

Leicester
City Council

**MEETING OF THE PLANNING AND DEVELOPMENT CONTROL
COMMITTEE**

DATE: WEDNESDAY, 11 JUNE 2025

TIME: 5:30 pm

**PLACE: Meeting Rooms G.01 and G.02, Ground Floor, City Hall,
115 Charles Street, Leicester, LE1 1FZ**

Members of the Committee

Councillor Surti (Chair)

Councillor Dr Moore (Vice-Chair)

Councillors Agath, Chauhan, Cole, Joel, Kennedy-Lount, Kitterick,
Modhwadia, Mohammed and Singh Patel

Members of the Committee are summoned to attend the above meeting
to consider the items of business listed overleaf.

For Monitoring Officer

Officer contact:

Jessica Skidmore, Governance Services Officer, email: jessica.skidmore@leicester.gov.uk /

Sharif Chowdhury, Senior Governance Services Officer, email:

sharif.chowdhury@leicester.gov.uk

e-mail: committees@leicester.gov.uk

Governance Services, Leicester City Council, City Hall, 115 Charles Street, Leicester, LE1 1FZ

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- ✓ where filming, to (via the Chair of the meeting) ensure that those present are aware that they may be filmed and respect any requests to not be filmed.

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If you have any queries about any of the above or the business to be discussed, please contact:

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PUBLIC SESSION

AGENDA

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- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST**

Members are asked to declare any interests they may have in the business to be discussed on the agenda.

Members will be aware of the Code of Practice for Member involvement in Development Control decisions. They are also asked to declare any interest they might have in any matter on the committee agenda and/or contact with applicants, agents or third parties. The Chair, acting on advice from the Monitoring Officer, will then determine whether the interest disclosed is such to require the Member to withdraw from the committee during consideration of the relevant officer report.

Members who are not on the committee but who are attending to make representations in accordance with the Code of Practice are also required to declare any interest. The Chair, acting on advice from the Monitoring Officer, will determine whether the interest disclosed is such that the Member is not able to make representations. Members requiring guidance should contact the Monitoring Officer or the Committee's legal adviser prior to the committee meeting.

- 3. PLANNING AND DEVELOPMENT CONTROL COMMITTEE MEMBERSHIP 2025/26**

Members are asked to note the Membership of the Planning and Development Control Committee for 2025-26, as detailed on the front of the agenda.

4. PLANNING AND DEVELOPMENT CONTROL COMMITTEE MEETING DATES

Members are asked to note the dates for Planning and Development Control Committee meetings for 2025-26:

- 11 June 2025
- 2 July 2025
- 23 July 2025
- 20 August 2025
- 10 September 2025
- 1 October 2025
- 29 October 2025
- 19 November 2025
- 10 December 2025
- 21 January 2025
- 11 February 2025
- 4 March 2025
- 25 March 2025
- 15 April 2025
- 6 May 2025

5. PLANNING APPLICATIONS AND CONTRAVENTIONS [Appendix A](#)

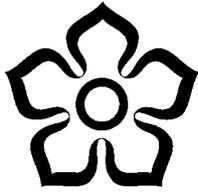
The Committee is asked to consider the recommendations of the Director, Planning, Development and Transportation contained in the attached reports, within the categories identified in the index appended with the reports.

(i) 20250314 - 14 BRUNEL AVENUE [Appendix B](#)

6. APPEALS REPORT: 2024/5 MUNICIPAL YEAR AND APRIL TO MAY 2025

The Director of Planning, Development and Transportation submits a report providing Member's with an update on the outcomes of appeals received in the 2024/25 municipal year and between 1st April 2025 and 28th May 2025.

7. ANY OTHER URGENT BUSINESS



Leicester
City Council

Wards:
See individual reports.

Planning & Development Control Committee

Date: 11 June 2025

REPORTS ON APPLICATIONS, CONTRAVENTIONS AND APPEALS

Report of the Director, Planning and Transportation

1 Introduction

- 1.1 This is a regulatory committee with a specific responsibility to make decisions on planning applications that have not been delegated to officers and decide whether enforcement action should be taken against breaches of planning control. The reports include the relevant information needed for committee members to reach a decision.
- 1.2 There are a number of standard considerations that must be covered in reports requiring a decision. To assist committee members and to avoid duplication these are listed below, together with some general advice on planning considerations that can relate to recommendations in this report. Where specific considerations are material planning considerations they are included in the individual agenda items.

2 Planning policy and guidance

- 2.1 Planning applications must be decided in accordance with National Planning Policy, the Development Plan, principally the Core Strategy, saved policies of the City of Leicester Local Plan and any future Development Plan Documents, unless these are outweighed by other material considerations. Individual reports refer to the policies relevant to that application.

3 Sustainability and environmental impact

- 3.1 The policies of the Local Plan and the LDF Core Strategy were the subject of a Sustainability Appraisal that contained the requirements of the Strategic Environmental Assessment (SEA) Directive 2001. Other Local Development Documents will be screened for their environmental impact at the start of preparation to determine whether an SEA is required. The sustainability implications material to each recommendation, including any Environmental Statement submitted with a planning application are examined in each report.
- 3.2 All applications for development falling within the remit of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 are screened to determine whether an environmental impact assessment is required.

- 3.3 The sustainability and environmental implications material to each recommendation, including any Environmental Statement submitted with a planning application are examined and detailed within each report.
- 3.4 Core Strategy Policy 2, addressing climate change and flood risk, sets out the planning approach to dealing with climate change. Saved Local Plan policies and adopted supplementary planning documents address specific aspects of climate change. These are included in individual reports where relevant.
- 3.5 Chapter 14 of the National Planning Policy Framework – Meeting the challenge of climate change, flooding and coastal change – sets out how the planning system should support the transition to a low carbon future, taking full account of flood risk and coastal change. Paragraph 149 states “Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.”
- 3.6 Paragraphs 155 - 165 of the National Planning Policy sets out the national policy approach to planning and flood risk.

