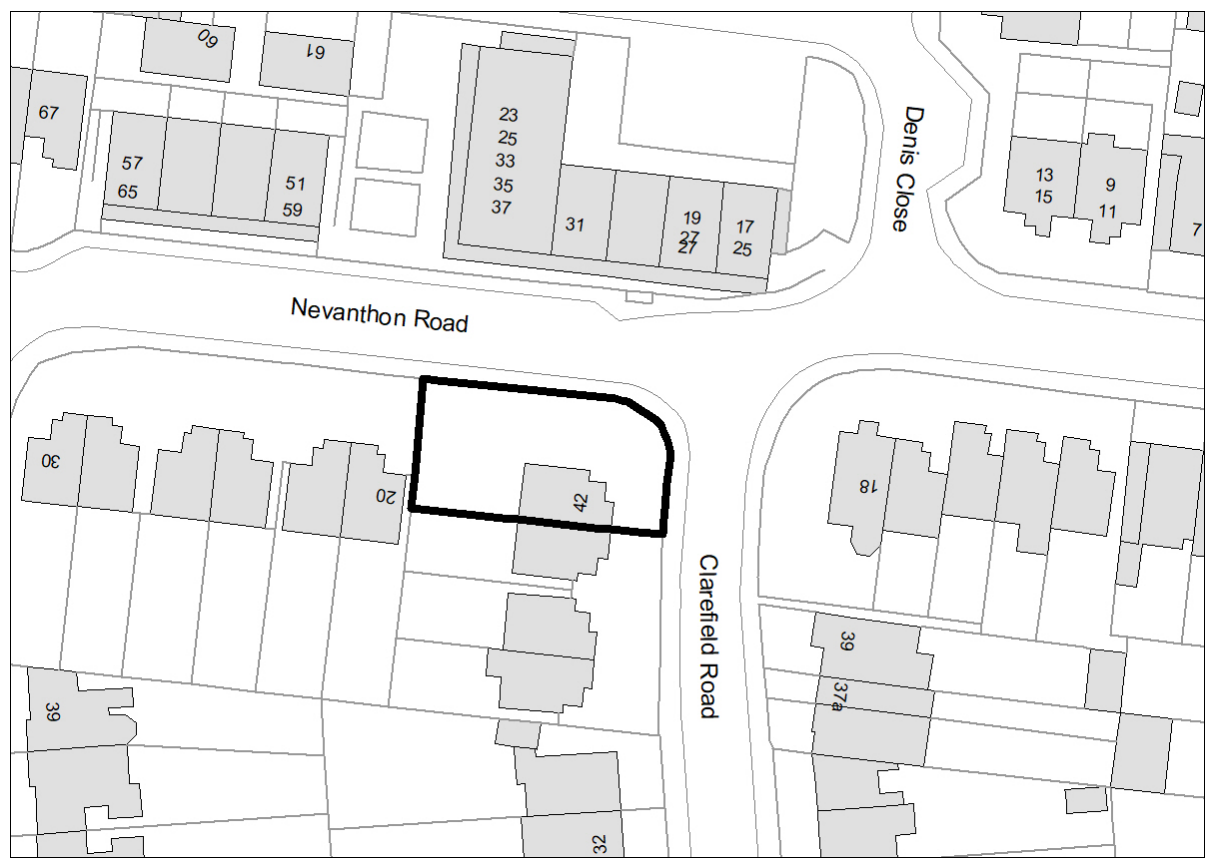


COMMITTEE REPORT

20241665	42 Clarefield Road	
Proposal:	Change of use from dwellinghouse (Class C3) to Residential care home (Class C2) (max 2 adults in care)	
Applicant:	Sublime Care Solutions Limited	
App type:	Operational development - full application	
Status:	Change of use	
Expiry Date:	5 December 2024	
SS1	TEAM: PD	WARD: Western



©Crown Copyright Reserved. Leicester City Council Licence 100019264(2024). Ordnance Survey mapping does not imply any ownership boundaries and does not always denote the exact ground features.

Summary

- The application is brought to committee as the planning agent is married to a councillor;
- Main issues in this case are the principle of development; the character of the area; the amenity of neighbouring occupiers; the living conditions of the future occupiers; and parking;
- Objections have been received from 2 separate addresses on issues including principle of development, neighbouring amenity and parking;

- The proposal is recommended for approval subject to conditions.

The Site

The application relates to a two-storey semi-detached property located within a primarily residential area on the corner of Clarefield Road and Nevanthon Road. There is a three storey block of flats with parade of shops on the ground floor level opposite the site to the north on Nevanthon Road.

The site is within a Critical Drainage Area (CDA).

Background

There are two previous planning applications at this address:

20200888 - Change of use from dwelling house (Class C3) to residential care home (2 Bedrooms)(Class C2)(Amended)

- *Approved subject to conditions. Not implemented.*

20240175 - Change of use from residential dwelling (Class C3) to residential care home (Class C2) (max 2 children)

- *Approved subject to conditions. Not implemented.*

The Proposal

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

The application is the same as that approved under 20240175 save for the care is to be provided for adults rather than children

The house has a living/dining room and kitchen with ancillary storage on the ground floor and 2 bedrooms, a bathroom and office on the first floor.

