

Planning Statement

Site Address: Land at Livesey Lodge, 15A Livesey Drive, Sapcote, Leicestershire, LE9 4LP

Proposal: Change of use from Rest Home (C2 use) to Assisted/Supported Living Residential Accommodation (Sui-Generis)

My Ref: 23/037

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1. INTRODUCTION AND BACKGROUND

- 1.1. MSC Planning Associates Ltd provides this Planning Statement in support of a full planning application to change the use of a former 'rest home' (C2 use) to Assisted/Supported Living Residential Accommodation (Sui-Generis)
- 1.2. The property was approved in 1986 under application 86/1240/1/PX and by condition limited its occupation as a residential rest home only, thereby, removing any blanket C2 use. The reason given for the condition states:

"The application site has a narrow access and is surrounded by dwellings. The traffic generation characteristics of other uses within the same use class are sufficiently different from those of a residential rest home to make those uses unacceptable on traffic safety and amenity grounds."
- 1.3. This application follows on from formal enforcement investigations and the issuing of an Enforcement Notice (Ref: E23/0034/COU) requiring the cessation of the use of the property for purposes of short- and long-term residential accommodation (Guest House/Serviced Accommodation). An Appeal against the issuing of the Enforcement Notice was dismissed (Ref: APP/T2405/C/23/3319559), whereby, the Inspector concluded that such a use would cause unacceptable harm to the living conditions of neighbouring occupants, with regard to noise and disturbance and raised concerns over parking/highway safety.
- 1.4. In conjunction with the Appeal process the Applicant maintained dialogue with the Council's Planning/Enforcement Departments to try and agree suitable/alternative accommodation for the property resulting in a response from Graham Perkins (Tehincal Enforcement Officer) for potential use as a care home facility. In summary, he confirmed that the suggested use (as per the management plan submitted with the application) was more akin to an Assisted Living facility where help is available from a warden or a limited number of support staff, thus a formal change of use was required.
- 1.5. A full copy of the response is attached at **Appendix 1**.
- 1.6. This statement outlines the details, evidence, case law and other particulars that underpin this appeal explaining why the development should be approved. It must be read with all supplementary information, plans, technical reports, and other documentation as submitted.

2. SITE & SURROUNDINGS

- 2.1. The property is a large, brick and tile, single-storey detached building with lawful use as a Care Home (C2 Use). The property has 24 en-suite bedrooms, with double bed, chair, cupboards and small fridge, together with communal kitchen and living areas. The property also benefits from external garden/amenity areas.
- 2.2. The property is located at the end of a residential cul-de-sac, situated within the village of Sapcote located approximately 5kms east of Hinckley and 10kms southwest of Leicester.
- 2.3. The property is not Listed, not located within a Conservation Area or any other local/national designation.
- 2.4. Access is via a driveway off Livesey Drive, with lit public footpaths leading into the centre of the village.

3. APPLICATION PROPOSAL

- 3.1. The development comprises a scheme for the change of use of a former 'rest home' to Assisted/Supported Living Residential Accommodation (Sui-Generis).
- 3.2. The property will provide the residents with their only place of abode until such time as their needs are assessed as being beyond support, care, and life-management, and need to move into accommodation providing nursing/medical care. The length of stay will depend upon the care, dependency, and the medical needs of each individual, but these premises will provide long-term residential accommodation.
- 3.3. Midland Living CIC ("ML") are partnered with an established Registered Provider of Social Housing, Reliance Social Housing CIC ("Reliance"), and ML have a 5-year lease agreement with Reliance for the management and maintenance of Livesey Lodge. Under this agreement, Reliance will house and facilitate the provision of care and support to adults. In addition, ML have a Service Level Agreement in place with a CQC-registered care provider, Kensington Community Care (Gloucester) Ltd ("Kensington") to ensure monitoring and oversight of service delivery and to provide 24/7 care and support services to the residents as required.
- 3.4. The use of the property will be a warden-controlled facility with 24 en-suite bedsits and provides 3 to 4 full time staff on site.
- 3.5. There is off-road parking available for around 8 - 12 vehicles for staff and visitors, together with space for bin storage and secure cycle storage provision.

4. PLANNING HISTORY & BACKGROUND

- 4.1. Notwithstanding the previous Enforcement History stated in Section 1 above, the only other planning history relating to this site refers to extensions/alterations to the property when in use as a rest home.