4 Equalities and personal circumstances

- 4.1 Whilst there is a degree of information gathered and monitored regarding the ethnicity of applicants it is established policy not to identify individual applicants by ethnic origin, as this would be a breach of data protection and also it is not a planning consideration. Section 149 of the Equality Act 2010 provides that local authorities must, in exercising their functions, have regard to the need to:
- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 4.2 The identity or characteristics, or economic circumstances of an applicant or intended users of a development are not normally material considerations. Where there are relevant issues, such as the provision of specialist accommodation or employment opportunities these are addressed in the individual report.

5 Crime and disorder

- 5.1 Issues of crime prevention and personal safety are material considerations in determining planning applications. Where relevant these are dealt with in individual reports.

6 Finance

- 6.1 The cost of operating the development management service, including processing applications and pursuing enforcement action, is met from the Planning service budget which includes the income expected to be generated by planning application fees.

- 6.2 Development management decisions can result in appeals to the Secretary of State or in some circumstances legal challenges that can have cost implications for the City Council. These implications can be minimised by ensuring decisions taken are always based on material and supportable planning considerations. Where there are special costs directly relevant to a recommendation these are discussed in the individual reports.
- 6.3 Under the Localism Act 2011 local finance considerations may be a material planning consideration. When this is relevant it will be discussed in the individual report.

7 Planning Obligations

- 7.1 Where impacts arise from proposed development the City Council can require developers to meet the cost of mitigating those impacts, such as increased demand for school places and demands on public open space, through planning obligations. These must arise from the council's adopted planning policies, fairly and reasonably relate to the development and its impact and cannot be used to remedy existing inadequacies in services or facilities. The council must be able to produce evidence to justify the need for the contribution and its plans to invest them in the relevant infrastructure or service, and must have regard to the Community Infrastructure Levy (Amendment)(England) Regulations 2019.
- 7.2 Planning obligations cannot make an otherwise unacceptable planning application acceptable.
- 7.3 Recommendations to secure planning obligations are included in relevant individual reports, however it should be noted however that the viability of a development can lead to obligations being waived. This will be reported upon within the report where relevant.

8 Legal

- 8.1 The recommendations in this report are made under powers contained in the Planning Acts. Specific legal implications, including the service of statutory notices, initiating prosecution proceedings and preparation of legal agreements are identified in individual reports. As appropriate, the City Barrister and Head of Standards has been consulted and his comments are incorporated in individual reports.
- 8.2 Provisions in the Human Rights Act 1998 relevant to considering planning applications are Article 8 (the right to respect for private and family life), Article 1 of the First Protocol (protection of property) and, where relevant, Article 14 (prohibition of discrimination).
- 8.3 The issue of Human Rights is a material consideration in the determination of planning applications and enforcement issues. Article 8 requires respect for private and family life and the home. Article 1 of the first protocol provides an entitlement to peaceful enjoyment of possessions. Article 14 deals with the prohibition of discrimination. It is necessary to consider whether refusing planning permission and/or taking enforcement action would interfere with the human rights of the applicant/developer/recipient. These rights are 'qualified', so committee must decide whether any interference is in accordance with planning law, has a legitimate aim and is proportionate.

- 8.4 The impact on the human rights of an applicant or other interested person must be balanced against the public interest in terms of protecting the environment and the rights of other people living in the area.
- 8.5 Case law has confirmed that the processes for determination of planning appeals by the Secretary of State are lawful and do not breach Article 6 (right to a fair trial).

9 Background Papers

Individual planning applications are available for inspection on line at www.leicester.gov.uk/planning. Other reasonable arrangements for inspecting application documents can be made on request by e-mailing planning@leicester.gov.uk. Comments and representations on individual applications are kept on application files, which can be inspected on line in the relevant application record.

10 Consultations

Consultations with other services and external organisations are referred to in individual reports.

11 Report Author

Grant Butterworth grant.butterworth@leicester.gov.uk (0116) 454 5044 (internal 37 5044).

COMMITTEE REPORT

20250314	14 Brunel Avenue	
Proposal:	Change of use from dwellinghouse (Class C3) to children's residential home (3 persons) (Class C2)	
Applicant:	Goyal	
App type:	Operational development - full application	
Status:	Change of use	
Expiry Date:	22 April 2025	
JA1	TEAM: PD	WARD: Beaumont Leys



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Summary

- The application is brought to committee due to there being more than 6 objections from different addresses received within the city boundary.

- The main issues are principle of development; character of the area; amenity of neighbouring residents; living conditions for future occupiers, parking and traffic
- 16 Objections from 11 separate addresses were received.
- The recommendation is to grant conditional approval

The Site

The application site concerns a detached, four-bedroom dwelling within a suburban area of the city. The dwelling is located within a cul-de-sac of 19 other detached dwellings. The application site has a garden of approximately 54sqm.

The application site is within a residential policy area. The site is located within a critical drainage area and a monument polygon for the archaeological records of the medieval Leicester Forest.

Background

The application site was built during the 1970s under permission 021745, which saw the development of 133 dwellings within the surrounding area.

An application (19961155) for a rear extension was approved in 1996. This permission has been implemented.

The Proposal

The application is for change of use at 14 Brunel Avenue from residential dwelling use (C3) to a residential care home (Class C2). The home would accommodate a maximum of 3 children.

The dwelling would be laid out with an office, kitchen, dining room, lounge, bathroom and staff bedroom on the ground floor. The first floor would comprise of three child bedrooms, one bathroom and a staff bedroom.

The management plan advises there would be a maximum of three children housed within the care home, with a maximum of three staff members on shift. The proposed shift patterns will run between 10am and 10am, over a 24hour cycle.

There are no physical alterations proposed to the development site, within this application.

