



Leicester  
City Council

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

**DATE: WEDNESDAY, 23 JULY 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](mailto:jessica.skidmore@leicester.gov.uk) /***

***Sharif Chowdhury, Senior Governance Services Officer, email:***

***[sharif.chowdhury@leicester.gov.uk](mailto:sharif.chowdhury@leicester.gov.uk)***

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

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## **PUBLIC SESSION**

### **AGENDA**

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**<http://www.leicester.public-i.tv/core/portal/webcasts>**

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#### **1. APOLOGIES FOR ABSENCE**

#### **2. DECLARATIONS OF INTEREST**

Members will be 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. MINUTES OF THE PREVIOUS MEETING**

#### **[Appendix A](#)**

Members are asked to confirm that the minutes of the meeting of the Planning and Development Control Committee held on 2 July 2025 are a correct record.

**4. PLANNING APPLICATIONS AND CONTRAVENTIONS**     **Appendix B**

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)     **20250666 - 118 ASHTON GREEN ROAD**                     **Appendix C**

(ii)    **20250991 - 53 HELENA CRESCENT**                        **Appendix D**

(iii)   **20250570 - YORK STREET, YOHO**                         **Appendix E**

(iv)    **20250657 - 18 MENDIP AVENUE**                         **Appendix F**

**5. ANY OTHER URGENT BUSINESS**



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# Item 3

## Minutes of the Meeting of the PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Held: WEDNESDAY, 2 JULY 2025 at 5:30 pm

### P R E S E N T :

Councillor Surti (Chair)  
Councillor Dr Moore (Vice Chair)

Councillor Agath  
Councillor Chauhan  
Councillor Cole

Councillor Joel  
Councillor Modhwadia  
Councillor Mohammed

Councillor Porter  
Councillor Singh Patel

\* \* \* \* \*

### **1. APOLOGIES FOR ABSENCE**

Apologies had been received by Councillor Kitterick and Councillor Kennedy-Lount, who would be substituted by Councillor Porter.

### **2. DECLARATIONS OF INTEREST**

Members were asked to declare any interests they had in the business on the agenda.

Councillor Mohammed informed the Committee that a constituent had approached the surgery regarding planning application 20250186, however confirmed he remained open-minded about the application.

Councillors Joel, Chauhan and Modhwadia informed the committee they had received an email relating to planning application 20250490, which was circulated to all members of the committee on the afternoon of 2 July 2025.

There were no other declarations of interest.

### **3. MINUTES OF THE PREVIOUS MEETING**

RESOLVED:

That the minutes of the meeting of the Planning and Development Control Committee held on 7 May 2025 and 11 June 2025 be confirmed as a correct record.

#### **4. PLANNING APPLICATIONS AND CONTRAVENTIONS**

The Chair noted that the meeting would proceed in the order stated on the agenda.

##### **(i) 20250186 - 6 GREEN VIEW**

###### **20250186 - 6 Green View**

Ward: Stoneygate

Proposal: Change of use from residential dwelling (Class C3) to residential care home (4 Children) (Class C2)

Applicant: Mr A Hamirani

The Planning Officer presented the report.

Mr Yunus Patel and Ian Cross addressed the Committee and spoke in opposition to the application.

Councillor Sood MBE also spoke in opposition to the application.

Members of the Committee considered the application and Officers responded to questions and queries raised by the Committee.

The Chair summarised the application and points raised by Committee Members and moved that the application be refused. This was seconded by Councillor Mohammed, and upon being put to the vote, the motion was CARRIED

**RESOLVED: Refused on the following grounds, detailed drafting of the reasons to be delegated to officers in consultation with the Chair and Vice Chair of the Committee:**

1. The proposal will result in a further loss of large family housing. The loss of the larger family dwellinghouse would be unacceptable in light of the evidenced need for additional large family dwellings in the city, undermining the Council's housing strategy, contrary to Core Strategy policies 06 and 08
2. The proposal would result in negative impacts upon the amenity of occupiers of nearby residential properties from associated noise and activities which would be unacceptable and contrary to paragraph 135f of the NPPF and Saved Policies PS10 and PS11 of the 2006 City of Leicester Local Plan.

(ii) **20250490 - MACDONALD ROAD**

**20250490 - 4-10 Macdonald Road**

Ward: Belgrave

Proposal: Demolition of single storey rear extension at no.10; change of use of dwellinghouse (no.10) to shop at ground floor (Use Class E) and flat at first floor (1-bed) (Class C3); installation of extended shop front with shutter and canopy; construction of single storey extension at side and rear of nos 8 & 10; alterations

Applicant: Mr Kamlesh Pabari

The Planning Officer presented the report.

Members of the Committee considered the application and Officers responded to questions and queries raised by the Committee.

The Chair summarised the application and points raised by Committee Members and moved that in accordance with the Officer recommendation, the application be refused. This was seconded by Councillor Joel, and upon being put to the vote the motion was CARRIED.

**RESOLVED: permission was refused**

**REASONS FOR REFUSAL**

1. The loss of the 3-bed family dwellinghouse would be unacceptable in light of the evidenced need for additional family dwellings in the city, harmfully affecting the Council's housing strategy for the area. The replacement of the family dwellinghouse with the extension to the ground floor shop would also be inappropriate in, and incompatible with, the otherwise predominantly residential area. The proposal would therefore conflict with Core Strategy 2014 policies CS06 and CS08, Local Plan 2006 saved policies H07 and PS10 and Emerging Local Plan policy Ho09.
2. The submission has failed to address whether the extension to the shop would be flood resilient and therefore the shop would be at unacceptable risk of fluvial flooding contrary to Core Strategy (2014) policy CS02, National Planning Policy Framework 2024 paragraph 181 and Government standing advice on preparing a flood risk assessment.

**NOTES FOR APPLICANT**

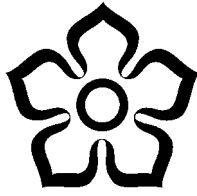
1. The City Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application advice was given prior to the submission. The City Council has determined this application by assessing the

proposal against all material considerations, including planning policies and any representations that may have been received. As the proposal was clearly unacceptable and could not be reasonably amended it was considered that further discussions would be unnecessary and costly for all parties.

**6. ANY OTHER URGENT BUSINESS**

As there was no other urgent business, the meeting closed at 18:45.





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**Wards:**  
**See individual reports.**

**Planning & Development Control Committee**

**Date: 23 July 2025**

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## **REPORTS ON APPLICATIONS, CONTRAVENTIONS AND APPEALS**

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### **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](http://www.leicester.gov.uk/planning). Other reasonable arrangements for inspecting application documents can be made on request by e-mailing [planning@leicester.gov.uk](mailto: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**

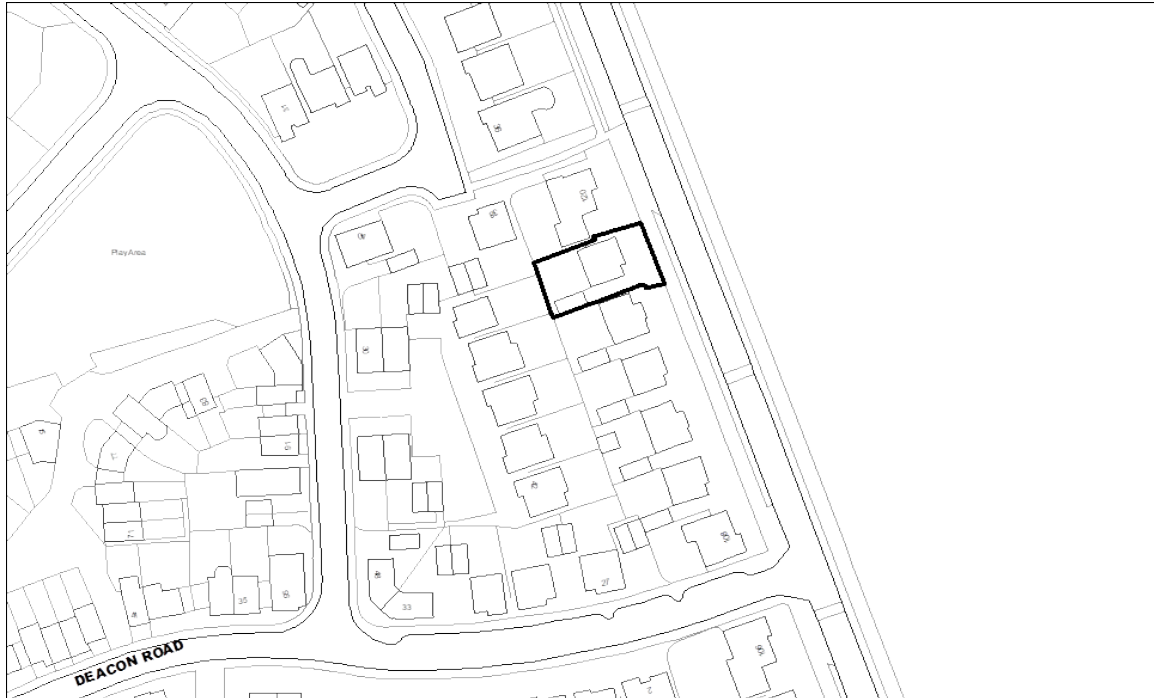
Consultations with other services and external organisations are referred to in individual reports.

## **11 Report Author**

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

# Item 4a

<b>Recommendation: Conditional approval</b>	
<b>20250666</b>	<b>118 Ashton Green Road</b>
Proposal:	Change of use from dwellinghouse (Class C3) to residential childrens care home for up to 2 persons (Class C2)
Applicant:	Mrs Kaur
View application and responses:	<a href="https://planning.leicester.gov.uk/Planning/Display/20250666">https://planning.leicester.gov.uk/Planning/Display/20250666</a>
Expiry Date:	23 June 2025
CY1	WARD: Beaumont Leys



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## Summary

- The application is for the change of use from one dwellinghouse to a residential children's care home
- The application has been brought to committee as there have been 23 objections raised
- The main issues include the principle of the development, neighbouring residential amenity, living conditions for occupiers and parking.
- The application is recommended for approval subject to conditions

## The Site context and History

The application relates to a 4-bedroom detached house fronting Ashton Green Road. The property has a garden space approximately measuring 75m<sup>2</sup>. With reference to the site plan provided there are three parking spaces on site including the garage and a further 2 in front of the property. These spaces are accessed via a shared access off of Ashton Green Road which is also used by 120 Ashton Green Road.

The site forms part of a large-scale sustainable urban development (known as Ashton Green). An outline permission for the entire Ashton Green area was submitted in 2010 under application 20100969 and there were subsequent variations to this permission in 2013 (20131597), 2016 (20162453), and most recently 2024 (20240895).

The site is located within the first phase of development (phase A). The reserved matters application for this phase was submitted in 2016 for the construction of 100 dwellings (application 20160456 with a non-material amendment application submitted in 2018 to alter parking regarding position, space, garage and carport allocation under application 20180005). The dwelling is labelled as plot 61 and one of the northern-most properties within that phase in close proximity to the older Glebelands area. It is directly opposite land designated as Green Wedge (currently agricultural land to the East) although this site is allocated for mixed use residential, education and health and community facility development in the emerging Local Plan (SL03)

## The Proposal

It is proposed to change the use of the property from a dwellinghouse (Class C3) to a Children's Home (Class C2).

