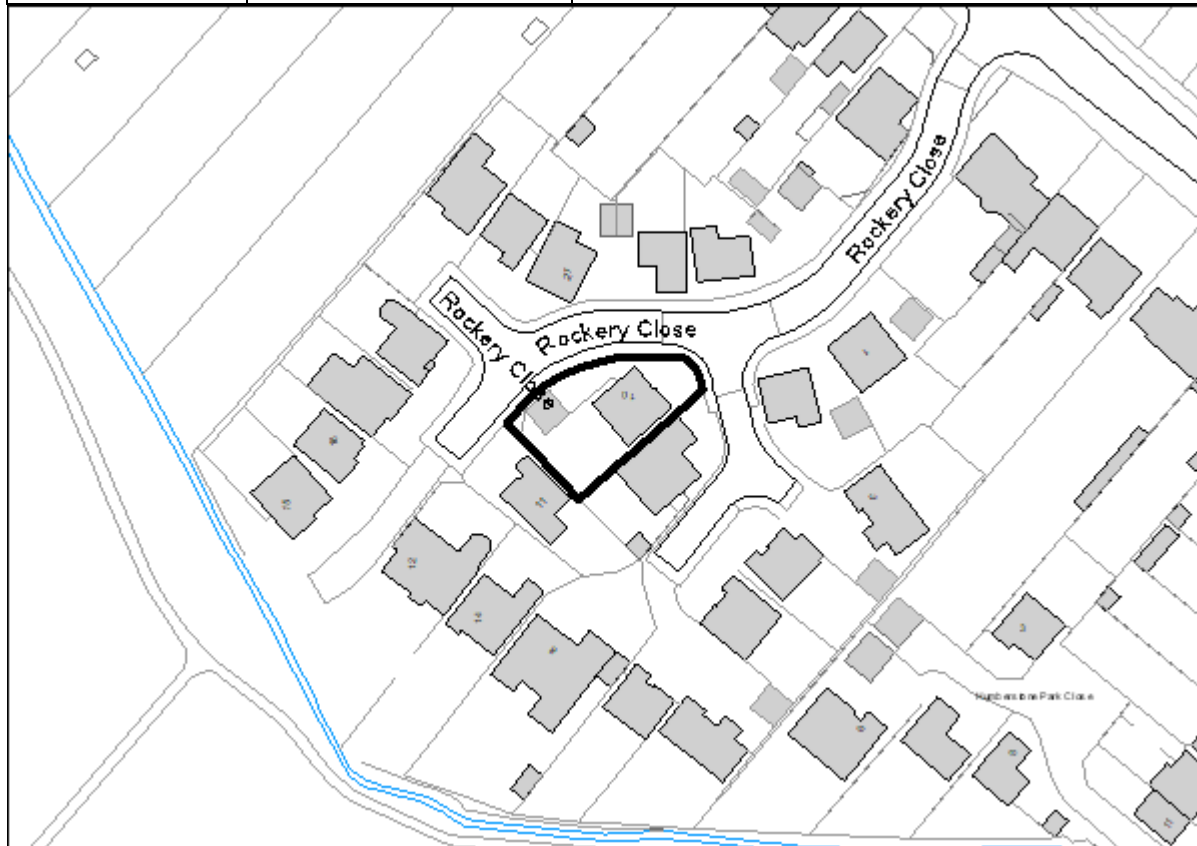


# COMMITTEE REPORT

<b>20240982</b>	<b>10 Rockery Close</b>	
Proposal:	Change of use from dwellinghouse (Class C3) to residential children's home (Class C2) (4 children)	
Applicant:	Mr Ranjit Singh Baines	
App type:	Operational development - full application	
Status:	Change of use	
Expiry Date:	5 August 2024	
SS1	TEAM: PD	WARD: Thurncourt



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## Summary

- The application is brought to committee due to more than 5 objections being received;
- The main issues are: the acceptability in principle of the change of use; the character of the area; the amenity of neighbouring occupiers; and parking/traffic impacts;
- The application is recommended for conditional approval.

## The Site

The application relates to a two-storey detached 6-bed dwellinghouse located at the end of a residential cul-de-sac accessed off Uppingham Road.

To the southeast and southwest west of the site are neighbouring residential properties.

The wider area is noted as a critical drainage area and is within 250m of a known air pollutant.

## 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). No external alterations are proposed.

The care home would have a living room, play room, kitchen/breakfast room, office, utility room and WC on the ground floor, 2 carer bedrooms, 2 children's bedrooms and a bathroom on the first floor and 2 children's bedrooms on the second floor.

The application states that:

- The house will provide a full-time residence for up to 4 children between the age of 8-17, in which 2 adult carers will occupy the property at all times, operating on a shift pattern;
- A home manager will be a regular visitor to the home for administrative and supervision purposes; and
- The proposed shift pattern for carers will be 24hr shifts with changeover arranged for 11am.

## Policy Considerations

### National Planning Policy Framework 2023

Paragraph 2 (Primacy of development plan)

Paragraph 11 (Sustainable development)

Paragraph 115 (Unacceptable highways impact)

Paragraph 116 (Highways requirements for development)

Paragraph 135 (Good design and amenity)

Paragraph 191 (Pollution impacts)

Paragraph 194 (Land Use)

### Local Policies

CLPP 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 19 separate addresses. One of them was marked as a support comment but the content indicated an objection and I have treated it as such.