Policy Considerations

National Planning Policy Framework

Paragraph 2 (Primacy of development plan)

Paragraph 11 (Sustainable development)

Paragraph 109 (Transport impacts and patterns)

Paragraph 115 (Assessing transport issues)

Paragraph 116 (Unacceptable highways impact)

Paragraph 117 (Highways requirements for development)

Paragraph 135 (Good design and amenity)

Paragraph 198 (Noise and light pollution)

Paragraph 201 (Planning decisions separate from other regimes)

Local Policies

- CLLP policy AM01 (Impact of development on pedestrians)
- CLLP policy AM12 (Residential car parking provision)
- CLLP policy PS10 (Residential amenity and new development)
- CLLP policy PS11 (Protection from pollution)
- Policy CS03 (Designing quality places)
- Policy CS06 (Housing strategy)
- Policy CS14 (Transport network)

Supplementary Guidance

- Appendix 1 CLLP- Vehicle Parking Standards
- Residential Amenity SPD (2008)

Representations

16 Objections were received from 11 addresses within the city. Objections comprised of the following concerns:

Principle of Development/Character of area

- There are more suitable locations than the application site for the proposed use
- The proposal would be out of character for the area
- The proposal would appear incongruous within the surrounding area
- 1 Brunel Avenue has had a similar use refused previously

Traffic/Parking/Highways

- The proposal would cause strain on existing parking and traffic
- Traffic has already increased due to the impact of nearby Stokes Wood Primary School
- The garage has been unlawfully converted into an office
- Changing of shift patterns and potential visits to the care home by different agencies would increase strain on parking and traffic
- Staff won't use public transport and is inadequate anyway
- The application does not comply with NPPF paragraph 111

Living Conditions for residents

- The garden size would be not sufficient to the needs of the children
- The proposed building is not suitable for the purposes of a children home

Impact on neighbouring amenity

- The application would have an adverse impact on retired, elderly and vulnerable residents
- The proposal would result in the loss of privacy to neighbouring residents
- There would be a significant increase in noise associated with this use
- There would be greater negative impact on residents due to proposed children having more complex needs

Waste

- Increase in waste

Other matters

- The application received inadequate consultation with neighbours
- Staffing would be inadequate to needs of occupants
- The application has caused stress to local residents
- There are safeguarding concerns as to the internal layout of the site
- There would be a negative impact on the value of surrounding dwellings
- The application does not comply with NPPF paragraph 111 and 130.

Consultations

LCC Social Care Department- The applicant can demonstrate experience in the children's care sector, having run care homes since 2018. The proposed area for the children's home does not raise any immediate concerns. However, the decision to register as a children's home rests with Ofsted, despite planning consent still being a requirement.

Consideration

Principle of development/character of area

Having reviewed the 400msq radius from the proposed care home site, there are no previous changes of use applications for C3 to C2 Children's care home use within this area.

I consider that the existence of no further children's care homes within the immediate area, would ensure that this proposal does not contribute to the potential over concentration of this proposed use. Within the objections received, concerns were raised regarding the impact of the proposal on the character of the area, by appearing incongruous.

These concerns were compounded by the specific concern that there were more suitable locations for this type of use, than the one proposed by the application. As the proposed use will be a managed care home with assisted living provided for the residents, and as a primarily residential use, its location in a residential area is appropriate in planning policy terms.

With regard to further objections, it was stated that there was a similar change of use application refused at 1 Brunel Avenue for a nursery. The application was withdrawn rather than refused. Notwithstanding this, under current planning use class, a nursery would be classified as Class E given its commercial nature and I would consider this inappropriate within the surrounding area. However, Class C2 would still be a residential use within a residential area, therefore I do not consider there to be similarities between the two uses.

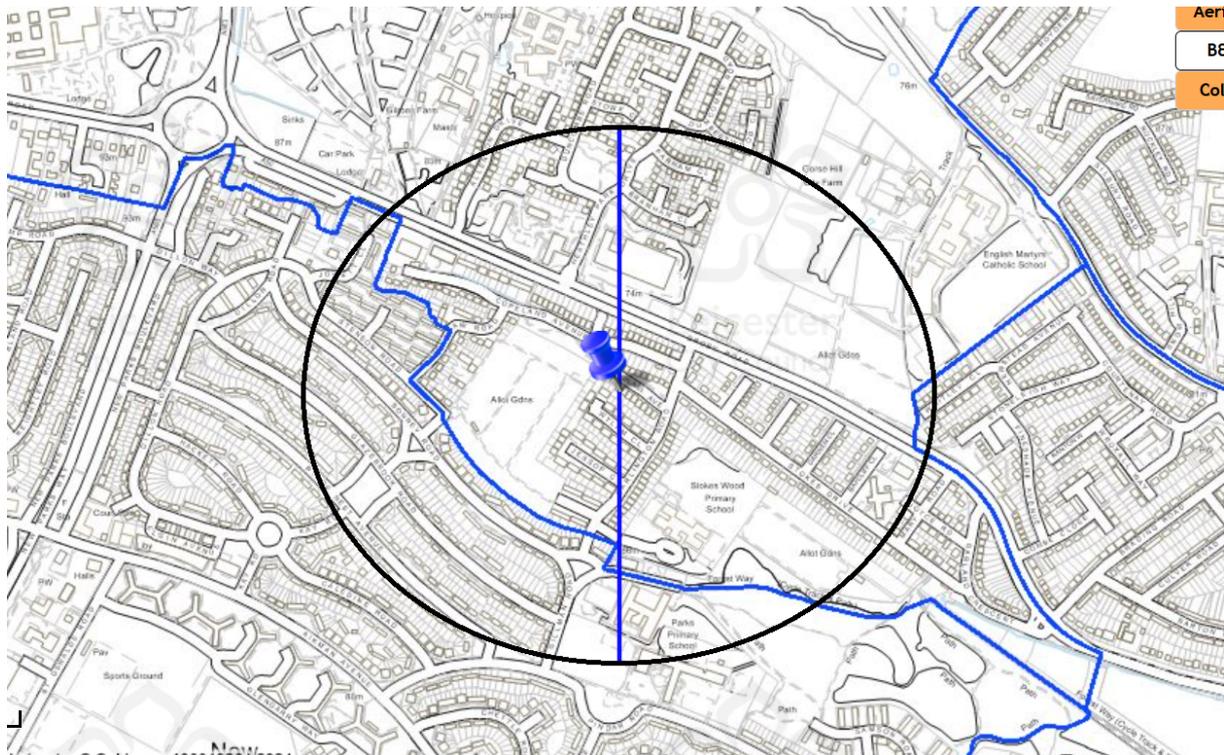


Figure 1: There are no other approved care homes within 400m of the application site.