With reference to the submitted Design and Access Statement, the property would be used as a home for up to two children/ young people (under the age of 18), and they would be supervised a maximum of 3 staff at all times, in the home. As such, two bedrooms are provided for the children/ young people, and one bedroom is provided for staff which is shown to have three beds. The Design and Access Statement goes on to state that waste management and parking would not be altered by the proposal.

## Policy Considerations

### National Planning Policy Framework 2024

Paragraph 2 (Primacy of development plan)

Paragraph 11 (Sustainable development)

Paragraph 39 (Early engagement)

Paragraph 44 (Right information crucial)

Paragraph 109 (Transport impacts and patterns)

Paragraph 115 (Assessing transport issues)

Paragraph 116 (Unacceptable highways impact)

Paragraph 117 (Highways requirements for development)

Paragraph 198 (Noise and light pollution)

Paragraph 201 (Planning decisions separate from other regimes)

### Core Strategy (2014) and Local Plan (2006)

Development plan policies relevant to this application are listed at the end of this report.

Emerging Local Plan Policy SL 03 Land to the East of Ashton Green

### Supplementary guidance

## Consultations

### Leicester City Council Social Care and Inclusion Team

The Social Care and Education department of Leicester City Council have been asked to provide comment on the planning application for 118 Ashton Green Road:

For a change of use to a residential children's home. Ultimately, any decision to change the registration and / or statement of purpose of such a provision rests with Ofsted.

We recognise that not all comments here relate directly to material planning matters but we seek to provide context that may be helpful in better understanding and evaluating the application.

The address is the registered office of Energy Utility Warehouse (UK) Limited. The applicant appears to be the director of a dormant residential care company, Harmony Place Ltd, formed in 2023. We can find no record that Leicester City Council has a contractual relationship with the applicant as a children's home provider and they have no children's homes currently registered with Ofsted. The director / applicant is not a registered social worker according to Social Work England.

In relation to crime and anti-social behaviour the rate is just below average in the area itself but is above average within the one-mile radius from the home. As there is no evidence of the companies experience or skills as a care provider their ability to manage any vulnerability of resident children or anti-social behaviour that might be related to residents is unknown.

Staffing provisions are described by the applicant are in keeping with minimum regulations for such a unit. The shift pattern described by the applicants would mean 5-6 staff on site at time of handovers and the need for car parking etc at shift handovers of four staff. Highways considerations also need to take account of regular professional and family visitors to the home.

## Representations

There have been 22 letters of objection from 16 neighbouring residents, along with an Objection from Morris Homes (the developer of the estate) who have raised concerns about the following matters:

Principle of use –

- Home would be a commercial use out of keeping with the residential character of the area
- There are more suitable locations for children's home
- Noting several other homes in the vicinity:
  - o Voyage Care – Leicester Road (0.9 miles)
  - o Cedar Mews Care Home – Hallam Fields Road (2.1 miles)
  - o George Hythe House – 1 Croft Road (0.8 miles)
  - o Diamond House Care Home – Bewcastle Grove (1.5 miles)
  - o Helping Hands Care Home – Sibson Road (1.2 miles)
  - o A separate care facility proposed under phase C1 of the Ashton Green Development (20250506).

- Noting a potential school development on the land directly opposite this property. Planning application 20210302.
- Could have an impact on remaining developments in Ashton Green
- The development could set a precedent for other similar developments in the area

#### Amenity -

- The potentially frequent turnover of residents could have a disruptive impact on neighbouring amenity for example through children shouting, crying, and playing at irregular hours, along with potential behavioural problems, anti-social behaviour, increased noise levels, and/ or additional comings and goings such as from staff, emergency service vehicles, and visitors
- This disruption could be exacerbated to neighbouring residents by the site being located in a densely built and overlooked area.
- Impact on privacy due to staff and occupants being close to other residents' homes
- Increase in litter, waste bins overflowing, or hygiene issues due to higher occupancy
- The shower/ bath would be relocated directly adjacent to a window causing privacy issues
- The home would not be suitable for disabled occupants
- Concerns for children's safety/ safeguarding due to the proximity of the property to busy roads, schools, parks, agricultural fields, woods, and railway lines
- Light pollution due to the 24 hour use

#### Highways -

- Traffic could increase due to the 24hour staffing, shift changes, deliveries, and from other visitors (for example health and social care professionals). This could result in an impact on highway safety.
- There is a lack of parking to facilitate the use
- 2 of the 5 parking spaces on site cannot be used for parking as this is the private drive for the parking spaces and the turning head would be blocked by the parking spaces.
- The overspill parking on Glebelands Road should not be used for additional parking for this use

#### Other matters

- The site is near to schools and families with young children and the permission has provided a lack of detail of what safeguarding measures would be put in place to mitigate any challenging behaviour
- The use could have an impact on property prices
- The property has a restrictive covenant which prevents the home from being used for any institutional, commercial or business use
- There has been a lack of consultation by the applicant with the community regarding the proposed change of use and requests that the proposal has more community consultation
- The information regarding the use is limiting and vague and requests further scrutiny
- The removal of an existing door would remove a potential emergency exit



- 1 staff bedroom for 3 members of staff would be unsuitable
- Inaccuracies in the Application Form provided such as
  - o Not declaring the loss of a C3 Dwelling
  - o Not mentioning staff numbers
  - o Not mentioning hours of use
  - o Not mentioning the proposed materials that are proposed to infill an existing door
- Leicester Police are unaware of the scheme despite the Statement stating there was engagement
- There is no department in the council called Children's Care contrary to the planning statement
- The site could need additional CCTV, additional security lighting, or fencing which has not been applied for
- The area may not have the infrastructure required to support this use for example youth centres, healthcare services, or appropriate public transport.
- Could cause increased community tension

## Consideration

### Principle of Development

The City Council aims to facilitate the provision of a range of accommodation to meet the special housing needs of all City residents. The Council's Core Strategy Policy CS06 supports the provision of supported housing to meet other identified special needs.

Whilst the change of use would result in the loss of a family house, the proposed care home will be a managed provision where assisted living is provided for the residents and would fundamentally remain in use as a place of residence in a residential area contrary to objections stating this would be a commercial use. I consider the principle of the use is in accordance with the aims of Core Strategy policy CS06.



No sites for other care homes are located within a 400m radius (see figure above). I note a list of care homes in close proximity to the site have been shared by an objector. The closest of these is 0.8 miles away from the application site (around 1250m) so they are not considered to materially affect the area surrounding the site, and they would not be considered to result in an overconcentration of such uses in the area.

With reference to the Ashton Green Design Guide submitted in the most recent outline application the area is mostly designated for residential use, with an employment area to the south-east (partially developed), a village centre south of the application site and another mixed-use area to the west (both to come in later phases) and an ecology area to the west also. Given the scale of the Ashton Green Development in relation to this property and the proposed use, the proposal is considered to be consistent with and would not jeopardise the plans for the urban extension.

With regards to the comment that about phase C1 of the Ashton Green development (planning application 20250506) this is for 441 dwellinghouses and this doesn't include a separate care facility. Application 20210302 is also noted (which was for a screening opinion for a new school). This land was reallocated for industrial use in the last outline application but with a second option for a school should demand be required in future as further phases are constructed. With reference to the Ashton

Green Design Guide there may be scope to provide supported living units beyond the proposed village centre however this is not definitive and would be subject to a reserved matters application.

Regarding concerns that the development could set a precedent for other similar developments in the area, each application is determined on its own merits and a potential overconcentration of uses would be a material consideration in any future application's consideration.

Regarding other more suitable locations being available for children's home the application before me has been submitted for this site and other sites being preferable would not be a reasonable reason to refuse an application where it is acceptable in principle.

Regarding concerns about infrastructure impacts, whilst the area is still undergoing development, this is anticipated to come forward as development progresses. A number of dwellings have been built and are occupied and the change would not be unacceptable in this context.

#### Residential Amenity

The property will be used in a way that is similar to a typical family house and as such, I do not consider the proposal would materially affect the amenities of neighbouring properties or result in detrimental impact on the residential character of the surrounding area.

This is originally a 4-bedroom property with adequate garden space and there are no plans for more than 2 people in care to reside in the property. When factoring staffing, the site is likely to have 5 people residing/ assisting in property at one time which would not be considered an intensification as this number of people would be commonly found in a four bedroomed property.

While there is a potential for increased comings and goings and for increased use of the rear garden, this is unlikely to occur much differently to a standard family home given the proposed number of staff and residents.

Concerns have been received regarding a potentially frequent turnover of residents but this would be no different to a rented dwelling where a home is rented out to different people for varying lengths of time, and would not be considered to result in a detrimental impact to neighbours.

Concerns have also been raised regarding disruptive impacts through children shouting, crying, and playing at irregular hours, along with potential behavioural problems, anti-social behaviour, increased noise levels. There is no evidence before me to suggest that this would be worse for a children's home than a family dwelling where the specific occupants residing could not be controlled. The provision of professional staff on the site and the requirements to register with Ofsted would be likely to mitigate issues in this regard and I note NPPF paragraph 201 which requires planning decisions to ensure that other regulatory bodies will operate effectively. Whilst there would be potential for there to be more people to be present in the

house regularly during the daytimes than may be expected in a family home, there would not be any inherently noisy use occurring that would be out of character for a residential area. Whilst neighbours may experience different character of activities such as staff changes and, possibly, more transient occupiers over the longer term, these differences do not of themselves equate to harm.

Waste storage would be no different to existing which I consider to be sufficient to meet the needs of the property; the amount of waste generated would not be likely to be significantly different to a family house and in this respect the situation would be no different to a dwelling.

I conclude that the proposal would comply with policy CS03 of the Core Strategy (2014) and would not conflict with saved policy PS10 of the Local Plan (2006) and is acceptable in terms of the privacy and amenity of the neighbouring occupiers.

#### Living Conditions

The house is a good size for the number of occupants with ample private and communal space for the young people. All habitable rooms would have good light, outlook, and privacy. It is noted only one bedroom is proposed for staff but this is commonplace for these types of uses and it is unlikely that multiple members of staff will be sleeping at one time.

Regarding concerns regarding whether the dwelling would be suitable for occupants if they required wheelchair use, a condition was attached to the 2016 planning application which stated that all 100 dwellings would need to comply with M(4)2 standards meaning that they could be accessible and adaptable for future uses.

Concerns about the site's proximity to busy roads, schools, parks, agricultural fields, woods, and railway lines are not supported with many of these being common uses close to residential areas.

I conclude that the proposal would comply with policy CS03 of the Core Strategy (2014) and would not conflict with saved policy PS10 of the Local Plan (2006) and is acceptable in terms of living conditions for the existing and proposed occupiers.

#### Highways/parking

The application states there is space for 5 vehicles on site. With reference to objector's comments about parking I consider that the proposal would provide space for at least 3 parking spaces and this provision would be likely to accommodate the expected demand. The proposal would not be considered to result in a detrimental impact to the highway network. Whilst it would be reasonable to expect additional visitors, there is no reason to expect visitor levels to be excessive and outside the expected levels which may be typical for a Class C3 use for a property of this size in terms of parking.

