached house, providing living accommodation at ground floor and sleeping accommodation at 1st floor akin to a typical residential house. No other changes would result, including to the external appearance of the property. Similarly, no changes are proposed to the existing front drive or rear garden areas, with the existing front hardstanding driveway parking capacity retained. As a result there would be no harm to the external existing character or appearance of the property, nor to the wider street.

With regard to the neighbour concerns regarding the proposed demographic and the resulting comings and goings at the application site which have the potential to change the character of the street and wider neighbourhood, the Agent has now provided the following additional information, confirming the following points;

1. As stated in the covering letter: There are expected to be a maximum of 3 children living in the property at any time.
2. The building is proposed to operate as a Children's Home with children aged 8 to 17 years who are in the care system because of safeguarding issues and to be clear they are not the type of children which have been suggested by some members of the community.
3. As stated in the covering letter: During the day, the expectation that there would be 2 members of staff attending the proposed home with a member of staff being present overnight arriving in the evening and departing around breakfast time. A shift system would operate based upon a rota of 5 staff members but the crossover of staff would not occur at unsocial hours. The shift change over times are expected to be 7:00-07:30; 15:00-15:30 and 21:30-22:00.

4. The home and its use are not open to the public and it would operate as a private facility.
5. The home would receive referrals from local councils including Solihull MBC, for the Children looked after and serve on a long term basis.
6. Children and parents would not come and go to the home and the children are under a care order usually due to high-risk protection issues/orders, but 'Section 20' referrals may mean that some parents would like to visit the home prior to their child's occupation (i.e. a site visit).
7. The site require the home to be in an accessible position with parking - for staff primarily Staff can be expected to arrive via different modes of transport. Most members of staff, particularly those working overnight, staff would probably drive. The home is proposed to have 3 or 4 off-street parking places on the frontage to accommodate this.
8. It is expected that residents would be in full-time mainstream education or college depending on age. Residents would be transported to education facilities depending on their needs, by an appointed vehicle or vehicles which could be taxi or mini bus. It is expected that these transportations would comprise of a pick-up and drop-off arrangement.

Taking into account the above points and with regard to neighbour concerns, Officers maintain that the change of use from a C3 to C2 use would not significantly change the character and appearance of this residential street to such an extent that the application be refused. This is because the application property is to be occupied by a maximum of 3 children and 2 adults only at any given time, which is a typical occupation for this 5 bedroom detached house located a residential street, and would ultimately be used to provide for children in need of a safe, comfortable place in a supportive stable environment.

Therefore the proposal would accord with Policy P15 of the Solihull Local Plan, which carries neutral weight in the planning balance.

The effect of the proposal on the living conditions of the occupiers of neighbouring properties.

Policy P14 of the SLP seeks to protect the amenity of existing and potential occupiers of houses when considering new developments. Careful consideration must be made to amenity of both existing neighbours. The policy is consistent with the NPPF and thus carries significant weight.

It is not considered that the use of this detached 5 bedroom property to accommodate 3 children with 2 support adult staff will result in any undue impacts on the amenities currently enjoyed by the occupiers of any neighbouring or nearby dwellings. This is a view shared by SMBC's Environmental Protection officers, who raise no objections to the proposal.

The Agent has provided additional points of information as listed 1 to 8 in the above section, all of which helps demonstrate that the occupancy of this residential property with 3 children and 2 adults would be little different to the composition of a typical residential household found in a detached 5 bedroom residence elsewhere in the Borough.

It is therefore considered that the proposal is compliant with Policy P14 of the Solihull Local Plan and the NPPF 2019, which carries neutral weight in the assessment and determination of this application.

Highway issues

Paragraph 109 of the Framework indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy P8 of the Solihull Local Plan states that development which results in a reduction in safety for any users of the highway will not be permitted. Policy P8 of the Local Plan is consistent with policies set out in the Framework and full weight can be attributed to this Local Plan Policy.

With regard to neighbour concerns regarding highway safety, access and parking facilities, the Council's Highway Engineers have no objection detailing according to the information provided, the proposed residential children's home will accommodate a maximum of three children at any given time. Two members of staff will be present during the daytime shifts, and one member of staff will be present during the night shift. The shift change-over times are expected to be 07:00-07:30, 15:00-15:30 and 21:30-22:00.

There is an existing vehicular access off Maple Leaf Drive that serves off-street car parking on the driveway to the frontage of the application site. Based on the number of staff that are anticipated to be working at the site per shift, the Highway Authority is satisfied that adequate off-street parking will be available for use by staff. In the event that the level of off-street parking available is not sufficient and leads to on-street parking occurring, the Highway Authority notes that there are no on-street parking restrictions along Maple Leaf Drive or adjoining roads. The roads within the immediate vicinity of the application site appear to be wide enough for two vehicles to pass each other, including any vehicles passing parked vehicles.

The Highway Authority is satisfied that should any overspill car parking occur onto the public highway as a result of the development proposals, it should not have a detrimental impact on public highway safety or on the operation of the local highway network.

It is unlikely that the proposed change of use will generate a significant increase in vehicle trips to have a severe impact on public highway safety or on the operation of the local highway network.

On this basis the proposals accord with Policy P8 of the Solihull Local Plan 20137. This carries neutral weight in the balancing exercise.

Other Material Considerations

- Public Sector Equality Duty
- Human Rights

Public Sector Equality Duty

In determining this application, Members must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions).

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149 is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In determining this application, Members should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority to act in a manner that is incompatible with the European Convention on Human Rights.

Members are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

This application seeks planning permission for a change of use from an existing C3 to a C2 use for the occupation of 3 children and 2 adults in a five bedroom detached house which is a typical level of occupancy for this type of detached property.

This report has demonstrated that the proposal will not be harmful to the character of the area, highway safety or the free flow of traffic, or residential amenity. The proposal is therefore in accordance with the adopted development plan and guidance in the National Planning Policy Framework (the Framework). The development therefore benefits from the presumption in favour of sustainable development and the planning balance is firmly in favour for this proposal.

The proposal therefore accords with Policies P8, P14 and P15 of the Local Plan and guidance in the NPPF when read as a whole.

RECOMMENDATION

Approval is recommended subject to the following précis of conditions a full list of standard conditions is available using the following link:

<http://www.solihull.gov.uk/Resident/Planning/searchplanningapplications>:

1. CS04 Commencement within 3 yrs
2. CS00 Compliance with all plans