Living Conditions for Occupiers

The existing site is a four-bedroom dwellinghouse under Class C3 use. Saved Policy PS10 of the local plan (2010) applies to the amenity of future as well as existing residents.

Objectors have raised issue with the existing building not being appropriate for use as a children's care home. I consider a four-bedroom family dwelling to be an entirely appropriate building for this type of use. The house has acceptable access to natural light and outlooks, with adequate floorspace for up to three residents and staff working shift patterns. However, a condition will be added to the permission ensuring that no more than three children can be cared for within the house, to ensure that the acceptable living conditions are not compromised by an increase in occupants.

I note from the objections that there is concern over the size of the garden being suitable for the proposed use of a children's care home. The rear amenity space would approximately measure 54msq. Whilst this would not meet the recommended guidance within the residential amenity SPD for amenity guidelines, as this application is for a change of use from residential dwelling (Class C3), I do not consider that the proposed use is divergent enough from the current, to warrant refusal on this basis. For example, a family with three or more children could live in the property under its existing use and as such I would consider the needs of both the children within the care home and those within a family (C3) environment to be the same.

Overall, I am satisfied that the application site would provide potential residents of the care home with sufficient living conditions. Whilst the garden site would not meet the recommended guidelines for rear amenity space within the residential amenity

SPD, the proposed use does not equate to a disproportionate increase in users from the current use, therefore this cannot be considered as a reason for refusal.

Neighbouring Residential Amenity

NPPF paragraphs 135 & 198, and saved Local Plan policies PS10 and PS11 require amenity to be protected for neighbouring residents from development, including in respect of noise.

I note within the objections there are concerns that there could be an increase in disturbances and noise, if the change of use was granted permission. However, the proposal is to provide organised care with carers always present for oversight and supervision. Whilst there would be potential for more people to be present in the house regularly during the daytimes than may be expected in a family home, the use is for residential care, which is not an inherently noisy use that would be out of character for a residential area (including the use of the house and rear garden area).

I note there is also greater concern from the objections regarding the potential for disruptions, as the applicant has listed within their management plan that the proposed site would be used for children with learning difficulties or emotional behaviour disorders (EBD). Within their consultation response, Leicester City Council social care team have stated that the risks posed by children with these issues can be mitigated by experienced professionals. The social care team have also recognised the potential care provider as being able to demonstrate experience in this sector.

Nonetheless, I do not consider the change of use would result in an unacceptable increase in noise; in part due to its similarity to C3 residential use and the modest scale of the proposal. There are further concerns within the objections, that there would be a significantly adverse impact on retired, elderly and vulnerable residents within the surrounding area. The facility would be a managed care home provider and it would be reasonable to expect that managed provisions would be in place to prevent these concerns. However, the managed provisions are not be a planning consideration and they would be a factor for Ofsted to assess and consider.

Notwithstanding this, the granting of planning permission does not indemnify against statutory nuisance action being taken, should substantiated noise complaints be received but there would be no planning justification to withhold permission on this basis. NPPF paragraph 201 states that 'The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.'

As the proposal would be an acceptable use of land there is no planning reason to require a noise management plan on the grounds of noise/disturbance/anti-social behaviour which could dealt with other agencies.

Within the objections, there are also concerns that the change of use would result in an intrusion on neighbouring privacy. As there is no physical development associated with this proposal, I do not consider the impact on neighbouring privacy would be substantially different to its existing use.

I conclude that the proposal would not conflict with NPPF paragraph 135f, and saved Local Plan Policies PS10 and PS11, and that the proposal would be acceptable in terms of impact upon amenity

Highways Parking

Saved Local Plan policies AM01 and AM02, and NPPF paragraphs 109,115 and 117 require developments to provide suitable facilities for traffic and parking, avoiding harm to highway safety. It is also noted that NPPF paragraph 116 states that development should only be prevented on highways grounds in cases of unacceptable impact on highway safety, or if cumulative impacts on the road network would be severe. Within Appendix 01 Vehicle Parking Standards, it states that for a C2 site of this size, one car parking space is necessary.

Within the objections, several concerns have been highlighted regarding the change of use's impact on parking and the proposed use leading to an increase in traffic within the surrounding area. The existing dwelling site has two car parking spaces in hardstanding to the front. It is noted from the objections and the existing/proposed plans, that the garage is listed as being an office, despite still having a garage door upon its principal elevation. Within the original permission, there is a condition stating that the garage should be incidental to the enjoyment of the house, therefore this does require planning permission. Nonetheless, this permission will supersede the previous permission, as the loss of a garage would not cause significant adverse harm to parking, due to the adequate parking space to the front of the dwelling.

Notwithstanding this, within the management plan it is stated that the development would have up to 3 support staff members on site at all times, with up to two extra staff between 9am and 5pm on weekdays. In addition, it could be expected that other agency staff may visit the house, meaning that there may be some on-street parking required at times. It has been highlighted by objectors that the changing of shift patterns and potential visits to the care home by different agencies would increase the strain on parking and traffic. However, the management plan has stated that visitors would have to arrange to visit the site via appointment. I consider this provision would mitigate some of the potential impact of visits by agency staff, through making site visits an appointment only requirement.

