

**Application No:** [W 23 / 1231](#)

**Town/Parish Council:** Cubbington  
**Case Officer:** Jack Lynch

**Registration Date:** 22/08/23  
**Expiry Date:** 17/10/23

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**15 Beaufort Avenue, Cubbington, Leamington Spa, CV32 7TA**

Proposed change of use from existing use as a Dwellinghouse (Use Class C3) to use as a Childrens Residential Care Home (Use Class C2). FOR Ernest Hardy Ltd.

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This application is being brought to Planning Committee due to the number of objection received.

**RECOMMENDATION**

Planning Committee are recommended to GRANT planning permission subject to the conditions listed.

**DETAILS OF THE DEVELOPMENT**

The applicant seeks planning permission for the proposed change of use from existing use of a Dwellinghouse (C3) to Childrens Residential Care Home (C2).

The proposal would provide medium to long term accommodation for up to two children aged between 8-17 years of age with emotional behavioural difficulties and/or learning disabilities. The running of this care home would be undertaken as close as possible to that of a normal dwellinghouse.

There would be one member of staff on site to support the children. Any staff training or meetings would generally take place off-site and the children would also visit healthcare professionals off-site as per a normal family operation (i.e. doctors, dentists, etc.).

As well as the children being placed in the local schools in the catchment area, they would also utilise services and facilities in the surrounding area. The proposed change of use will operate in accordance with a management plan that will be required through the imposition of a condition.

The proposed works include the alteration to the insulation of the dwellinghouse through the installation of an acoustic partition roll, minimising the noise levels that will omit from the dwellinghouse following the change of use. Further, the change of use will operate in accordance with the submitted noise management plan.

**THE SITE AND ITS LOCATION**

The application site relates to 15 Beaufort Avenue, in Cubbington. The site is located within the urban boundary of Leamington Spa. Its current use is that of a dwellinghouse (Class C3).

The dwellinghouse is a semi-detached dwelling comprising of red brick. The dwelling benefits from a driveway to the frontage that would comfortably park 2 cars and a medium sized garden to the rear.

## **PLANNING HISTORY**

### **Application site:**

W/19/1715 - Erection of a two storey, part single storey side/rear extension and a porch extension. - GRANTED

## **RELEVANT POLICIES**

- National Planning Policy Framework

### Warwick District Local Plan 2011-2029

- BE1 - Layout and Design
- BE3 - Amenity

### Guidance Documents

- Parking Standards (Supplementary Planning Document- June 2018)

## **SUMMARY OF REPRESENTATIONS**

**WCC Highways** – No objection.

**WCC Market Management** - No objection.

**WDC Environmental Health** – No objection. Subject to the imposition of conditions requiring the implementation of the proposed acoustic insulation scheme and noise management plan.

**CLLR Daniel Russell** – Objection. Lack of detailed management plan to show how the proposed development can be suitably integrated into the existing area and concerns over parking.

**Public response** – Thirteen comments of objection. One neutral comment. Concerns include:

- Parking concerns,
- Increased levels of traffic,

- Risk of antisocial behaviour,
- Impact to the character of the neighbourhood,
- Increased levels of noise, and
- Size of internal layout not suitable for proposed use.

## **ASSESSMENT**

### Principle of development

This proposal is for the residential care of children, therefore the provision of specialist housing.

The application site currently comprises a single dwelling unit. The existing use is residential and the proposed use is a children's residential care home that will provide accommodation for two children. The site is located within the urban boundary of Leamington Spa with local schools, shops and public transport nearby.

The proposal would provide medium to long term accommodation for up to two children aged between 8-17 years of age with emotional behavioural difficulties and/or learning disabilities. The running of this care home would be undertaken as close as possible to that of a normal dwellinghouse. There would be one member of staff on site to support the children. Any staff training or meetings would generally take place off-site and the children would also visit healthcare professionals off-site as per a normal family operation (i.e. doctors, dentists, etc.). As well as the children being placed in the local schools in the catchment area, they would also utilise services and facilities in the surrounding area.

Due to the nature of the use and the way in which the dwelling would operate as a normal dwellinghouse to support young people and integrate them within their locality, the proposed use is deemed acceptable in this location.

Furthermore, due to the nature of the proposal providing accommodation for children aged between 8-17, it is not considered that the change of use will generate any vehicular movements that would be greater than that of a normal dwellinghouse.

The proposal is therefore considered acceptable in principle.