I am mindful of the potential for parking issues to arise at handover time, however, as there are no other nearby Class C2 uses, I consider any disruption would be over a short period during each day.

I conclude that the proposal would comply with policy CS14 of the Core Strategy (2014) and would not conflict with saved policy AM12 of the Local Plan (2006) and is acceptable in terms of the parking.

### Other Matters

Details regarding additional management and safeguarding measures would be regulated by Ofsted and not considered to be a material planning consideration.

Property prices, restrictive covenants, lack of dialogue from the applicant with other statutory bodies are not material planning considerations.

A lack of community consultation is not mandatory, and it would be unreasonable to refuse the application on that basis.

The inaccuracies within the application form have been clarified in the provided Design & Access Statement and these are not considered to jeopardise the application.

Additional features for CCTV, additional security lighting, or fencing which has not been applied for would be subject to a further assessment should a further planning application be submitted for these details.

I recommend that a note to the applicant is included advising that the proposal will need to comply with Ofsted and any other relevant regulatory bodies that are separate to planning and the formal consideration of this application.

### **Conclusion**

Few material changes to the existing situation would occur on site. The change of use is acceptable.

Within Class C2 the property could be used for a residential school, college, training centre or health facility. These uses could result in additional comings and goings, general disturbance, and greater parking demand. Further consideration for these types of uses is 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 2 children in care, and I recommend a condition to limit this to 2 as any increase would require further consideration.

### **Recommendation**

I therefore recommend that the application be APPROVED subject to the following conditions:

#### **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. 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).
3. The premises shall not be used to accommodate any more than 2 residents in care at any one time, unless otherwise approved in writing by the local planning authority. (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).
4. Development shall be carried out in accordance with the following approved plans:  
Proposed Location/Site Plans, 0141.SA, sheet number 4, received 17 April 2025  
Proposed Floor Plans, 0141.SA, sheet number 4, received 17 April 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.

3. The applicant is advised that the proposal will need to comply with Ofsted and any other relevant regulatory bodies that are separate to planning and the formal consideration of this application.

### **Policies relating to this recommendation**

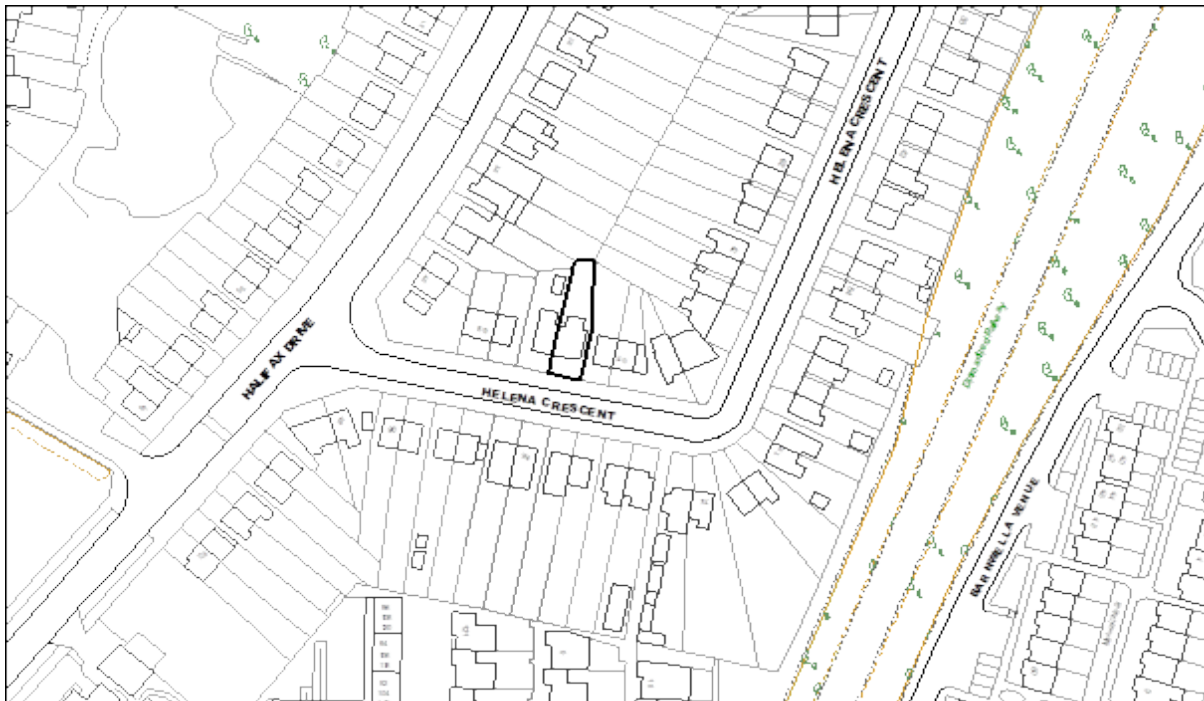
2006_AM01	Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.
2006_AM12	Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
2006_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
2014_CS03	The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
2014_CS05	The Council will support the development of a high quality sustainable urban extension at Ashton Green.
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_CS08	Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
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.
2014_CS15	To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.





# Item 4b

<b>Recommendation: Conditional approval</b>	
<b>20250991</b>	<b>53 Helena Crescent</b>
Proposal:	Change of use from dwellinghouse (Class C3) to residential children's home (Class C2) for two children under 18; bin and bike stores
Applicant:	Mr Keith Fungai Rusike
View application and responses:	<a href="https://planning.leicester.gov.uk/Planning/Display/20250991">https://planning.leicester.gov.uk/Planning/Display/20250991</a>
Expiry Date:	11 August 2025
CW	WARD: Abbey



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## Summary

- The application is brought to committee due to more than 6 objections having been received;
- The main issues are: the principle of development & character of the area; amenity of neighbouring residents; living conditions for future occupiers and parking;
- Objections from 29 addresses objecting to the development were received;
- The recommendation is to grant conditional approval.

## The Site

The application relates to a two-storey semi-detached dwellinghouse located in a residential area, surrounded by neighbouring dwellings. The property has a driveway to the front and garden space to the rear, and it has previously been extended by way of a single storey front, side and rear extension.

## Background

There is planning history at this site as follows:

19841434

Erection of storm porch to front and garage to side of dwellinghouse.

Conditionally Approved / Implemented.

## The Proposal

The proposal is for the change of use of the property from a dwellinghouse (Class C3) to a residential care home (Class C2). The home would accommodate a maximum of two children (8-18 years).

The proposed layout of the property is for the ground floor to contain a lounge, kitchen and dining room as well as an office / staffroom with a shower. The office / staffroom would provide sleeping facilities for staff. Upstairs the first floor would provide 2 x bedrooms and a bathroom for the young people in care.

The design and access statement informs that the property would house a maximum of two children with one member of staff present at all times. Two members of staff would only be on site during shift changeover. Proposed shift patterns are as follows: 07:00 – 14:30, 14:00 – 22:00, 22:00 – 07:00.

To the front of the property a bin store 0.8m in length, 0.75m in width and 1.3m in height is proposed. This would be sited between the porch and the lounge window. A cycle store is proposed to be located to the rear of the property measuring 1.9m in both width and length and 1.4m in height.

The application proposes two off street parking spaces to the front of the property.

## Policy Considerations

National Planning Policy Framework 2024

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 2006 - Vehicle Parking Standards.

## Representations

Objections were received from 24 separate city addresses. Issues raised were:

### *Principle of Development/Character of the Area*

- The proposal would introduce a more intensive and institutional use to a quiet residential area.
- Staff coming and going not in-keeping with a residential area.
- Will cause a negative impact upon the character of the crescent.

### *Neighbouring Residential Amenity*

- Rise in noise levels.
- Unacceptable noise levels.
- Loud parties.

### *Amenity of future occupiers*

- The house is small and not suitable for a childrens home.
- Room sizes are too small.

### *Parking*

- Parking is already tight, extra vehicles from agencies associated with the use would cause mayhem and upset for residents.
- Increased traffic from delivery vehicles.
- Lack of parking causes disputes between residents.
- Will not be able to park outside my own property.
- Every property has two or more cars with some having five or six so there is congestion on the street for parking.
- The drive is only for 1 car not 2 as shown on the plans.

### *Other Issues*

- Property value will decrease.
- This is not being done to better the young people lives.
- This is being done for financial gain.
- Will cause chaos.
- Rise in anti-social behaviour.
- Rise in crime.
- Proposed use would bring a negative feeling to the area.
- Property is not well maintained (unsightly rubbish), it's in a dangerous condition and young people should not be expected to live there.
- Owners are verbally abusive
- There are busy roads nearby and a hostel nearby so the area is unsafe.

- Concern for mine and my families welfare.
- Not a suitable location for a care home.
- Use may result in police presence, foul language and visible conflicts.
- Children need stability, consistency and good role models as well as a tidy house, number 53 will not provide this.
- Ethics and values should be put before personal gain.
- Unethical for young people to live in the conditions present at number 53.
- Concerning not knowing who would be living in the care home.
- Not in the interest of the community for the home to be used as a care home.
- Do not want to live near to a care home as it will cause fear, worry and upset.
- Smell of cannabis in the area.
- We pay council tax we should've been informed by the council about this not by a neighbour.
- Not sensible to place a child's home in a small crescent.
- Regular fire alarms will disturb residents.
- Potential issues with gangs, criminal activity and county lines.
- Children shouldn't be placed in an area where they aren't wanted.
- Causing emotional stress and anxiety to the residents impacting mental health.
- Lack of detail about staffing levels and the management structure.
- No information about how the care home will operate daily or how residents concerns will be addressed.
- Limited direct engagement with the community.
- Drug dealers in the area and people asking for money, vulnerable children shouldn't be around these sorts of people.
- No regard for existing residents.
- There must be other more suitable areas for children.
- Good access to public transport so children could abscond or invite unwanted guests.

## Consultations

### LCC Social Care Department

The applicant has formed an independent care company, Prowess Support Ltd. We can find no record that Leicester City Council has a contractual relationship with the applicant as a children's home provider and they have no children's homes currently registered with Ofsted. The company was formed in December 2024. The director appears to have no history of involvement with care companies according to Companies House but is an experienced investor in properties. The applicant is not a registered social worker according to the Social Work England register.

In relation to crime and anti-social behaviour, the location is reported as having an average crime rate. As there is no evidence of the companies experience or skills as a care provider their ability to manage any anti-social behaviour that might be related to residents is unknown.

Staffing provisions described by the applicant are not in line with the minimum staffing numbers that would be required by Ofsted. The minimum accepted by

Ofsted for a two bedded home would be double staffing. Highways considerations also need to take account of additional regular professionals and family visitors to the home.

#### Environmental Health: Noise Pollution

Concerns raised about the potential for noise disturbance for neighbouring properties associated with the proposed nature of the use and challenges of pursuing statutory nuisance enforcement. Concerns raised that the noise impact assessment has not been written by a suitably qualified professional.

If planning permission is granted, sound insulation should be applied to all walls shared with the adjoining neighbouring property and a noise management plan should be submitted.