Nonetheless, the site is also close to bus stops on Groby Road, therefore staff & visitors would be able to use public transport or alternative methods to the private vehicle. Objectors have said it would be unreasonable to expect staff to use public transport. Within the management plan, it is stated that staff will be encouraged to use public transport, via the offering of financial support. I do not consider it unreasonable to expect that between staff, some will use public transport and others may drive to the site. Furthermore, it has been highlighted by objectors that the local school has already caused issues with traffic. Within the management plan, the majority of shifts would start and finish at 10am, therefore staff arriving and leaving

shall avoid peak school traffic. As a result, I believe 2 parking spaces to the front of the dwelling would be sufficient to the needs of the development, in addition to the provision of adequate public transport, with bus stops located approximately a 10 minute walk away from the development site.

Overall, I am satisfied with the proposal's impact on traffic and parking within the locality. The application site complies with the requirements of Appendix 01 Vehicle Parking Standards, by having more than 1 car parking spaces to the front of the dwelling. In addition, there is the adequate provision of nearby public transport, with bus stops within a 5 minute walk away from the site. As such, the proposal would be in accordance with NPPF paragraph 116 and the proposal would not warrant refusal on Highways grounds.

Waste

Saved Policy PS10 of the Local Plan (2006) sets out a number of amenity factors to be taken into account when determining planning applications, including the visual quality of the area including litter problems.

I note from the objections that there are concerns over the proposed change of use increasing waste. Within the application management plan, it is stated that Bins and waste will be dealt with in line with council guidelines, as per residential waste. I consider this would be satisfactory, as the amount of waste would not be adversely altered by the change of use and in this respect the situation would be no different to a residential dwelling (Class C3).

Other issues

Within the objections received, it was stated that the application did not comply with the NPPF paragraphs 111 and 130. These paragraphs were incorrectly identified by the complainant. It is likely the objector meant NPPF paragraphs 116 and 135 respectively. As has been outlined within this report, I am satisfied that the proposal would meet the policy expectation of these paragraphs.

Within the objections received, it was stated that the application had received inadequate or no consultation. The application has been publicised to meet the requirements of the DMPO (Development Management Procedure Order), therefore I consider the application has been publicised appropriately.

Objectors have raised concerns with the change of use's impact on the property value of surrounding dwellings. This concern is not a planning consideration.

Objectors have also raised concerns with potential safeguarding risks, due to the proposed internal layout. I do not consider this concern a planning matter and instead this should be referred to Ofsted as part of the ongoing monitoring of the uses should permission be granted.

Objectors have raised concerns that the application has caused stress to residents. Whilst this is unfortunate and would rather be avoided, this is not a planning consideration.

Objectors have also raised concerns with whether the shift patterns would be sufficient to serve the needs of occupants. As these are concerns that may be of interest to Ofsted, they are not a material planning consideration, therefore I do not share these raised concerns when assessing this application for change of use.

Conclusion

The application is acceptable in principle and I recommend conditional approval.

Within Class C2 the property could be used for a residential school, college, training centre or health facility. Further consideration for these types of uses would be necessary and for this reason I am recommending a condition that restricts the uses of the property to a care home.

The proposal is for 3 children in care and I recommend a condition to limit this to 3 as any increase would also require further consideration.

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The premises shall not accommodate any more than 3 residents in care at any one time. (To enable consideration of the amenity of residents and parking impacts of a more intensive use, in accordance with Policy CS14 of the Leicester Core Strategy (2014) and saved Policy PS10 of the Local Plan (2006).)
3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, or any order amending or revoking and replacing that Order with or without modification, the premises shall not be used for any purpose other than for a care home within Class C2 of the Order, unless otherwise approved in writing by the local planning authority. (To enable consideration of the amenity, parking and highway safety impacts of alternative Class C2 uses, in accordance with Policies CS03, CS08 and CS14 of the Leicester Core Strategy (2014) and saved Policy PS10 of the Local Plan (2006)).
4. Development shall be carried out in accordance with the following approved plans:
Proposed Ground Floor and First Floor Plans, DRAWING NUMBER 03, received 25 February 2025
(For the avoidance of doubt).

NOTES FOR APPLICANT

1. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun

because the following statutory exemption/transitional arrangement is considered to apply:

Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

2. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material planning considerations, including planning policies and representations that may have been received and subsequently determining to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2024.

Policies relating to this recommendation

2006_AM12	Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
2006_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
2014_CS02	Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
2014_CS06	The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
2014_CS14	The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.



WARDS AFFECTED: ALL

PLANNING AND DEVELOPMENT CONTROL COMMITTEE

11th June 2025

Report of the Director of Planning, Development and Transportation

Appeals Report: 2024/5 Municipal Year and April to May 2025

1 Purpose of Report

1.1 The purpose of this report is to provide members of the Planning and Development Control Committee with an update on the outcomes of appeals received in the 2024/5 Municipal Year (1st April 2024 to 31st March 2025) and between 1st April 2025 and 28th May 2025.

2 Background

2.1 Most planning applications received by the Council are determined by officers on behalf of the PDCC under delegated powers and the vast majority are approved. For those applications which are refused, or not determined within the prescribed time limits set by the Government, applicants have the right to appeal to the Government's Planning Inspectorate to seek an approval. The majority of appeals are dealt with by a process of exchange of Written Representations, although there are provisions for Informal Hearings or Full Public Inquiries as necessary.

2.2 This report provides details of appeals received in the 2024/5 Municipal Year (1st April 2024 to 31st March 2025) and between 1st April 2025 and 28th May 2025, and sets out the outcomes of the cases involved for Members' information.