### Impact on character of surrounding area

There would be no external alterations to the dwellinghouse, therefore the proposal is compliant with Local Plan Policy BE1

### Amenity of neighbouring properties

Policy BE3 of the Local Plan and the supporting Residential Design Guide SPD require developments to have regard to the amenities of local residents and this is supported by the National Planning Policy Framework which states that the level of detail and degree of prescription in a Supplementary Planning Document should

be tailored to the circumstances in each place, and should allow a suitable degree of variety where this would be justified.

There are no external alterations proposed with this scheme. The site benefits from a medium sized garden which is considered to satisfy the requirements for private outdoor amenity space.

Objection comments have been received highlighting the potential harm that the change of use will generate to the amenity of neighbouring uses. These concerns include, parking, increased levels of traffic, risk of antisocial behaviour and increased levels of noise.

Parking, traffic and noise are referenced below in this report. However with regard to the risk of anti-social behaviour, the care home would be run in accordance with the Children's Homes (England) Regulations 2015. This includes the requirements for the day to day running and oversight of a children's home. The care home will appoint an experienced and qualified Responsible Individual and Experienced/Qualified Registered Manager to oversee the running of the home. A planning condition is also proposed requiring the submission of a management plan providing specific details on the day to day running of the care home, including dwelling maintenance, staffing and the behavioural management procedure.

The proposal is therefore considered to have an acceptable level of impact to the amenity of the future residents and the surrounding areas. The proposal complies with Policy BE3.

### Noise

The Environmental Health Officer initially raised concerns over the change of use. However, following the submission of a noise management plan, they are satisfied with the proposal subject to the imposition of conditions.

The home should operate in harmony with adjacent neighbours both for the wellbeing of the neighbours and the children residing there. The noise management plan proposes reasonable measures to reduce noise that could potentially be generated from the property and mitigate the impacts of any such noise should it be generated. This includes restricting potentially noisy activities (i.e. ball games, singing etc) to times of the day that will not be disruptive to neighbouring dwellings. It also includes details on the monitoring of the residents from staff on a regular basis to ensure the relevant protocols are followed. Further details on behavioural management will be provided in the management plan which is proposed to be the subject of a planning condition.

The proposal also includes the installation of an acoustic partition roll to the insulation of the dwellinghouse, minimising the noise levels that will omit from the dwellinghouse following the change of use.

It is anticipated that the home will not generate any more noise than the average household with children residing. The proposal is therefore considered to have an

acceptable level of impact to the amenity of the future residents and the surrounding areas. The proposal complies with Policy BE3.

Access, Traffic and Parking

The WDC parking standards SPD requires 1 space per 3 residents for a residential care home.

15 Beaufort Avenue has an existing hardstanding driveway to the frontage that could comfortably park 2 cars. The existing dwelling has a parking requirement of 2 cars as per the WDC parking standards SPD. Officers consider 2 spaces sufficient to meet the requirements of this use as there will only be one member of staff on site at any one time and due to the occupants, who will reside here (children aged 8 – 17), it is unlikely that they will significantly increase the parking stress.

The Highways Authority have been consulted on this proposal and have raised no objection.

The development is considered to be in accordance with Policies TR1 and TR3 of the Local Plan.

**Conclusion**

The proposal provides an acceptable standard of living for the future residents, provides appropriate provision for parking and would not lead to a material increase in traffic movements above and beyond the existing lawful uses on site. The proposed use is acceptable in principle, and it is therefore considered that the proposal is in accordance with the aforementioned policies and recommended for approval.

**CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
  
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing 105-01-01A REV A, and specification contained therein, submitted on 12th December 2023. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
  
- 3 The development/use hereby permitted shall not be occupied/commence unless a full management plan has been submitted

to and approved in writing by the Local Planning Authority to include details relating to:

- Dwelling maintenance,
- Staffing and working schedule,
- Behaviour management procedure, and
- Car safety and parking.

**Reason:** To ensure that future occupants do not experience unacceptable levels of noise and the running of the dwelling is acceptable so that it does cause harm to the amenity of neighbouring uses, thereby in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 4 The development/use hereby permitted shall not be occupied/commence unless and until details of sound proofing have been submitted to and approved in writing by the Local Planning Authority and the sound proofing measures have been completed in full accordance with the approved details. **Reason:** To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029. / To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 5 The proposal should operate in complete accordance with the noise management plan submitted to the Local Planning Authority on 11/12/2023. **Reason:** To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029. / To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 6 The number of residents who reside at this dwelling, for the purposes of the approved use as a children's residential care home shall be no more than two at any time. **Reason:** To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029. / To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
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