## Consideration

#### Principle of Development/Character of the Area

I note the concerns raised in objections in regard to the development being inappropriate in a residential area and objectors consider the proposed care home as being a commercial business. However, the proposed care home will be a managed provision where assisted living is provided for the residents, and as a primarily residential use, its location in a residential area is appropriate in policy terms. Given the small scale of the proposal, I do not consider that the degree to which the managed nature of the site would be perceptible in the wider area would be so significant as to have an unacceptable impact upon this suburban locality in terms of general noise and disturbance.

The City Council aims to facilitate the provision of a range of accommodation to meet the special housing needs of all City residents and the Council's Core Strategy Policy CS06 supports the provision of supported housing to meet special needs. As such the principle of the use is in accordance with the aims of this policy and the principle of development is acceptable.

Additionally, I consider that the change of use would not contribute to any significant/unacceptable over-concentration of this type of use in this area. Having reviewed planning history of all properties within a 400m radius of the site there are no other properties that have planning permission granted for use as a Class C2 care home for children.

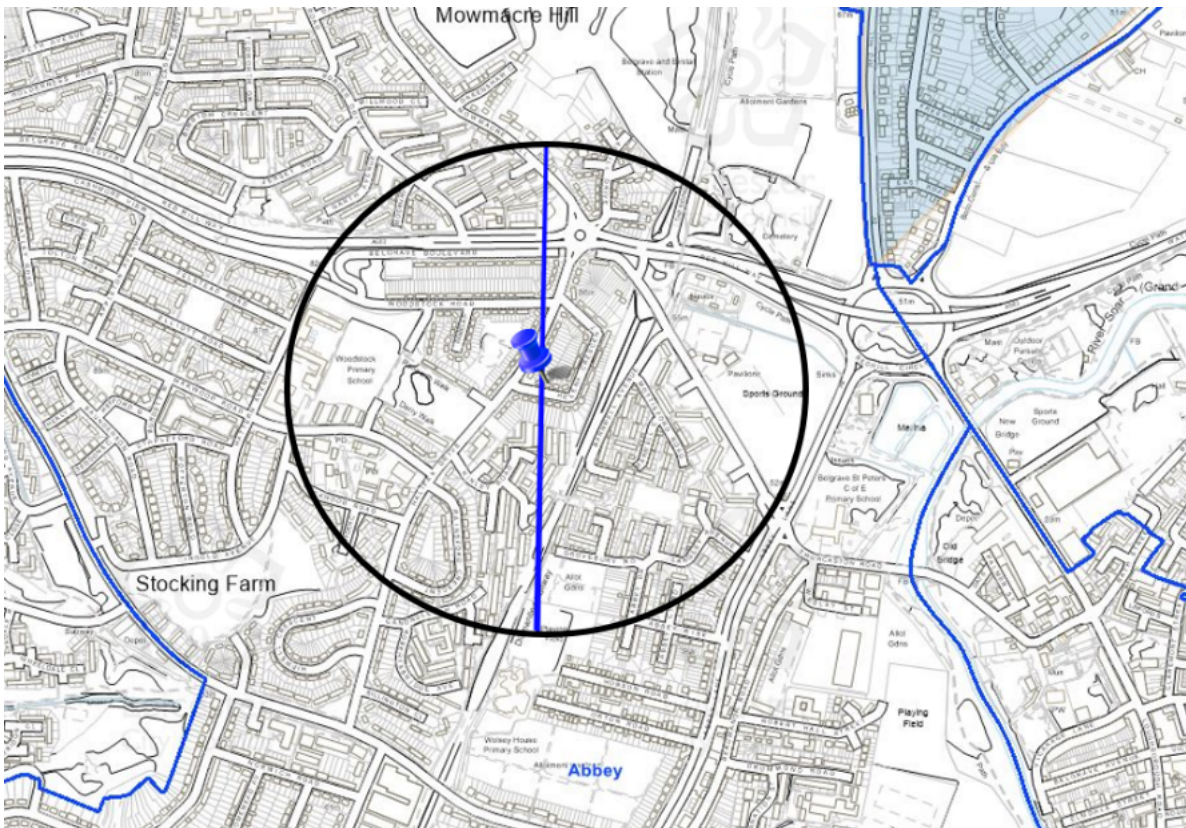


Figure 1: 400m radius around the development site, 53 Helena Crescent

### Neighbouring Residential Amenity

Taken together, NPPF paragraph 135f & 198, and Local Plan policies PS10 and PS11 require amenity to be retained for neighbouring residents from developments.

The proposal is to provide organized care for two children with one carer always present for professional oversight and supervision. Noting the comments of the Social Care department, there would be potential for there to be more people present in the house regularly during the daytimes than may be expected in a family home, the use is for residential care and therefore is not an inherently noisy use that would be out of character for a residential area, including use of the house and rear garden by the staff and children. Whilst neighbours may experience different character of activities such as staff changes and, possibly, more transient occupiers over the longer term, these differences do not of themselves equate to harm.

It is not considered that the change of use would result in an unacceptable impact in terms of noise both due to the similarity to the existing C3 residential use and the small scale of the proposal. Notwithstanding this, a condition is recommended to be attached to the permission ensuring that sound insulation as described in the Noise Impact Report NIA0016 will be applied to all shared party walls prior to the use of the property as a care home being commenced. This condition is required to protect neighbouring residential amenity.

Objections to the application raise concerns that the change in use will result in an increase in noise levels. I acknowledge that Class C2 uses can result in increased noise levels and an increase in noise complaints and that regulatory enforcement of control of noise from children in residential properties is challenging. I consider the

recommended sound insulation as per the Noise Impact Report NIA0016 should be adequate to prevent an unacceptable impact upon the residential amenity of the neighbouring residents. A noise management plan could not realistically direct or control the activities of two individuals in a residential development of this scale located in a residential area. This is a matter for effective operation by managers of the home- it would not be able to be controlled by planning enforcement mechanisms, so to apply such a condition would fail to meet the necessary legal tests.

The proposed bin store and cycle store due to their siting and size will not impact on residential amenity, and the design of these stores is also considered acceptable.

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

I note the concerns raised in objections in relation to noise impacts from the site and the proposed use as well as concerns regarding anti-social behaviour. The granting of this planning permission does not indemnify against statutory nuisance action being taken so 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 the 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, contributing to providing a home for young residents with specific residential needs, there is no planning reason to refuse the application on the grounds of noise/disturbance/anti-social behaviour which would be dealt with by the police or other environmental control regimes.

#### Living Conditions for Occupiers

Saved Policy PS10 of the Local Plan (2006) applies to the amenity of future as well as existing neighbouring residents. The house has good light and outlook from its window openings and acceptable floorspace and garden space for 2 residents in care with staff working shift patterns. Overall, the proposal would provide good living conditions for its future occupiers.

#### Highways/Parking

Local Plan saved policies AM01 and AM02, and NPPF paragraphs 109, 115, and 117 require developments to provide suitable facilities for traffic and parking. Local Plan Appendix 01 calls for one car parking space per 4 bedrooms for Class C2 residential institutions, and as such the application proposal generates a standard requirement for only 1 space notwithstanding the comments in respect of required staffing levels.

Objections to the application raise concerns that the change of use will result in more vehicles being present at the property and therefore more cars will be parked on the street. Objectors state that this will prevent residents from being able to park outside their own property and cause congestion on the road.

The proposed block plan submitted as part of the application shows two parking spaces to the front of the property, however one of these spaces is substantially below the size requirements for a car parking space as set out in the Leicester Street



Design Guide 2020. As a result, the application is assessed based on one off street parking space being provided.

The application states that the development would require one staff member on site at all times with two being on site during staff changeover. However I have assessed the impacts on the basis of potential double staffing requirements together the expectation that other support staff or family members may visit the house regularly meaning that there may be some on-street parking required at times. However, the site is close to bus stops on Belgrave Boulevard (routes 25,40N, S832) and Halifax Drive (route 54) and secure cycle storage will be provided to the rear of the site, therefore staff and other visitors would be able to use public transport or alternative methods to the private vehicle. Overall, 1-2 additional cars required to be parking on the street in the area would be unlikely to cause unacceptable or severe highways/parking impacts above the existing situation as a C3 house in accordance with NPPF paragraph 116 and the proposal would not warrant refusal on highways grounds.

### Other Issues

LCC Social Care have noted that staffing provisions would not satisfy Ofsted requirements and I have borne this in mind in my assessments of likely impacts in the area, although compliance with this matter would fall to be dealt with by Ofsted.

Comments in respect of a lack of evidence of the company's ability to manage anti-social behaviour that might be related to residents are not material planning considerations and if any anti-social behaviour occurs it should be reported to the relevant authority.

I note issues raised in objections relating to impact on property values and impacts on health of objectors. However, planning decisions are determined in accordance with policies in the development plan for Leicester and house values and private/civil matters are not material considerations.

Objections raise concerns regarding unwanted guests being invited to the property and an increase in antisocial behaviour, crime, use of drugs and gangs which would harm community spirit and bring a negative feeling to the area. These are not material planning considerations that can be taken into account as part of the decision-making process. If any criminal activity occurs this should be reported to the relevant authority.

I note issues raised in objections regarding the applicant's motives for opening a care home. However, planning decisions run with the land, rather than be tied to any specific applicant. The identity of the applicant or their reason for submitting the application is not relevant to the decision making process which is only concerned with the merit of the use of land.

I note issues raised in objections relating to a lack of details about how the care home will operate, the suitability of the property to operate as a care home and concerns about how well the children will be cared for including the ease of which they could abscond. However, the main issue with this application is that the principle of providing small-scale residential care in a residential area is appropriate. As above, NPPF paragraph 201 advises: '*Planning decisions should assume that*



*these regimes will operate effectively.* As such there would not be a valid planning reason to withhold permission on this issue.

In addition, local authorities do not have any powers in relation to the regulation of privately run children's care homes, as those powers rest with Ofsted. Planning legislation should not- and cannot- legally be used as a proxy for controlling matters which are the responsibility of Ofsted who have the remit for the oversight of these facilities.

Objections refer to a lack of community engagement and that some residents were only notified by neighbours not the council. The publicity has been carried out in accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015, because notice has been served on adjoining occupiers, and details of the application have been published on the website. As such, appropriate publicity has been carried out.

### Conclusion

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

Within Class C2 the property could be used for a residential school, college, training centre or health facility. Further/alterd 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 2 adults in care and I recommend a condition to limit this to 2 as any increase would also require further/alterd 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. Prior to the commencement of the approved use of the property as a Class C2 care home, sound insulation as described in the Noise Impact Report (NIA0016, 13/06/25) shall be applied to all shared walls with the adjoining property (55 Helena Crescent). The sound insulation shall be retained thereafter at the same acoustic performance. (To safeguard amenity at the adjoining semi-detached house, and in accordance with policies PS10 & PS11 of the City of Leicester 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. The premises shall not accommodate any more than 2 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)).