3 Appeals Determined in the 2024/5 Municipal Year and between 1st April 2025 and 28th May 2025

3.1 Appendix A lists of appeals which were determined in the 2024/5 Municipal Year (1st April 2024 to 31st March 2025) and between 1st April 2025 and 28th May 2025

3.2 Out of 50 appeals in the 2024/25 Municipal Year: 36 appeals were dismissed, 12 appeals were allowed, 1 appeal was withdrawn, and 1 appeal outcome was unclassifiable. Securing a positive result in 72% of cases appeal determined in the Municipal Year is considered to represent a very good performance by planning and enforcement officers defending decisions taken under delegated powers on behalf of the Committee.

Appeal Decisions 1/4/2024 to 31/3/2025	Number (Total = 50)	Percentage
Dismissed	36	72%
Allowed	12	24%
Mixed Decision	0	0%
Unclassifiable	1	2%
Withdrawn	1	2%

3.3 Out of 7 appeals received since the start of the current 2025/26 Municipal Year on 1st April 2025 through to 28th May 2025: 5 appeals were dismissed, 1 appeal was allowed, and 1 appeal was a mixed decision. This trend at 71% of appeals dismissed, though a partial initial snapshot for the current Municipal Year, reflects the very good performance in 2024/25.

Appeal Decisions 1/4/2025 to 28/5/2025	Number (Total = 7)	Percentage
Dismissed	5	71%
Allowed	1	14.5%
Mixed Decision	1	14.5%
Unclassifiable	0	0%
Withdrawn	0	0%

3.4 The details of the individual appeals can be found on the links provided within the table below in Appendix A.

3.5 Currently there are 28 outstanding appeal decisions yet to be received. A further update report will be provided in October / November 2025.

3.6 Further details can be provided for any of the cases upon request and could help form the basis of future Training or Briefing Sessions in due course.

4 Recommendations

4.1 Committee Members are requested to note the report.

5 Report Author

Grant Butterworth

Head of Planning

Planning, Development and Transportation

0116 454 5044

Grant.butterworth@leicester.gov.uk

APPENDIX A

Appeal Tracker: Decided Appeals for 2024/25 Municipal Year (1st April 2024 to 31st March 2025) and Between 1st April 2025 and 28th May 2025

Appeal Ref	Appeal Type	Appeal Status	Location	Proposal	Appeal Decided Date	URL
Appeals Decided to Date in the 2025/26 Municipal Year (1/4/2025 to 28/5/2025)						
20258008A	Advertisement Appeal	Dismissed	57 Humberstone Road, Advertising Adjacent	Replacement of one internally illuminated digital hoarding (Sui Generis)	20250527	https://planning.leicester.gov.uk/Appeals/Display/20258008A
20258003A	Planning Appeal	Dismissed	104 Livingstone Street	Change of use from house (Class C3) to two self-contained flats (2 x 1 bed) (Class C3)	20250521	https://planning.leicester.gov.uk/Appeals/Display/20258003A
20248048A	Planning Appeal	Dismissed	Halifax Drive, St Lukes Church	Installation of 9 telecommunications antennas and ancillary equipment to tower and rooftop	20250509	https://planning.leicester.gov.uk/Appeals/Display/20248048A
20248044A	Planning Appeal	Dismissed	Land South of 155 Humberstone Drive	Construction of five two-storey dwellinghouses (all 3-bed) (Class C3); associated access from Humberstone Drive, parking and landscaping	20250507	https://planning.leicester.gov.uk/Appeals/Display/20248044A
20258014A	Planning Householder Appeal	Mixed decision	25 Rockley Road	Retrospective application for the construction of single storey extension at front and dormer extension at rear of house (Class C3); Construction of single storey outbuilding at side and balcony at rear of house	20250506	https://planning.leicester.gov.uk/Appeals/Display/20258014A
20238040A	Enforcement Notice Appeal	Dismissed	10 Heathley Park Drive	Construction of a single storey extension to side of the Property, construction of boundary wall to side and rear of Property	20250415	https://planning.leicester.gov.uk/Appeals/Display/20238040A
20248047A	Planning	Allowed	35-37	Removal of condition 3 (hours of use) attached to planning	20250411	https://planning.leicester.gov.uk/Appeals/Display/20248047A

	Appeal		Narborough Road	permission 20222478 for change of use of ground floor from shop (Class E) to adult gaming centre (Sui Generis)		eicester.gov.uk/Appeals/Display/20248047A
Appeals Decided in the 2024/25 Municipal Year (1/4/2025 to 31/3/2025)						
20258004A	Planning Appeal	Dismissed	120 Spencefield Lane	Retrospective planning application for the construction of single storey extension at front of house (Class C3)	20250327	https://planning.eicester.gov.uk/Appeals/Display/20258004A
20258001A	Planning Householder Appeal	Dismissed	84 Heyworth Road	Construction of fence at rear of property (Class C3)	20250327	https://planning.eicester.gov.uk/Appeals/Display/20258001A
20248040A	Planning Appeal	Allowed	17 Glebe Street	Replacement of six existing rooftop telecommunications antennas with twelve new antennas & ancillary equipment	20250325	https://planning.eicester.gov.uk/Appeals/Display/20248040A
20248028A	Planning Appeal	Dismissed	103-105 Princess Road East	Notification of proposed conversion from offices (Class E) to 14 self-contained flats (Class C3) (amended plans received on 28/05/2024)	20250324	https://planning.eicester.gov.uk/Appeals/Display/20248028A
20238032A	Enforcement Notice Appeal	Dismissed	Land on North Side of Braunstone Lane East	Unauthorised Buildings	20250318	https://planning.eicester.gov.uk/Appeals/Display/20238032A
20248039A	Planning Appeal	Dismissed	211 Scruptoft Lane	Demolition of existing house; construction of replacement two storey house (Class C3)	20250224	https://planning.eicester.gov.uk/Appeals/Display/20248039A
20258010A	Planning Appeal: Lawful Use	Other or Unclassifiable decision	20 Ratcliffe Road	Certificate of lawful proposed development for construction of single storey extension at rear of house (Class C3)	20250220	https://planning.eicester.gov.uk/Appeals/Display/20258010A
20248024A	Planning Appeal	Dismissed	22 Barker Street	Change of use from house to 3 self-contained flats (3 x 1 bed) (Class C3); construction of dormer extension at front and side; construction of one and a half storey extension at front; construction of dormer and increase in roof height of annexe	20250210	https://planning.eicester.gov.uk/Appeals/Display/20248024A