5. PLANNING POLICY

- 5.1. *Applications should be determined according to the Development Plan unless material considerations indicate otherwise* (Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990).

Development Plan

- 5.2. The adopted Development Plan for West Northamptonshire (South Northamptonshire Area) consists of the following elements:

- Blaby District Local Plan – Local Plan (Core Strategy) Development Document Feb 2013.
- Blaby District Local Plan – Local Plan (Delivery) Development Document Feb 2019.

- 5.3. Policies relevant to this application are set out below:

Core Strategy

- Policy CS.1 – Strategy for locating new development
- Policy CS5 – Housing distribution
- Policy CS.6 - Employment
- Policy CS24 – Presumption in favour of sustainable development

Delivery Local Plan Part 2

- Policy DM1 – Development within the Settlement Boundaries
- Policy DM8 – Local Parking and Highway Design Standards

6. ASSESSMENT

Principle

- 6.1. The site comprises a redundant rest home (C2 use) situated within the village of Sapcote approximately 5kms east of Hinckley and 10kms southwest of Leicester. Sapcote is designated in the Local Plan (Core Strategy) as a Medium Central Village, which in line Policy CS.1 of the Blaby Local Plan (Core Strategy) 2013 allows for lower levels of growth.
- 6.2. Policy CS.1 also provides encouragement to the use of Previously Developed Land (brownfield) and underused land and buildings.
- 6.3. In summary, Sapcote is a sustainable location for new development as it provides for a range of services/facilities and access to alternative, albeit limited, means of transport other than those of the private car.

6.4. Overall, the re-use of this building for Assisted/Supported Living Residential Accommodation, notwithstanding its former use as a rest home, is acceptable in principle, subject to a detailed assessment under Policy DM1 of the Local Plan.

6.5. Policy DM1 (Development within the Settlement Boundaries) of the Local Plan Delivery Document, requires all development to:

"a) Provide a satisfactory relationship with nearby uses that would not be significantly detrimental to the amenities enjoyed by the existing or new occupiers, including but not limited to, consideration of:

i. privacy, light, noise, disturbance and overbearing effect;

ii. vibration, emissions, hours of working, vehicular activity.

b) Be in keeping with the character and appearance of the area;

c) Not result in the overdevelopment of the site due to factors including footprint, scale and massing;

d) Have a satisfactory layout, design and external appearance; and,

e) Not prejudice the comprehensive development of a wider area."

6.6. The above matters are discussed in detail below.

Impact on Neighbouring Amenity

6.7. A key consideration in the Council serving formal Enforcement Action and the Inspector upholding the Notice on Appeal was the harm that would be caused by short term guest house/serviced style accommodation, upon existing residents which the Inspector described as living within a quiet residential area.

6.8. The Inspector also clearly distinguished that noise from within the premises would not be an issue, but that a use comprising guest house/serviced apartments, would cause unacceptable noise and disturbance due to the comings and goings of customers, which could also be at unsociable times (early morning/late evening).

6.9. In contrast, the Applicant has re-thought the proposed use of the building considering the Inspectors findings and the concerns raised by the Council. The current proposal, which has evolved through communication with the Council (See Appendix 1), now proposes Assisted/Supported Living Residential Accommodation.

6.10. Midland Living CIC (The Applicant) are partnered with an established Registered Provider of Social Housing, Reliance Social Housing CIC who have a 5-year lease agreement with Midland Living for the management and maintenance of Livesey Lodge. Under this agreement, Reliance will house and facilitate the provision of care and support to adults. In addition, a Service Level Agreement is in place with Kensington Community

Care (Registered with the Care Quality Commission) to ensure monitoring and oversight of service delivery and to provide 24/7 care and support services to the residents as required.

