

20202099	83 Heyworth Road	
Proposal:	Change of use from house (Class C3) to residential care home (Class C2) (3 bedrooms) (amended plans 11.2.21)	
Applicant:	Mr Ibrahim Rasoul	
App type:	Operational development - full application	
Status:	Change of use	
Expiry Date:	11 March 2021	
SS1	TEAM: PD	WARD: Braunstone Park & Rowley Fields



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Summary

- Brought to committee given the number of objections
- 10 Objections from 6 Leicester addresses on the grounds of character, noise and disturbance, traffic, parking, anti-social behaviour, crime and general safety.
- Issues are the principle of the use, impacts on residential amenity and traffic
- Recommended for approval

The Site

83 Heyworth Road is a detached two-storey dwellinghouse (3 bed) on a corner plot within a primarily residential area.

Background

There have been two recent planning applications at this site.

Application 20182095 – additional house to side was refused.

Application 20181101 –two storey extension at rear of house was approved and implemented.

The Proposal

The proposal is for a change of use from a dwellinghouse (class C3) to a residential care home (class C2).

There is a kitchen, dining room, lounge, and bathroom on the ground floor. There are 3 bedrooms, a bathroom and a store room on the first floor. No external alterations are proposed.

The applicant states that:

- The care home would be used for adults with learning disabilities. The adults would not have physical disabilities.
- Council workers will look after and supervise the adults at all times.
- There will be 12 full time staff, working 3 or 4 at a time working shifts throughout the day/week.

Policy Considerations

National Planning Policy Framework (NPPF) 2019

Paragraph 2 states that applications for planning permission must be determined in accordance with development plans unless material considerations indicate otherwise.

Paragraph 11 states that there will be a presumption in favour of sustainable development.

Paragraph 108 states that development proposals should take up appropriate opportunities to promote sustainable transport modes; ensure safe and suitable access can be achieved for all users and; any significant impact (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable level.

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

Paragraph 127- Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Development Plan

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

Supplementary guidance

Appendix 1 CLLP 2006 - Vehicle Parking Standards.

Supplementary Planning Document (SPD): Residential Amenity

Consultations

Noise team

No objections.

Representations

10 letters of objection have been received from 6 different Leicester addresses raising the following concerns:

- Queries if the publicity was sufficient in terms of neighbour notification;
- The proposal will be another nuisance in the area and affect the community spirit;
- Concerns over disruption in terms of noise or other anti-social or illegal behaviour;
- Concerns over privacy, safety and security for neighbours;
- Parking issues and increased traffic which are already a concern;
- Although it will be for people with learning disabilities it might not always be;
- Concerns over how well looked after the occupants would be.

Consideration

The main issues are principle of the use, level of accommodation, impact on amenity and impact on parking/highways.

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.

The property is located outside a restricted hotels, hostels and residential institutions area where saved policy H16 of the City of Leicester Local Plan presumes against new such uses.

There does not appear to be a concentration of such uses in the immediate locality.

The property is surrounded by predominantly residential properties. Whilst the change of use would result in the loss of a family house, the proposed 3 bed care home will be a managed provision where assisted living is provided for the residents. I consider the principle of the use is in accordance with the aims of Core Strategy policy CS06.

Occupier amenity, character and appearance

Each of the bedrooms will be provided with good outlook from the existing windows. I consider an acceptable level of amenity will be provided in terms of outlook and natural light for each of the residents.

The three adults to be housed will be accommodated within the existing bedrooms.

Some comings and goings to and from the house may change in character, however this is unlikely to be significantly above the levels expected in a family house.

There are no external alterations required in order to facilitate the change of use to a care home. I do not consider the proposal would adversely affect the residential character or appearance of the property or have any negative visual impact on the surrounding residential area or the street scene. I conclude that the proposal would comply with policies CS03, CS08 and PS10 and is acceptable in visual and residential amenity terms.

There is a medium sized garden area at the rear of the house, screened by a boundary fence which would provide satisfactory private amenity area, storage for cycle and bins for the residents.

Access and parking

Policy CS14 of the Leicester Core Strategy (2014) states that development should be easily accessible to all future users, and that it should be accessible by alternative means of travel to the car, promoting sustainable modes of transport such as public transport, cycling, and walking and be located to minimise the need to travel.

Appendix 1 of the City of Leicester Local Plan sets out the parking requirements for the City. There is on-site parking available for at least two vehicles at the site and

unrestricted on street parking on the road in front of the property. Moreover, it is located a reasonable walking distance from facilities and on bus services on Narborough Road.

Given the number of residents and the care staff likely at any one time, I consider that the proposal will not have a detrimental impact on local on street parking capacity and the highway/parking impact of the proposal would not be severe.

As such I do not consider that the proposal is contrary to saved policy AM11 of the City of Leicester Local Plan, Core Strategy policy CS14 or paras 108 and 109 of the NPPF.

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.

Other matters

The issues/concerns over the use of the property, amenity, access and parking raised by the residents have been addressed above.

Care homes are regulated by relevant social care bodies. The property would provide a home for three adults with staff assisting to provide them with a living environment similar to a typical family home.

The proposal is a managed provision. Issues relating to crime and anti-social behaviour would not be likely to arise directly from the proposed use. Any behavioural issues would be managed by the care team and other enforcement agencies. Likewise, emotional needs and behavioural issues, security and supervision and health care provisions are matters for the care team and other agencies.

The application has been given the publicity required. Neighbouring properties have been notified and sufficient time has been allowed to submit their concerns.

Conclusion

I consider that the use of the property as a small care home is an acceptable use within a residential area.

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 cause unreasonable harm to the amenities of neighbouring properties or result in detrimental impact on the residential character of the surrounding area.

The development is not likely to cause severe harm to the local highway network or result in substantial additional parking demand.

I consider that the proposal would be in accordance with the aims of the NPPF and development plan policies and guidance.

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. 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, CS06 and CS14 of the Leicester Core Strategy (2014) and saved Policies PS10 of the Local Plan (2006).)
3. This consent shall relate solely to the submitted plans received by the City Council as local planning authority on 11/02/2021, unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. 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/or 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 2019 is considered to be a positive outcome of these discussions.

Policies relating to this recommendation

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| 2006_AM11 | Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01. |
| 2006_H16 | Planning permission will not be granted for new or extended hotels, hostels and residential institutions within Restricted Zones unless criteria can be met. |
| 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_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.