				to change use to 1 dwelling (1 x 1 bed)		
20248035A	Planning Appeal	Dismissed	17 Vernon Street	Change of use from house (Class C3) to house in multiple occupation (Class C4)	20250207	https://planning.leicester.gov.uk/Appeals/Display/20248035A
20248042A	Planning Householder Appeal	Allowed	48 Roslyn Street	Construction of single storey rear extension; alterations to house (Class C3)	20250204	https://planning.leicester.gov.uk/Appeals/Display/20248042A
20248025A	Planning Householder Appeal	Allowed	23 Thurnview Road	Installation of 1 velux windows at front; construction of pitched roof to existing side extension; extension to dormer at rear of house (Class C3)	20250130	https://planning.leicester.gov.uk/Appeals/Display/20248025A
20248010A	Planning Householder Appeal	Dismissed	2 Overpark Avenue	Construction of single and two storey extension at side of house (Class C3)	20250128	https://planning.leicester.gov.uk/Appeals/Display/20248010A
20248023A	Planning Appeal	Dismissed	94 Halstead Street	Change of use of ground floor & first floor from light industrial factory (Class E) to 8 flats (7x 1-Bed, 1x 2-Bed) (Class C3)	20250116	https://planning.leicester.gov.uk/Appeals/Display/20248023A
20248030A	Enforcement Notice Appeal	Dismissed	23-27 Lincoln Street	Change of use from three houses to nineteen flats	20250109	https://planning.leicester.gov.uk/Appeals/Display/20248030A
20248003A	Planning Appeal	Allowed	19 Highfield Street	Certificate of lawful existing use as house in multiple occupation for more than 6 unrelated persons (Class Sui Generis)	20250107	https://planning.leicester.gov.uk/Appeals/Display/20248003A
20248041A	Planning Appeal	Allowed	369 Gleneagles Avenue	Construction of single storey extension at rear; two storey extension at side of house (Class C3); alterations	20250106	https://planning.leicester.gov.uk/Appeals/Display/20248041A
20248004A	Enforcement Notice Appeal	Dismissed	8 Crown Hills Rise	Construction of single storey extension at front of house (Class C3)	20241213	https://planning.leicester.gov.uk/Appeals/Display/20248004A

20238056A	Planning Appeal	Dismissed	8 Crown Hills Rise	Retrospective application for the construction of single storey extension at front of house (Class C3)	20241213	https://planning.leicester.gov.uk/Appeals/Display/20238056A
20248026A	Planning Appeal	Dismissed	402-404 Narborough Road	Construction of single storey outbuilding at rear (Class C3)	20241212	https://planning.leicester.gov.uk/Appeals/Display/20248026A
20248033A	Planning Householder Appeal	Dismissed	36 Windsor Avenue	Construction of single storey extension at rear of house (Class C3) (Amended 23/05/2024)	20241119	https://planning.leicester.gov.uk/Appeals/Display/20248033A
20248036A	Planning Appeal	Dismissed	9 Ridgway Road	Retrospective application for the construction of carport at front of house (Class C3)	20241021	https://planning.leicester.gov.uk/Appeals/Display/20248036A
20248037A	Planning Householder Appeal	Dismissed	17 Lakeview Chase	Construction of car port to front of house (Class C3)	20241018	https://planning.leicester.gov.uk/Appeals/Display/20248037A
20248020A	Planning Appeal	Allowed (Costs awarded against Council)	186 Welford Road	Demolition of antiques warehouse (Sui Generis); construction of two blocks (1 x 3 storey & 1 x 3&4 storey) for student accommodation (Sui Generis) to provide 50 studio flats	20241017	https://planning.leicester.gov.uk/Appeals/Display/20248020A
20248027A	Planning Appeal	Dismissed	755 Welford Road	Construction of single and two storey extensions at front; first floor extension at side; alterations to house (Class C3)	20241008	https://planning.leicester.gov.uk/Appeals/Display/20248027A
20248018A	Planning Appeal	Dismissed	18 Lutterworth Road	Construction of single storey detached residential annexe at rear of house (Class C3)	20241008	https://planning.leicester.gov.uk/Appeals/Display/20248018A
20248031A	Planning Householder Appeal	Dismissed	196 Scraftoft Lane	Construction of single storey extension at front; single & two storey extension at side; single & two storey extension at side/rear; & dormer extensions at front & rear of house; construction of single storey outbuilding (gym) at rear (Class C3)	20241007	https://planning.leicester.gov.uk/Appeals/Display/20248031A