5. Development shall be carried out in accordance with the following approved plans:

- Location Plan, Received 16/06/25
  - Proposed Block Plan, 002, Received 16/06/2025
  - Proposed Ground Floor Plan, 004, Received 16/06/2025
  - Proposed First Floor Plan, 005, Received 16/06/2025
  - Proposed Front and Side Elevation, 006, Received 16/06/2025
  - Proposed Rear Elevation, 007, Section A'A
  - Proposed Bin/Cycle Store Elevations, 008, Received 16/06/2025
  - Proposed Tree Plan, 009, Received 16/06/2025
- (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

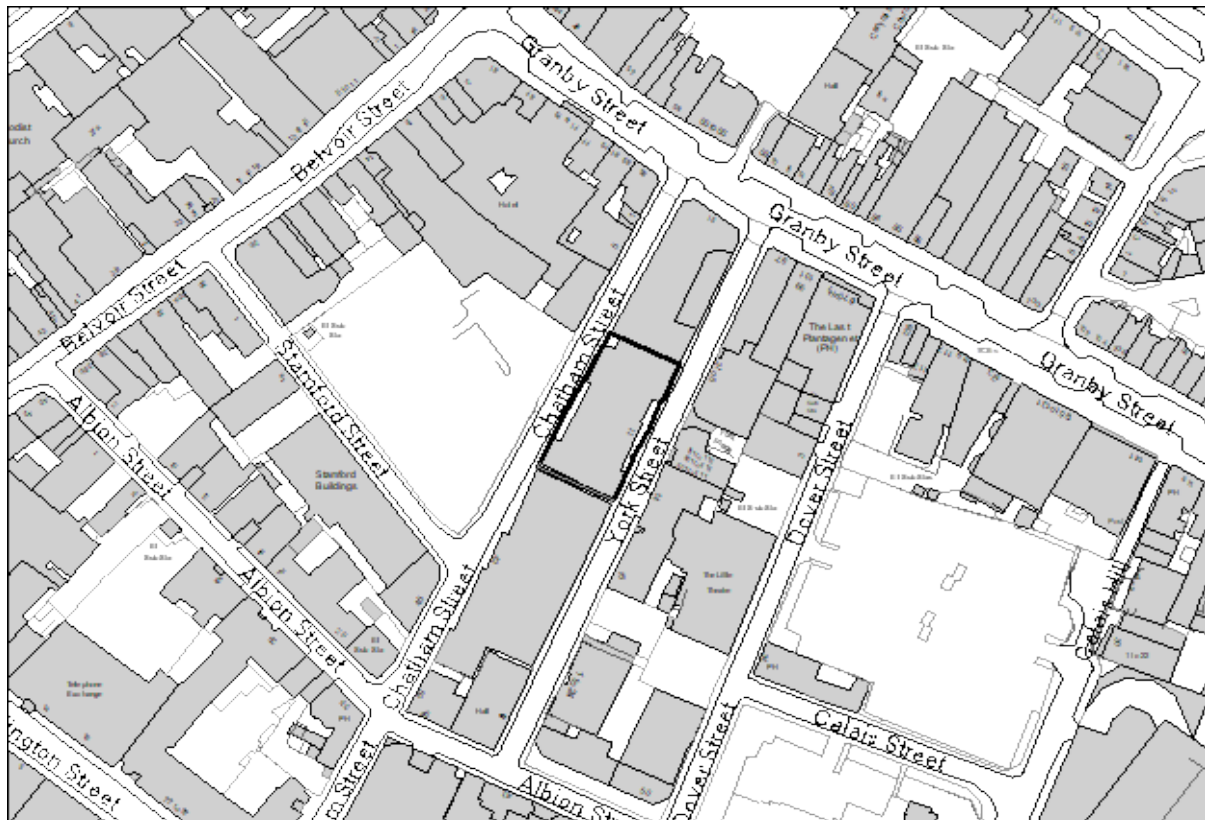
- |           |   |
|-----------|---|
| 2006_AM12 | Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01. |
| 2006_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.    |

- 2006\_PS11 Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
- 2014\_CS03 The Council will require high-quality, well-designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 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.



## COMMITTEE REPORT

<b>20250570</b>	<b>York Street, Yoho</b>	
Proposal:	Change of use from 132 student flats and ancillary spaces (sui generis) to 132 managed short term residential accommodation units and ancillary spaces (sui generis)	
Applicant:	Mr Ben Pearce	
App type:	Operational development - full application	
Status:	Smallscale Major Development	
Expiry Date:	23 July 2025	
TEI	TEAM: PD	WARD: Castle



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### Summary

- The application is before committee as more than 5 objections (21 in total) have been received from separate Leicester addresses.
- Cllr Kitterick has asked that the decision be made at committee on the grounds that:
  - it is an application in which the City Council has a direct interest;
  - concern that it breaches policy in terms of Nationally Described Space Standards (NDSS);

- and, it is a high-profile development in the centre of the city.
- The main issues are the standard of accommodation, the level of support provided to residents, the social and environmental impacts of the proposal, the impacts of the proposal on local services and on the local highways network, concerns in relation to precedent that the proposal may set.
- The recommendation is for conditional approval.

### **The Site**

The site is a seven-storey building situated on the west side of York Street. York Street runs between Granby Street and Albion Street. The site sits outside of but adjacent to the Central Shopping Core. According to saved City of Leicester Local Plan policies it sits within the Albion Hill Potential Development Area where the priority uses are residential and office uses with leisure and community uses the subordinate uses. In the emerging Local Plan Potential Development Areas will be deleted. However, the site will be the Central Development Area.

The building, though currently vacant, was completed by 2020 as purpose-built student accommodation (PBSA). The vacant building is understood to have experienced anti-social behaviour, including trespassing and vandalism.

To the south and on the other side of York Street there are offices, self-contained flats and further PBSA developments. To the north, fronting onto Granby Street, is the main City Council Customer Service Centre and to the west on the other side of Chatham Street is a surface level car park.

The Planning Statement submitted with the application notes that the building is within the setting of the grade II listed 73 Granby Street and Grand Hotel, the locally listed 2-12 York Street and 14-18 York Street and adjacent to the Granby Street Conservation Area. However, it is the view of the local planning authority that the proposal does not affect the special significance or the character and appearance of these heritage assets.

### **Background**

Conditional approval (20172089) was granted on 13.07.18 for the construction of a seven-storey building to provide student accommodation comprising 134 student flats (132 studio flats and 2 one bed flats) (no use class) subject to a unilateral undertaking. The unilateral undertaking was for payment of contributions towards Parks and Open Spaces with £28,672 to be paid prior to the commencement of the development and £28,671 to be paid prior to the first occupation. These funds have been received and spent.

Condition 2 of the approval required that the units only be occupied by enrolled students and a register be kept of occupants together with details of the further and higher education course attended.

## The Proposal

### **Purpose:**

The proposal as amended is for the change of use of the building from purpose-built student accommodation (sui generis) to managed short term residential accommodation and ancillary spaces (sui generis). There will be a total of 118 residential units as part of the accommodation.

It is proposed that the building will support eligible single people and a limited number of eligible childless couples who are homeless or at risk of homelessness and who are aged 18 or above and have a “Local Connection” as defined in s199, Part 7 of the Housing Act 1996 (and clarified in the Homelessness Code of Guidance, and in the Local Authorities Agreement).

The application states that all referrals will be made by the Local Authority (Leicester City Council, Housing) and risk assessed by the Temporary Accommodation Services Manager, to ensure safe and appropriate matching with existing residents and overall service provision. It is expected that the premises will support eligible people, including single people and childless couples (with a proposed limit of childless couples at a maximum of 3.4% of the overall scheme occupancy) who are homeless or at risk of homelessness.

The units will be managed as temporary accommodation to settle homeless people before finding permanent accommodation, providing better provision and support than the bed and breakfast alternative.

Based on experience, occupancy periods are expected to be generally between 3 to 12 months, with a proposed maximum occupancy limited to 18 months.

### **Layout:**

The internal layout of the ground floor will be as follows:

Ground floor	6 residential units without kitchenette	Communal kitchen and dining room, support and counselling room, wellbeing and consultation room, all of which will be dedicated to occupants of the ground floor.
First, second, third, and fourth floors	20 self-contained residential units (per floor: 80 units total)	Each of which will have a kitchenette; + shared small residential lounge and a support and counselling room per floor.
Fifth floor	19 self-contained units	Each of which will have a kitchenette; + a resident lounge.
Sixth floor	15 self-contained units	Each of which will have a

		kitchenette; + a resident lounge.
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The Planning Statement describes how the units would enable occupants to cook and clean for themselves, as well as develop other independent living skills, or use a period of respite or recovery in a psychologically different environment and safer space, and in readiness for settled accommodation.

There will be no parking provision within the proposal. The cycle storage provision will be retained. The appearance of the building will remain unaltered, and no landscaping is proposed.

### **Asset Management Plan:**

A revised Asset Management has been submitted which sets out how Centennial Property Ltd (t/a The Housing Network (THN) have been contracted to manage the property. The Plan sets out how it meets and exceeds the minimum standards for accommodation-related housing service in supported housing and with reviews in regular monthly meetings towards this end.

The Plan sets out contracted arrangements as below.

#### **- Oversight and monitoring**

Oversight of the Asset Management Plan will be undertaken by the Council's Housing Contracts Officer. THN will use a Support Management system to monitor, direct and evidence all aspects of support and will use that data to inform discussions with the Council on overall service performance.

#### **- Referrals**

All referrals will be made by the Council and will be assessed for suitability linked to the accommodation and support services available. Referrals will be accepted (by the Temporary Accommodation Services Manager) Monday to Friday from 10am to 5pm. Acceptance of referrals will include conducting face-to-face sign-up and orientations with each new occupant to maximise safeguarding and mitigate risks.

All referred occupants will receive a personalised support needs and risk assessment (completed by the TASM) to confirm eligibility and suitability for the scheme, enabling any risks to be identified and mitigated as far as possible prior to service entry.

#### **- Scheme facilities**

The amendments to the scheme and reduction in the overall number of units to 118, have enhanced security and provide spaces for engagement, communal activity and support. The features of the scheme as detailed in the Asset Management Plan are:

- Micro-Communities with zoned access control approach to each floor. Creating 7 distinct micro-communities to enable greater matching of personal needs and risks with existing individuals in the scheme.



- Enhanced CCTV (approx. 74 individual cameras) internally and externally to ensure 'blind spots' are eliminated.
- Dedicated Wellbeing & Consultation Rooms throughout the scheme to facilitate co-location / partnership working
- Dedicated Support & Counselling Rooms throughout the scheme to facilitate personal support and engagement. These spaces also available to wider homeless prevention pathway partners where appropriate.
- Dedicated Resident Lounges to foster a sense of community, supplemented by a main (scheme wide) Lounge & Engagement space on the ground floor, used to host various engagement events.
- Dedicated Training & Education (incl. ICT) Suite to remove barriers to engagement and support life-skill development and prepare for independent living with focus on vocational skills.
- On Site 24/7 Concierge to control access, monitor resident behaviour, complete proactive scheme patrols, mitigate any ASB or fire risks and provide immediate crisis response if necessary.

### **- Staffing**

Staffing will include the following roles (with roles as described in the Asset Management Plan):

- Housing Contracts Manager (by LCC)
- Temporary Accommodation Services Manager/Supported Housing Manager (TASM) (by THN)

Provides locality management, working with clients, neighbours/local residents, local councillors, local businesses, local police, the local authority.

- Deputy Supported Housing Manager (DSHM) (by THN)

(role as described above by TASM)

- Housing Related Support Officers (HRSO) (by THN) (x4)

Supports Clients with developing an individualised housing-related support plan that meets their assessed support needs that enables them to settle in their accommodation and move-on into settled accommodation.