- 6.11. The property will provide the residents with their only place of abode until such time as their needs are assessed as being beyond support, care, and/or life-management. The length of stay will depend upon the care, dependency, and the medical needs of each individual, but these premises will provide long-term accommodation and is in clear contrast to the short stay, guest accommodation as previously proposed for the site.
- 6.12. The accompanying Management Plan (**Appendix 2**) sets out in detail the management and operational practices for the facility. Although not a C2 'care use', the character and nature of the proposed use and how it provides residential accommodation, support and care for its occupiers, means that the property will operate in a manner similar to that of a care/rest home, which is the sites lawful use. More importantly, in line with Policy DM1 the use would not give rise to any unacceptable noise or disturbance to surrounding residents, with strict controls in place by experienced and fully qualified support staff.
- 6.13. Justification for the car parking provision and access is provided later in this statement, but in terms of traffic generation like a care home style facility the main traffic generation/parking needs are taken up by staff and visitors, as the occupiers of the property by virtue of their circumstances are unlikely to have access to means of a private car. The facility in terms of the day-to-day operations, employ around 3/4 full time members of staff and despite their being 24 en-suite rooms, the likely numbers of visitors throughout the day would be negligible.
- 6.14. Furthermore, in line with the management and operational plan (Appendix 2) staff are on site 24/7 and are able to control visiting hours and car parking provision, if necessary.
- 6.15. Finally, the site is accessible via alternative means of transport other than the private car, including a bus service together with space is available on site for secure cycle parking.
- 6.16. Overall, the proposed use of the vacant premises as Assisted/Supported Living Residential Accommodation is similar to that of the former rest home use and would be fully compliant with Policy DM1.

Design, Layout and impact on Character and Appearance of the Area

- 6.17. The re-use of the existing building requires no extensions or external alterations. By virtue of its nature and character, together with its occupiers, the building already lends itself to assisted/supported living accommodation and is not dissimilar to that of the rest home use for which it was originally constructed.
- 6.18. No extensions are required, and the building provides 24 en-suite rooms, with communal areas including kitchen facilities a main reception and office. The property also benefits from communal external amenity space.

- 6.19. As stated above, given the similarities to that of a care home the development is wholly appropriate for such a use.
- 6.20. Finally, the re-use of this existing building would not prejudice and/or undermine the comprehensive re-development of the wider area as it is already developed for residential use.

Highways, Parking & Access

- 6.21. Key considerations for development at this site are traffic generation/trip movements, given access is via a residential cul-de-sac, together with providing adequate car parking on site to avoid indiscriminate car parking on surrounding residential streets.
- 6.22. Policy DM8 requires compliance with the Leicestershire Highway Design Guide 2022. The Leicestershire Highway Design Guide 2022 only refers to C1, C2 and C3 uses, but given that this development is not dissimilar to that of care home style provision, it is reasonable to have regard to those provisions in applying car parking requirements to this site. Using those requirements 24 beds, with 4 members of staff would require 10 to 12 spaces being available on site (1 per staff and 1 space for each 3 or 4 beds). Provision is available on site for around 8-12 spaces, as indicated by the Council in referring to the recent appeal decision and as can be seen on site.
- 6.23. Furthermore, staff parking can be doubled up, if necessary, to allow for greater visitor parking, if necessary, given the level of operational management on site and albeit limited, there is access to alternative modes of transport to that of the car, with secure cycle storage available and a bus service.
- 6.24. Overall, the car parking provision of 8-12 spaces on site is adequate for the nature of this development and would not lead to any intensification that would cause highway concerns on surrounding road network.

Other Material Planning Considerations

- 6.25. There are no other material planning reasons to justify a refusal of planning permission.

7. CONCLUSION

- 7.1. The proposal seeks to secure full planning permission to change the use of a former 'rest home' (C2 use) to Assisted/Supported Living Residential Accommodation (Sui-Generis)
- 7.2. The re-use of this building for Assisted/Supported Living Residential Accommodation, notwithstanding its former use as a rest home, is acceptable in principle, subject to a detailed assessment against Policy DM1 of the Local Plan (Delivery) Development Document Feb 2019.
- 7.3. Having assessed the proposed change of use against Policy DM1, the Applicant argues that the development is fully compliant, especially given the similarities in terms of character, nature and scale of the lawful rest home use. This lawful use provides a genuine and realistic fallback position/justification for

this type of use and in this sustainable location. In particular, the development would not give rise to any unacceptable harm in terms of neighbouring amenity or car parking/access arrangements.

- 7.4. There are no other material planning reasons to justify a refusal of planning permission.
- 7.5. For the above reasons, the LPA is respectfully asked to grant planning permission for the development and apply conditions as deemed necessary and appropriate.