20248016A	Planning Appeal	Allowed	5 Belvoir Drive	Construction of detached dwellinghouse at rear (2-bed) (Class C3); installation of 1.8 metre high boundary fence; parking & landscaping	20240925	https://planning.leicester.gov.uk/Appeals/Display/20248016A
20248001A	Planning Appeal	Dismissed	2 Atkinson Street	Change of use of part of ground floor from auto repair shop (Class B2) to retail shop (Class E); change of use of first and second floor factory and ground floor ancillary office (Class B2) to five self contained flats (4 x 1 bed, 1 x 2 bed) (all Class C3) with associated management office, bin and cycle storage; construction of 4 dormer extensions with balconies to front; alterations	20240917	https://planning.leicester.gov.uk/Appeals/Display/20248001A
20238043A	Planning Appeal	Dismissed	Land at junction of Vaughan Way and St. Margaret's Way	Outline application for construction of a 9 and 7 storey building to provide 104 flats (63 x 1 bed, 41 x 2 bed) (Class C3) with access, appearance, layout and scale committed and other matters (landscaping) reserved.	20240903	https://planning.leicester.gov.uk/Appeals/Display/20238043A
20248022A	Planning Householder Appeal	Dismissed	325 Narborough Road	Retrospective application for the construction of single storey extension at front of house (Class C3)	20240823	https://planning.leicester.gov.uk/Appeals/Display/20248022A
20248021A	Planning Householder Appeal	Allowed	40 Park Rise	Construction of dormer extension at front; & single storey extensions at side and rear of house Class C3)	20240823	https://planning.leicester.gov.uk/Appeals/Display/20248021A
20248019A	Planning Householder Appeal	Allowed	16 The Wayne Way	Construction of two storey extension at front; single and two storey extension at rear of house (Class C3)	20240812	https://planning.leicester.gov.uk/Appeals/Display/20248019A
20248017A	Planning Householder Appeal	Dismissed	96 Osmaston Road	Construction of single storey extension at front; single storey extension at side; alterations to house (Class C3)	20240812	https://planning.leicester.gov.uk/Appeals/Display/20248017A
20238049A	Planning Appeal	Dismissed	39 Lower Keyham Lane	Notification of proposed single storey extension at rear of dwellinghouse of dimensions: 4.4 metres beyond the rear wall of the original dwellinghouse; maximum height 3.0 metres; height of the eaves 3.0 metres (Class C3)	20240809	https://planning.leicester.gov.uk/Appeals/Display/20238049A
20248012A	Planning Appeal	Dismissed	6 Flora Street	Retrospective change of use from residential care home (3 bed) (Class C2) to HMO (5 bed) (Class C4); Installation of	20240801	https://planning.leicester.gov.uk/Appeals/Display/20248012A

				door to side and internal alterations		ppeals/Display/20248012A
20248011A	Planning Appeal	Dismissed	113 Duncan Road, Land at rear	Outline application for construction of bungalow (1x1 bed) (Class C3) details of access, appearance, layout and scale; with some matters reserved (landscaping)	20240801	https://planning.leicester.gov.uk/Appeals/Display/20248011A
20248014A	Planning Appeal	Dismissed	23-27 Lincoln Street	Part Retrospective application for change of use from three houses to 16 self-contained flats (4 x studio, 8 x 1 bed, 4 x 2 bed) (Class C3) (Amended plans received 26/10/2023)	20240730	https://planning.leicester.gov.uk/Appeals/Display/20248014A
20248009A	Planning Appeal	Dismissed	343 East Park Road	Retrospective application for the variation of condition 3 (Hours of use from 0700 - 2300 daily) attached to planning permission 20171172 (change of use from retail to restaurant (Class E)) to allow for extended opening hours to 0700- 0200 daily	20240729	https://planning.leicester.gov.uk/Appeals/Display/20248009A
20248015A	Planning Appeal	Dismissed	103 Barkby Road, rear of	Retrospective application for the change of use from yard associated with factory (Class B2) to car storage (Class B8)	20240722	https://planning.leicester.gov.uk/Appeals/Display/20248015A
20248008A	Planning Appeal: Lawful Use	Allowed	593 Welford Road	Certificate of lawful proposed development for construction of two rooflights at front; dormer at rear of house (Class C3)	20240617	https://planning.leicester.gov.uk/Appeals/Display/20248008A
20248007A	Planning Householder Appeal	Dismissed	593 Welford Road	Construction of single storey extension at front and rear; two storey extension at side; hip to gable roof; dormer extension at rear of house (Class C3); alterations	20240617	https://planning.leicester.gov.uk/Appeals/Display/20248007A
20238054A	Planning Householder Appeal	Allowed	1 Hutton Place	Construction of single storey extension at rear of house (Class C3)	20240611	https://planning.leicester.gov.uk/Appeals/Display/20238054A
20238053A	Enforcement Notice Appeal	Dismissed	12 Narrow Lane	Alterations to the first floor window in the side elevation (facing 16 Narrow Lane) of the Property	20240517	https://planning.leicester.gov.uk/Appeals/Display/20238053A
20238047A	Enforcement Notice Appeal	Dismissed	15 Southernhay Road	Installation of boundary fence to front of dwellinghouse	20240517	https://planning.leicester.gov.uk/Appeals/Display/20238047A

20238029A	Enforcement Notice Appeal	Allowed	330 Victoria Park Road	Unauthorised change of use of single dwelling house to 7 self contained flats	20240517	0238047A https://planning.leicester.gov.uk/Appeals/Display/20238029A
20248013A	Planning Appeal	Withdrawn	1A Roman Street	Retrospective application for the change of use of ground floor from Class B1 to shop/office (Class E); installation of shop front; change of use of first & second floor from office (Class B1) to office (Class E) and serviced accommodation (Class C1)	20240409	https://planning.leicester.gov.uk/Appeals/Display/20248013A
20248006A	Planning Householder Appeal	Dismissed	46 Myrtle Road	Construction of single storey extension at rear of house (Class C3)	20240409	https://planning.leicester.gov.uk/Appeals/Display/20248006A
20248002A	Enforcement Notice Appeal	Dismissed	352 Fosse Road North	Unauthorised removal of chimneys and installation of solar panels	20240409	https://planning.leicester.gov.uk/Appeals/Display/20248002A
20238055A	Planning Appeal	Dismissed	508 Welford Road	Demolition of single storey extension at front; construction of two storey extension at side and rear; single storey extension at side and rear; alterations to house (Class C3)	20240409	https://planning.leicester.gov.uk/Appeals/Display/20238055A
20238052A	Planning Appeal	Dismissed	72 Lamborne Road	Construction of hip to gable roof (Class C3)	20240409	https://planning.leicester.gov.uk/Appeals/Display/20238052A