- Complex Needs Support Officers (CNSO) (by THN) (x7)

Tailored support for individuals (varied during the stay) Liaising with the partners (eg substance use specialists & wider healthcare providers) to ensure holistic support.

- Concierge Specialist (by THN) (x8 FT & 1PT)

Monitoring, access, patrols, managing ASB/Fire risks, crisis response.

- Multi-Trade Technician (by THN) (x3)

Onsite maintenance, repairs decorating and equipment, keys

- Safeguarding Administrator (by THN)

Identifying, tracking and logging safeguarding concerns

- Asset H&S Administrator (by THN)

Asset Compliance of the building

- Bookings Administrator (by THN)

Managing referrals from Council, managing Housing Benefit claims.

- Cleaning Operative (by THN) (x4)

All communal areas on a weekly basis

- Life Skills Mentor (by THN/volunteer) (x4)

Various aspects of skill development (eg CV writing, cooking, community engagement)

- Managing Agent: Property (by LCC)

Planned and reactive maintenance. The statutory compliance of the building. Security. Planning for major capital works.

In terms of on-site presence there will be 2 x Concierge Specialists 24 hours with further attendance on site by the HRSOs and CNSOs.

THN will incorporate the service into their established Business Continuity and Emergency Response processes, enabling on site staff to escalate matters as required to Senior Management Team Members at any time of day or night.

#### **- Support and Pathways to settled accommodation:**

Support will be tailored on assessed support needs. It can be varied during the stay. All occupiers will receive up to 6 hours of support per week. However, there is recognition that some may require less. Each occupier will be provided with housing related-support to meet their assessed needs and to help achieve move-on into settled accommodation. The TASM tailors the level of housing related support to the needs of the individual and will work in partnership with the Council and other services to actively support occupiers to minimise their length of stay in temporary accommodation, manage and address any core personal issues, achieve positive settled housing solutions, and ensure new referrals can be accommodated.

Both parties will ensure that all potential housing solutions are explored in moving towards permanent settled housing. Generally, this will be through the Housing Register and through Homelessness services and securing either a PRS offer of accommodation or a Council tenancy.

#### **- External agencies**

THN will ensure that key relationships and channels of ongoing communication are put in place with key local stakeholders (eg Police, Fire, Ambulance and Community Safety) prior to service opening, maintaining a regular presence in relevant meetings and ensuring escalation /complaint protocols are shared proactively.

The TASM will establish and maintain good locality management, working with clients, neighbours and local residents, local councillors, local businesses, local police, the Council and any other relevant organisations and to help deter and tackle anti-social behaviour and hate incidents in the area.

## **Policy Considerations**

### National Planning Policy Framework:

Paragraph 61: To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.

Paragraph 96. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: a) promote social interaction... b) are safe and accessible... (and) c) enable and support healthy lives, through both promoting good health and preventing ill-health, especially where this would address identified local health and well-being needs and reduce health inequalities between the most and least deprived communities.

Paragraph 125. Planning policies and decisions should... promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained.

Paragraph 135. Planning policies and decisions should ensure that developments... create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Paragraph 198. Planning policies and decisions should... mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development.

### Other documents/considerations:

Nationally Described Space Standards (NDSS)

Development plan policies relevant to this application are listed at the end of this report.

## **Consultations**

Health and Safety Executive (Fire Safety) (Planning Gateway 1): - content with the fire safety design as set out in the original submission and project description, to the extent it affects land use planning considerations. Confirmation of HSE comments on the amended Fire Safety Statement will be reported to committee.

## Representations

21 objections were received to the initial consultation, including one from Councillor Kitterick.

They relate to the following concerns:

Level of accommodation:

- Why is accommodation considered tolerable for students on a 9 month basis with holiday respite now considered for up to 18 months with no holiday respite?
- Poor internal space (does not meet NDSS) and lack of suitable amenity space.
- Building generally not fit for purpose.
- Not specified regarding number of occupants per room.
- Concern that vast majority of applicants for housing are families.

Strategic:

- Concern that this is a cheap and quick option.
- Concern regarding precedent: will other unused or superfluous blocks of PBSA will subject to similar applications?
- Concern that agencies across the country will target Leicester as a hotspot for “Human Warehousing” in poor quality accommodation.
- No guarantees against future applications seeking to vary or delete any ‘max 18 month’ condition.
- Concern that this development as a “move on accommodation” will nullify the NDSS policy in the emerging local plan.
- Concern that this space should be reserved for the EU youth mobility scheme if this were to provide sufficient demand (LCC should put pressure on government to hasten in this scheme, and to change its policy towards foreign students).
- Dilutes the intended mix of residential and commercial uses, deterring future investment, and contrary to regeneration policy objectives, deterring community and leisure uses.
- May result in loss of area as a meaningful residential area.

Impact on local services:

- Health & Social Care Capacity: Concern that local GP surgeries, nursing services, mental-health teams, and charitable organisations are already operating at capacity. Sudden addition of up to 134 residents requiring intensive, ongoing support risks overwhelming critical health and social-care services with no mitigation or funding commitments detailed in the application. Local GP practices, clinics, and outreach programs could find themselves overburdened by a sudden influx of service users concentrated at one address. No evidence in the application of coordination with health authorities or additional healthcare provision to support these residents.
- Policing and Emergency services: many residents with complex needs will inevitably generate a higher volume of calls to police, ambulance, and possibly fire services (e.g. emergency response to incidents, welfare checks, etc.). The local police force and emergency responders

are already stretched in the city centre. No indication of bolstering resources.

- A&E/Emergency Care: if residents struggle to engage with primary care, they may resort to A&E or urgent care, increasing pressure on hospitals.

Support networks/agencies:

- “up to 6 hours a week” support is inadequate for the vulnerabilities described. Not enough detail on the kinds of support available. The on-call system is insufficient.
- Isn't there a need for 24 hour support including specialist support overnight and at weekends, not a lone security officer?
- Lack of evidence of therapeutic infrastructure or long-term recovery support.
- Lack of evidence of step-down pathways, structured rehabilitation, employment assistance and job support.
- Insufficient staffing levels. Not an adequate staff to resident ratio. Only one Temporary Accommodation Services Manager and small team of support officers.
- Needs a clear and enforceable operational framework to support rehabilitation.

Antisocial behaviour and other environmental/amenity issues:

- Alcohol and substance addiction. Dealers targeting vulnerable individuals who have dependencies.
- Drug paraphernalia presenting health and safety hazards to families with small children, elderly residents and pets.
- Noise pollution (music and vehicles).
- Street violence, verbal harassment, physical intimidation.
- Misuse of public spaces.
- Increase in begging in the city centre with accommodation also in the city centre.
- Thefts and break-ins.
- No details on added police street presence or on working with the police, patrols or monitoring of behaviour.
- Without 24/7 professional oversight on site any measures will be reactive rather than proactive. Preventative supervision required.
- Current CCTV arrangements are inadequate. Need for a robust long term security plan. Visible security infrastructure will fundamentally alter the residential environment and sense of safety. Who will fund additional enhanced security measures at neighbouring buildings?
- Burden of risk falls on the elderly, young families and the disabled.
- Comparison with Dover House.
- More resources for environmental services to mitigate waste management, littering or graffiti increase.
- No S106 to support policing or healthcare.

Community cohesion:

- Abrupt demographic shift undermines community bonds, eroding trust in local governance, and could lead to increased neighbourhood friction.
- Community cohesion in relation to the NPPF.
- Creation of an institutional environment rather than helping integration.

#### Highways:

- Overspill parking and congestion.
- Parking for staff, healthcare professionals, outreach workers, other visitors.
- Parking provision not in line with policy for residential uses.
- Only 74 cycle spaces.
- General accessibility of the street for local residents, businesses, and emergency services due to vehicular comings and goings.

#### Comparison of uses and material change of use:

- A large-scale hostel for vulnerable individuals is not comparable to a student residence.

#### Community engagement:

- Need for more detail on community engagement to ensure any issues which may impact the safety and security of the neighbourhood, and especially neighbouring buildings, will be addressed.
- No consultation with neighbouring buildings and residents before submission of application.
- Concern a proper impact assessment has not been conducted before making this proposal.

#### Alternatives:

- Facilities for homeless accommodation in Leicester (and other cities) are on a more modest scale and where support services can easily access them without impacting a commercial core.
- Identify alternative on the urban fringe or within an existing social-housing estate - where the operation of a managed short-term residential facility for people in housing need can be delivered without causing significant harm to city-centre amenity, safety, infrastructure, and property values.
- Focus on liveable accommodation in areas that will serve the homeless residents' needs of stability, security and access to open and green spaces and where lives can be rebuilt

#### Other:

- Negative impact on property values.

A second publicity period was carried out following the receipt of amended plans reducing the number of units and submission of a revised Management Plan. A further 11 objections were raised, 7 from those who had already objected.

Many concerns repeat comments raised already. I note only new concerns below:

Concerns that the revised Asset Management Plan has no material impact on the concerns originally raised and that the reduction from 132 to 118 residents is not material to a meaningful degree, specifically:

- the provision of internal staff does not mitigate issues that happen in streets & public spaces outside the building, with local people left to manage the consequences, resulting in a slow wearing away of confidence and increased anxiety of going outside,
- the job description of the Temporary Accommodation Services Manager does not include liaison with the local community or ensuring respect for the residential area,
- there are no plans for added police presence, patrols or monitoring of behaviour

One objection evidences similar (albeit much smaller) schemes elsewhere as evidence of good practice and notes the following as particular shortcomings in the amended Asset Management Plan:

- external security patrols
- clear guest and visitor policies
- resident and business engagement and liaison mechanisms
- transparent incident-reporting routes for neighbours
- lighting and environmental design to reduce ASB near the site
- any measurable accountability to the surrounding community

One other objection raises concern that the proposal will result in a growing number of short term lets and temporary housing and another claims that as the site is in a residential area it will put people's lives at risk. A further objection asks whether the Council has a plan to drive people out of the area.

## **Consideration**

### Principle of the Development:

Core Strategy policy CS01 (Location of Development) states that 54% of residential development will be in the Strategic Regeneration Area with Core Strategy policy CS06 (Housing Strategy) emphasising that, in negotiations with developers the City Council will seek to meet the needs of specific groups through the provision of supported housing to meet other identified needs.

Core Strategy policy CS12 (City Centre) supports residential development in the city centre, whether by conversion of redundant buildings or new build, where an acceptable living environment can be maintained or created.

Leicester's Homelessness Strategy 2023-2028 helps to define homelessness both as those with nowhere to stay and are sleeping on the streets (rough sleeping) and those considered homeless where they have a roof over their head (the hidden homeless). It explains that homelessness can include people who are rough sleeping, sofa surfing, staying in a hostel, night shelter or bed & breakfast accommodation, squatting, homeless because of violence or abuse in their home, living in poor conditions which affect their health and living apart from their family because they do not have a place to live together.