The applicant states that:

- The home would provide 24-hour care and assisted living for two individuals (18+) that may have mental or physical disorders/disabilities.
- There would also be staff on site that would work shifts, with 4 staff on duty for 2-to-1 care.
- Visiting hours would be 10am-5pm with two visitors at a time.
- On-site parking will provide space for 3 cars.

A noise impact assessment was submitted. It sets out an acoustic assessment with consideration of separating wall construction, sound insulation upgrade and predicted sound transfer levels.

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 2 separate addresses. The following issues were raised:

- Already a care home nearby which causes parking problems and additional noise during the day, particularly weekends. This application will add further vehicles on a very busy corner. Noise/disturbance to the neighbour.
- The site will be a place of business;
- A detached house would be more appropriate;
- The neighbour's house would be de-valued;
- Noise/disturbance from the property already occurs, including people talking, doors, shutting doors, the washing machine and cooking. This will increase dramatically;
- The future occupiers will be there 24/7 – not like a family home;
- This will result in stress/noise;
- No place for carers to sleep;
- Poor consideration to previous application;
- Application is causing anxiety.

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 for families 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. Furthermore, 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. As such the principle of the use is in accordance with the aims of this policy and the principle of development is acceptable.

Whilst it is noted that there may be another care home at no.37, I have no evidence to show that there is a significant/unacceptable over-concentration of uses, nor would there be any policy reason to refuse the application on such a basis.

Whilst it is noted that there are objections on the basis of the development being within a semi-detached property, this proposal must be considered on its own merit and I assess the further planning matters of the proposal below.

Neighbouring Residential Amenity

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

I note the concerns raised in objections in relation to noise impacts from the site and the proposed use. Noise impacts already are stated to be occurring, and having impacts on neighbours, and there is the concern that the proposed use would cause noise from the future occupiers.

I note that the property is part of a semi-detached couplet, sharing a wall with no.40 providing a close physical relationship.

Notwithstanding the above, the proposal is to provide organized care for 2 people with carers always present for professional oversight and supervision. 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.

Notwithstanding the above, I have considered it prudent to confirm wall insulation details to ensure a good standard of sound reduction between the application site and the neighbour in the semi-detached couplet. The agent submitted a noise impact assessment to show insulation that would reduce the noise levels between the houses significantly.

Firstly the noise impact assessment sets out that the current separating wall provides a sound reduction of Rw50, meaning that if noise levels in the property reached 85db the noise level in the adjacent house could reach 35db.

At chapter 2.2, it details how an independent wall lining system with specifications could raise the insulation to Rw65 (potentially up to Rw90). As such, this would mean that even very loud noises in the proposed house would not cause significant noise impacts to the neighbour. The noise pollution control officer was satisfied with this report when it was submitted under application 20241075.

The noise impact assessment also notes that the only room in the care home which is adjacent to the separating wall is the first floor office. The living areas and bedrooms are acoustically buffered from the adjacent property by the kitchens, bathrooms, corridors and stairs.

As such, if the use were not to commence until the wall lining system were installed, I consider that there would be no unacceptable impacts in terms of noise

transmission between the properties in the couplet as the insulation would be considerably improved. A condition can secure the implementation of this.

I do not consider that noise from within the building, used as a care home, poses an unacceptable risk in terms of amenity enjoyed within any other neighbouring dwellings. 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 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. Whilst the noise pollution control officer has requested a noise management plan and noting again the issues raised in objections, the 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.

Living Conditions for Occupiers

Saved Policy PS10 of the Local Plan (2006) applies to the amenity of future as well as existing neighbouring residents and I note the concerns raised in objections regarding future living conditions. However, 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 108, 114, and 116 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. There would be space for a car on the driveway. It is noted that notwithstanding the above requirement the development would require several staff members on site at all times meaning that there may be some on-street parking required and I note that the site is a corner plot. However, the site is close to bus stops on Hinckley Road and Glenfield Road therefore some staff may use public transport or alternative methods to the private vehicle. I have no evidence that the area is experiencing severe parking congestion at present. Overall, c.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 115 and the proposal would not warrant refusal on highways grounds.

Other Issues

I note the issue raised in an objection 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.

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/altered 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/altered consideration.

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The change of use hereby approved shall not take place until sound insulation for the shared party wall with number 40 Clarefield Road has been installed in accordance with the details set out in chapter 2.2 of the submitted Noise Report (Acoustic Design Technology, dated 16 May 2024, ref ADT3070/NIA) The sound insulation so installed 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, 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).
5. Development shall be carried out in accordance with the following approved plans:

Floor Plans & Elevations, drawing no DS_05_20 P2, received 17/09/2024
(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.
2. 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).