Issues raised were:

- Noise and disturbance;
- Adequacy of parking/increased traffic, there is already congestion and parking on pavements in the area, proposal causes increased congestion/safety concerns especially for pedestrians/children and access for emergency vehicles/bin lorries, the site is on a corner near a blind spot;
- Loss of privacy;
- Impacts on house values;
- Anti-social behaviour/safety/security concerns for the community – there is already anti-social behaviour occurring;
- Overdevelopment/out of scale;
- It would not be a dwellinghouse, affecting the residential area, this is not a place for business, it will alter the character of the area;
- Greater intensity of use from the staff on shift patterns;
- Neighbours not informed;
- Infrastructure strain;
- Environmental impact;
- Insufficient information in terms of needs of the children, placements, security, safeguarding, or emergency measures;
- C2 use could change to other C2 uses without permission; and
- Approval would set a precedent for commercial activity.

## Consideration

### Principle of Development/Character of the Area

I note the concerns raised in objections regarding the development being inappropriate in a residential area for families and how objectors consider the proposed care home as a commercial business. However, the proposed care home will be managed housing with assisted living provided for residents. The proposal is small in scale and given the existing use as a 6-bed dwellinghouse, I do not consider its managed nature would present an excessively perceptible difference or significant impacts in the wider area. As a primarily residential use it would have an acceptable impact on the suburban character of the area in terms of general noise and disturbance.

Furthermore, and in accordance with Core Strategy policy CS06, the City Council aims to facilitate the provision of a range of accommodation to meet the special housing needs of all City residents including identified 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.

### Parking and Traffic

#### *Policy Context*

Local Plan saved policies AM01 and AM02, and NPPF paragraphs 108, 114, and 116 require developments to provide suitable facilities for traffic and parking. Local Plan Appendix 01 provides maximum parking requirements for each type of use.

Local Plan Appendix 01 calls for one car parking space per 4 bedspaces for Class C2 residential institutions. I saw on my site visit that there would be space for 3 cars on the front driveway. As such the proposal would comply with Appendix 01.

#### *Context of the Area*

Rockery Close is a cul-de-sac serving 1-12 and 14-23 Rockery Close, and also gives access to a drive for 341 Uppingham Road.

All dwellings in the close provide at least 2 off-street parking spaces, with many having room for 3 or more. As such dwellings in the area have sufficient off-street parking.

#### *Considerations*

It would be expected that a house of this size, as existing, would be likely to attract 2 cars. There would be 2 staff on site following the change of use but there would be likely to be visitors at times. Overall I would expect that the site would attract 3 cars at most times which the site can provide for.

Concerns have been raised in objections in terms of amount of traffic/parking required for the development. I note that there are photos included in objections showing the close with several cars being parked on-street, including cars parked half-on the pavement. This is including at the application site. Notwithstanding this, as all the houses have sufficient off-street parking that would be considered policy compliant and the proposed use would have sufficient parking that would be policy compliant, the proposed development in itself would not be likely to cause a significant material impact on highway safety sufficient to represent a valid reason to refuse the proposal on highways grounds. It follows that I conclude that the further impacts alleged in objections of harm to highway safety of pedestrians and children and impediment to emergency vehicles/bin lorries would not be inherently likely to come to pass as a result of this permission being granted. The proposal would be in accordance with NPPF paragraph 115 and the policies listed above, and the proposal would not warrant refusal on highways grounds.

### Neighbouring Residential Amenity

Taken together, NPPF paragraph 135f, and Local Plan policies PS10 and PS11 require a good standard amenity to be retained for neighbouring residents.

I note the concerns raised in objections in relation to noise impacts from the site and the proposed use.

The property is a detached property. As such there would not be likely to be significant noise impacts from internal use of the property to neighbouring dwellings.

The proposal is to provide managed care with carers always present for professional oversight and supervision. Whilst there would be potential for there to be more

people present in the house regularly during daytimes, the proposal is to provide a residential setting and as such it is not inherently likely for there to be any noisy uses or activities 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, I do not consider that these differences will equate to harm. I do not consider that use of the rear garden by staff and occupiers of the home, nor general comings and goings associated with the property, are likely to give rise to noise impacts that would be very significantly different from the existing 6-bedroomed dwelling or unacceptably impact amenity at any neighbouring properties.

I 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.

The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise complaints be received but there would be no planning justification to withhold permission on this basis. NPPF paragraph 194 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 and given the suitable insulation between the application site and the neighbour, there is no planning reason to require a noise management plan on the grounds of noise/disturbance/anti-social behaviour which again, could be dealt with by noise pollution control, the police or Ofsted. I also consider that a noise management plan for this type of use would present significant technical enforcement challenges and as such would not be appropriate to impose.

#### Other Issues

I note the issues raised in objections relating to lack of information. The supporting statement provides some information on the proposed operation of the use. I consider that there is sufficient information to make an assessment of the proposed use.

I note the issues raised in objections relating to impact on property values. However, planning decisions are concerned with land use in the public interest and applications are determined in accordance with policies in the development plan for Leicester.

I note issues raised in objections that the development would cause harm to safety and privacy of residents of the area. However I do not consider that there is a likelihood that the change of use could cause such issues.

I note the issue raised in objections that approval of this application would set a precedent for others. However this application is considered on its own merits as all applications are required to be.

I note the issue raised in objections that the proposal could be detrimental to the environment. There is no reason to believe there would be material impacts on the environment from this small change of use.

I note the issue raised in objections regarding increased impacts on local facilities/infrastructure. There is no reason to believe there would be material impacts on the local infrastructure from this small change of use.

I note the issues raised in objections in relation to publicity of the application. Neighbours were notified and the statutory publicity requirements have been met and a decision can be issued accordingly.

### Conclusion

The application is acceptable in principle and I recommend approval.

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

The proposal is for 4 children and I recommend a condition to limit the number of children being looked after to 4 as any increase would also require further consideration.

### CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. 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 accommodate any more than 4 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:  
Ground Floor Plan, First Floor Plan, Second Floor Plan, drawing no 20 00 01, revision P1, received 04/06/2024  
(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.

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 2023 is considered to be a positive outcome of these discussions.