The 2021 update of Leicester's Local Housing Needs Assessment gives figures for households currently in temporary accommodation in communal establishments (bed and breakfast or hostels) (425) and for households currently in temporary accommodation in market housing (private sector leased or private landlord) (65). This is a significant proportion of the 7,069 "households unable to afford" and who have a need for Affordable Housing. Housing Officers report that since 2021 the situation has significantly changed with over 800 households in temporary accommodation. The Homelessness Strategy reports that generally, the number of households approaching the council for assistance has increased year on year with 4,756 households seeking help from the council in 2018-19 and over 5,000 seeking help in 2021-22. It reports an alarming rise in family homelessness since July 2022, an increase reflected nationally and expected to continue with the cost-of-living crisis and other pressures facing households.

The injustice of rough sleeping is self-evident and needs no emphasis. The Strategy adds that bed and breakfast arrangements, or accommodation without access to cooking facilities and other living space, is not suitable for anyone to live in and can affect people's mental health and wellbeing. The Council's aim is not to use this type of accommodation or when it is used, only for a very short time.

The elimination of the use of bed and breakfast paid nightly accommodation, ensuring that temporary accommodation and support, including appropriate support provided to move on to settled accommodation and exploring all funding opportunities to develop specialist accommodation are all "key objectives" of the Council stated in this Strategy.

The proposal will contribute towards meeting the needs of a specific group through the provision of supported housing in the Strategic Regeneration Area consistent with the objectives of Core Strategy policies CS01 and CS06 and involves the conversion of a redundant City Centre building in accordance with Core Strategy policy CS12 subject to an acceptable living environment being maintained or created.

The proposal also supports the National Planning Policy Framework's objectives of bringing forward, without delay, housing provision that meets the needs of groups with specific housing requirements (Paragraph 61), achieving healthy, inclusive and safe places in response to identified well-being needs (Paragraphs 96 and 135) and supporting the development of under-utilised buildings to help address identify housing needs (Paragraph 125).

Therefore I believe there are very significant benefits to be secured should this development be delivered in terms of improved accommodation for a significant number of people in urgent housing need.

#### Standard of accommodation:

Each of the residential units provides a good level of outlook appropriate to its City Centre location, adequate natural light and sufficient privacy for each occupant.



The sizes of the proposed residential units are below the Nationally Described Space Standards (NDSS) ranging between 21.7m<sup>2</sup> and 28.6m<sup>2</sup> and with an average of 23.7m<sup>2</sup>. The minimum NDSS space standard for single person dwelling is 37-39m<sup>2</sup> and for two persons/couple 50m<sup>2</sup>.

The NDSS are not required under current Council local planning policy and in any event are not applicable to sui generis accommodation such as PBSA, hostels, bed and breakfast or temporary accommodation provision such as the current proposal.

However, they are part of the emerging Local Plan and the NDSS policy within the emerging Local Plan, subject to a proposed modification that this policy only applies three months after the adoption of the new Local Plan (with Local Plan adoption currently likely to be in Autumn 2025).

However, the relevant emerging Local Plan policy (ref. Ho07) specifically refers to Class C3 dwellings, and NDSS therefore cannot be required for shorter-term accommodation such as Purpose Built Student Accommodation (PBSA) and that subject of this application.

PBSA and the proposal are limited-term accommodation, commonly with ancillary shared spaces (as in the case of the proposal). The proposed accommodation provides a comparable gross internal area to the existing lawful limited-term accommodation, albeit with some additional shared space and I consider the proposal to be acceptable in this respect.

I consider that the provision of studios of this size with full kitchen and en-suite facilities is a significant improvement on the unsuitable current living conditions experienced by many if not all of the proposed occupiers. In addition the support provided will enable them to feel valued and to move more effectively towards independence.

I do not consider a technical NDSS shortfall (which could not be required through policy) to be a material consideration which outweighs the benefits of the provision of specialist temporary accommodation, the need for which is identified in the Council's Homelessness Strategy and supported by the Local Housing Needs Assessment; or to outweigh the objectives of Core Strategy CS06 of responding to the needs of specific groups through the provision of supported housing.

As referenced above the managed temporary accommodation model anticipates occupancy of 3 to 12 months with occupancies of up to 18 months being an exception. Given the suitability of the accommodation only for temporary and limited-term occupancy and not for permanent occupancy I consider it appropriate to attach a condition restricting the occupancy of each unit to no more than 18 months and for appropriate monitoring of periods of occupancy to be continued with records available on request from the local planning authority. I consider the maximum occupancy period of up to 18 months to be reasonable to ensure this temporary limited-term use without compromising the objectives of the scheme. In addition, given the size of the units, I consider it appropriate to restrict the number of rooms available to childless couples. This need has been estimated at 3.4% which when translated into available rooms equals 5 rooms (rounded up).

#### Support for service users:

As detailed above and as included in the Asset Management Plan the proposal and the management model confirmed by THN creates 7 distinct micro-communities to enable greater matching of personal needs and risks with existing occupiers.

This is supplemented by all referred residents receive a detailed support needs / risk assessment at the point of referral and, as confirmed by THN, an Initial Support Plan completed within 72 hours of move-in, and a detailed Support Plan completed within 7 days. The support plans are to be reviewed and updated every month to ensure accuracy and maintain positive progress. THN confirm that all Complex Needs Specialists are experienced and qualified to QCF Level 2 in Health & Social Care, (or working towards it).

THN also confirm that all support is delivered in a Trauma Informed / Strength Based way, helping occupiers self-assess their current abilities, with a view to co-producing strategies and interventions to further develop skills and address barriers to progression. Ongoing contract monitoring will ensure that the Council remain sighted on service performance.

This micro-community approach is enabled by the provision on each floor (from ground floor to fifth) of dedicated Wellbeing, Consultation, Support and Counselling Rooms, supplemented by a Training and Education suite on the ground floor. The Lounge and Engagement Space on the ground floor is used to host various engagement events but also, together with the smaller lounge rooms on each floor help to foster a sense of community and develop positive and appropriate relationships. Enhanced CCTV as shown on the supplementary amended plans will ensure 'blind spots' are eliminated contributing towards a greater sense of security and safety for occupiers. THN have also confirmed that they are committed to creating a Psychologically Informed Environment, including colourways and furniture designed to avoid an institutional feel.

I consider that the proposal as shown in the internal layout of the amended plans creates a space that facilitates the levels of support offered by the proposed accommodation model and that as such the proposal meets Core Strategy policy CS03's objective of ensuring buildings are fit for purpose.

The proposal is also consistent in this respect with the objectives of Paragraph 96 of the National Planning Policy Framework of aiming to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lives, through both promoting good health and preventing ill-health, especially where this would address identified local health and well-being needs and reduce health inequalities between the most and least deprived communities.

#### Impact on amenity of neighbouring area and local services:

Given the number of ways in which individuals can find themselves homeless, the range contained within the definitions of homelessness and the provision of safe spaces for vulnerable individuals that the scheme provides, I do not consider that the proposal will have a significant impact on the amenity of the neighbouring area or on the capacity of local services. This is supported by Housing Officers who further emphasise the managed and careful nature of the Council's referral system, the safeguarding processes included at the point of referral and the zoned communities model with occupiers moving through towards independence as factors that further reduce risk to the amenity of the neighbouring area.

THN have explained that it is highly likely that future occupiers of the site are already within the City Centre and currently without the benefit of personalised support and assertive outreach meaning that any future occupiers who may have a history that involves substance use or other behaviours are likely to be already present. Where occupants have identified substance use needs these will be captured in the Support Plan process, allowing experienced Complex Needs Specialists to work directly with them to address those needs. Furthermore, the provision of accommodation will place them in more secure and less vulnerable living accommodation. The Assertive Outreach element of the provision allows Complex Needs Specialists to engage outside the scheme (including the City Centre) which can further support joined-up working with Police and Community Safety Officers. This element of the programme recognises the need to provide support outside of the building.

The general 'Supported Housing' principle of the scheme will allow for the provision of personal and meaningful support beyond that received in any inappropriate accommodation (for example hostels and bed and breakfast), ultimately improving appreciation of community interaction and responsibility, with support being specifically tailored to address such issues helping occupants understand the impact of such behaviours.

The scheme allows for proactive engagement with Blue Light services and Community Safety Leads allowing for a more joined-up solution, reducing the need for crisis intervention and detention or admission into custody. THN state that they operate on a basis of a positive relationship with Police and Ambulance Services allowing a single point of contact in case of incident (for example a known address to seek further information, support or accommodation).

In relation to health services, the scheme is designed for and commissioned by the Council for existing Council clients and as such does not create any 'additional' demand in the system. The operational model is designed to support partnership working with all relevant Homeless Pathway Partners and wider healthcare partners, actively deploying harm reduction interventions, which ultimately reduce demand on such services. The scheme provides greater supervision and support than which is available in inappropriate accommodation, significantly reducing the risk of and need for Crisis Response Interventions.

Given the stated partnership working model, I do not consider that the proposal will result in a demonstrable rise in demand on health, community safety and emergency services and that once these established partnerships are in place within the context of the new development the proposal has the potential to have a positive impact in this respect.

THN have confirmed that they will proactively engage with all relevant stakeholders (eg Police, Ambulance, Neighbours, Local Community Groups) prior to service opening, ensuring points of contact are in place and that escalation and complaint protocols are proactively shared. In accordance with the objectives of Paragraphs 96 and 135 of the NPPF of achieving healthy, inclusive and safe places that promote health and well-being, with a high standard of amenity for existing and future users I consider it appropriate to attach a condition that Terms of Reference for such proactive engagement are submitted, agreed and published prior to the first occupation of the development. This will provide a liaison mechanism with the local community.

In addition, though there is no intention to fund third party CCTV systems (noting that the Council have existing street CCTV in place) significantly enhanced CCTV coverage on site will provide a further deterrent effect against substance use and dealing and antisocial behaviour. There is no intention to fund additional street lighting. Furthermore, on site cleaners and maintenance staff enable the immediate area to be regularly checked and monitored and kept clear of any disposed risks or litter.

#### Highways and parking impacts:

Albeit a residential use, future occupants are unlikely to have cars or vehicles, presenting a minimal risk of added congestion. The site is well located in the City Centre, close to the train station and within walking distance of the city's two principal bus stations. The site is in a highly sustainable location and supports easy access for occupiers and for staff and partners. Where parking is required, there are several accessible Public Car Parks close by. The level of cycle parking is equivalent to the existing lawful use and I consider it to be reasonable for the intended use.

I do not consider that the proposal will have a harmful impact on parking capacity, highway safety or the proper use of the highway network.

#### Other considerations:

- precedent and concern that agencies across the country will target Leicester as a hotspot for "Human Warehousing" in poor quality accommodation.

An open market tender was undertaken by the Council to commission a provider of accommodation-based housing related support for this building. All referrals to this scheme will be made by the Council for homeless households (single people and childless couples). All individuals referred will be eligible for support and have a local connection. Nor is the scheme intended to be 'Move On', with occupants maintaining their Priority Banding to support an actual move on to settled, permanent housing.

In this context "local connection" means that you have links to the council area because you i) live or have lived in the area recently, ii) work in the area, iii) have close family living there, iv) get care leavers support in the area or v) lived in asylum support housing in the area.

The specification for this service required providers to ensure the supplier will meet the minimum standards for accommodation-related housing service in supported housing. Accommodation provided should be safe and secure for Clients using the service.

I consider that these entry level requirements act as a safeguard against such a precedent being set as other operations would not be viable without the mechanisms contracted here.

- Other concerns

There cannot be a guarantee against the submission of future applications seeking to vary or remove the recommended condition restricting occupancy to a maximum of 18 months. However, this condition has been considered necessary for the development (as well considered to meet the other planning tests for conditions). Any such application would need to be considered against the planning recommendation above that for the model proposed and due to the nature of this proposal such a condition is indeed considered necessary at this site.

In relation to concerns that the space should be reserved for any demand created by the EU Youth Mobility Scheme, and to concerns that alternative sites should be considered, the planning recommendation above is and only can be on the basis of the scheme submitted.

The impact of the scheme on property values is not a material planning consideration relevant to this application.

## **Conclusion**

I therefore **recommend** that the application is approved subject to the following conditions, subject to confirmation from the HSE that their original comments remain applicable in respect of the amended plans.

### **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 development hereby approved shall only be used as the managed short term residential accommodation and ancillary spaces permitted and none of the units shall be occupied longer than 18 consecutive months by any referred service user. A register of occupancy shall be maintained on site by the service provider and made available to the local planning authority for inspection at any time (in the interests of the amenity of future occupiers and in accordance with Core Strategy policy CS03 and saved City of Leicester Local Plan Policy PS10 and the objectives of Paragraph 135 of the National Planning Policy Framework).
3. The development hereby approved shall have no more than 4 units occupied by childless couples at any one time. A register of occupancy shall be maintained on site by the service provider and made available to the local planning authority for

inspection at any time (in the interests of the amenity of future occupiers and in accordance with Core Strategy policy CS03 and saved City of Leicester Local Plan Policy PS10 and the objectives of Paragraph 135 of the National Planning Policy Framework).

4. The development hereby approved shall be carried out in accordance with the amended Asset Management Plan dated 20.06.25 and received by the City Council as local planning authority on 20.06.25. The Asset Management Plan shall be adhered to throughout the lifetime of the development unless a future or updated and viable management plan is submitted to and agreed in writing by the local planning authority and published online on the Planning Application database. Where a future or updated and viable management plan is agreed, the use shall be continued in accordance with that agreed future or updated management plan (in the interests of achieving healthy, inclusive and safe places that promote health and well-being, and in the interests of the amenity of occupiers and neighbouring properties and in accordance with the objectives Paragraphs 135 and 96 of the National Planning Policy Framework).

5. Prior to the occupation of the development Terms of Reference (from the Operator) for proactive engagement with all relevant stakeholders, including but not limited to ensuring points of contact are in place and that escalation and complaint protocols are proactively shared, shall be submitted to and agreed in writing with the local planning authority. These Terms of Reference shall be published on the Planning Applications database. The development shall be operated in accordance with these Terms of Reference throughout the lifetime of the development. In the event of a change of operator, the new operator shall submit a revised Terms of Reference within six weeks of commencement of their contract to the local planning authority and these shall be agreed in writing. The development shall be operated in accordance with these revised Terms of Reference within timescales agreed in writing with the local planning authority (in the interests of achieving healthy, inclusive and safe places that promote health and well-being, and in the interests of the amenity of occupiers and neighbouring properties and in accordance with the objectives Paragraphs 135 and 96 of the National Planning Policy Framework).

## 6. APPROVED PLANS CONDITION

### NOTES FOR APPLICANT

#### 1. BNG EXEMPT - DE MINIMIS

2. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process (and pre-application).

The decision 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 is considered to be a positive outcome of these discussions.

## **Policies relating to this recommendation**

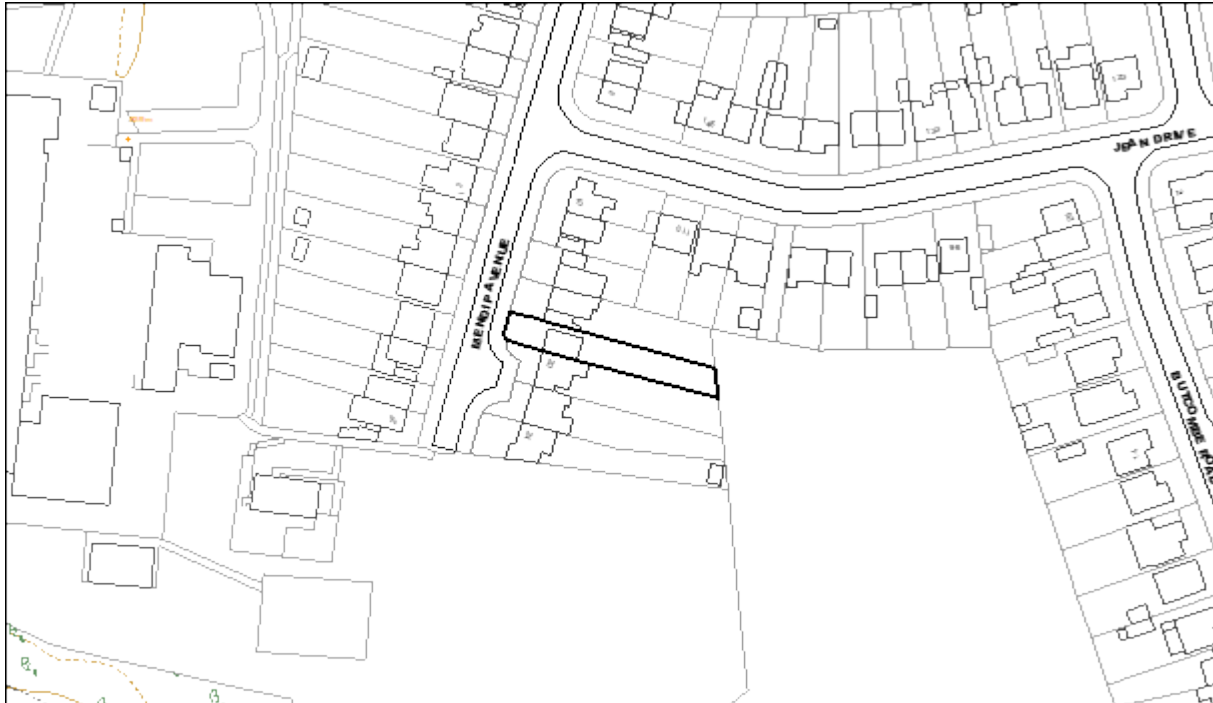
2006_AM01	Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.
2006_AM02	Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
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_CS03	The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
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_CS08	Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
2014_CS12	In recognition of the City Centre's role in the City's economy and wider regeneration, the policy sets out strategies and measures to promote its growth as a sub-regional shopping, leisure, historic and cultural destination, and the most accessible and sustainable location for main town centre uses.





# Item 4d

<b>Recommendation: Conditional Approval</b>	
<b>20250657</b>	<b>18 Mendip Avenue</b>
Proposal:	Construction of single storey extension at rear of house (Class C3)
Applicant:	Mr Daniel Townsend
View application and responses:	<a href="https://planning.leicester.gov.uk/Planning/Display/20250657">https://planning.leicester.gov.uk/Planning/Display/20250657</a>
Expiry Date:	9 July 2025
WARD	Abbey



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## Summary

- The application is brought to committee as the applicant is an employee of the Council.
- The main issues are design/appearance and the impact on neighbouring residential amenity.
- No representations have been received from neighbours.
- The application is recommended for conditional approval.

## The Site

The application relates to a two-storey semi-detached dwelling house within a suburban residential cul-de-sac. The house has a hipped roof design. Neighbouring the property to the north and south are similar two storey semi-detached dwellings. The site is located within a critical drainage area.

## **The Proposal**

The proposal is for a single storey extension to the rear of the dwelling. The extension would measure the full width of the property at 5.67m and extend back 4m. The extension will have a flat roof and measure 3.2m high. There will be a new window on the rear, a skylight and new bi-fold doors.

The external materials will be blockwork walls finished with a scratch render (Pebble), roof felt, UPVC windows, aluminium leaf bi-fold doors.

## **Policy Considerations**

### National Planning Policy Framework 2024

Paragraphs 2 (Application determined in accordance with development plan and material considerations)

Paragraph 11 (Presumption in favour of Sustainable Development)

Paragraphs 44 (Sufficient information for good decision making)

Paragraph 57 (Six tests for planning conditions)

Paragraph 135 (Good design and amenity)

Paragraph 139 (Design decisions)

Paragraph 140 (Clear and accurate plans)

Paragraph 181 (Flood risk considerations and SuDS)

Paragraph 186 (Biodiversity in planning decisions)

### Local Policies

Core Strategy Policy CS03 (Well-designed developments)

Local Plan policy PS10 (Amenity of existing or proposed residents)

### Further Relevant Documents

Residential Amenity Supplementary planning document (SPD) 2008

## **Consideration**

This application is a proposed extension to a dwellinghouse. House extensions are acceptable in principle subject to the considerations detailed below.

### Appearance

NPPF paragraph 135 and Core Strategy policy CS03 require well-designed developments that do not detract from the appearance of the area.

The Council's Residential Amenity SPD Appendix G provides a design guide for household extensions to ensure they appear proportionate and consistent with existing dwellings.

The extension would be to the rear of the property and would not be visible from the public realm. It will not affect the character and appearance of the surrounding area. The massing of the extension is proportionate to the original dwelling. Overall, the extension would not conflict with the above planning policies or SPD guidance, I consider the extension would be acceptable in terms of design and appearance.

### Neighbouring Residential Amenity

The extension will be 4m deep. There has been a rear extension to 16 Mendip Avenue. The extension will not intersect a 45-degree line taken from the rear windows of 16 Mendip Avenue and there will be a 1.1m gap between the proposed extension and boundary. The extension will be set an acceptable distance from the property to reduce any overshadowing or unacceptable impact on outlook. The boundary treatment is a hedge, so will screen the extension from view and reduce any overbearing impact.

The extension will be 3.2m high. It will be higher than the conservatory at number 20 Mendip Avenue. The extension will cause some overshadowing to the top conservatory windows on the south side. I consider this to be acceptable, as there will be adequate light into the conservatory via the roof, rear windows and north side windows.

As such, the proposal would be acceptable in regard to residential amenity and would accord with Local Plan policy PS10 and NPPF paragraph 135.

### **Conclusion**

I recommend APPROVAL subject to the following conditions:

### **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. Development shall be carried out in accordance with the following approved plans  
Proposed Floor Plan, received 16/04/2025  
Proposed Rear Elevation, received 16/04/2025  
Proposed Elevation A-A, received 16/04/2025  
Proposed Site Plan, received 16/04/2025  
(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 which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental

to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

2. It is recommended that care is taken during works should any bats or birds or their roosts or nests be discovered on or adjacent to the building or rooftop. In such a case, it is recommended that advice from a qualified ecologist should be sought before proceeding with works, given environmental protection legislation. Bats can roost or be present in roof structures of buildings or in crevices of walls. Further information on bats and the law can be found by searching for Bats: protection and licences - GOV.UK ([www.gov.uk](http://www.gov.uk)). Further information on birds and the law can be found by searching for Wild birds: protection and licences - GOV.UK ([www.gov.uk](http://www.gov.uk))

3. 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.