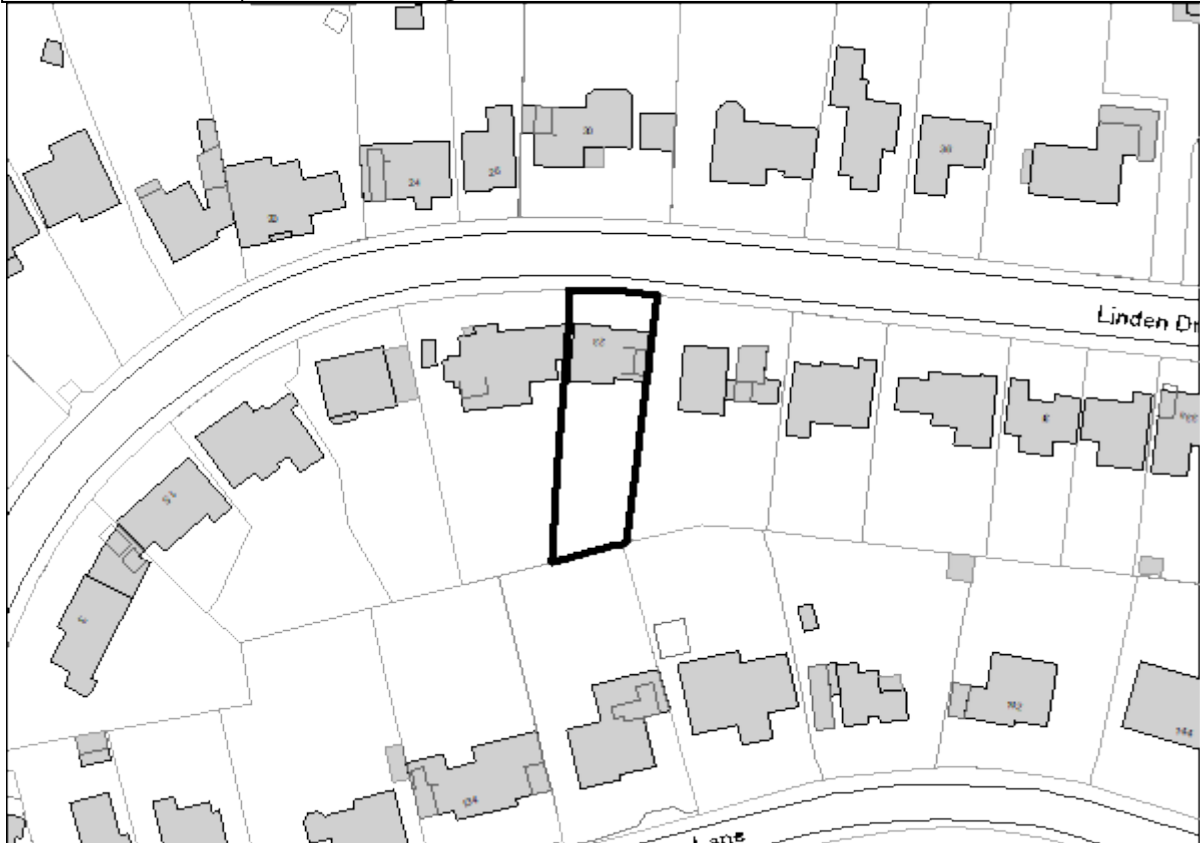


<b>Recommendation: Conditional approval</b>	
<b>20241910</b>	<b>23 Linden Drive</b>
Proposal:	Change of use from dwellinghouse (Class C3) to children's care home (max 3 children) (Class C2)
Applicant:	Cocoon Childcare Limited
View application and responses:	<a href="https://planning.leicester.gov.uk/Planning/Display/20241910">https://planning.leicester.gov.uk/Planning/Display/20241910</a>
Expiry Date:	23 January 2025
SS1	WARD: Evington



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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 27 addresses & 2 petitions objecting to the development were received;
- The recommendation is to grant conditional approval.

## The Site

The application relates to a two-storey detached dwellinghouse located in a suburban residential area, surrounded by neighbouring dwellings. The street has a

20mph speed limit with junctions to Evington Lane and Hawthorne Drive. There is primary school to the north of the street.

## Background

There is planning history at this site as follows:

### 19901422

Garage at side of dwellinghouse.

*Permitted Development*

### 20211511

Demolition of garage and store to side of house; construction of single storey extension to front and rear; two storey extension to side; dormer extensions to front and rear of house (Class C3); alterations (Amended plans received on 27/01/2022).

*Conditional Approval/Not Implemented*

### 20220933

Construction of single storey extension at front; first floor extension at front and side; two storey extension at front and side; single storey extension at rear; roof and external alterations to house (Class C3) (amended plans received 17/06/2022)

*Refusal on grounds of poor design & harm to neighbouring light, outlook and privacy*

### 20222054

Demolition of existing roof; Construction of replacement roof; single storey extension at front; first storey extension at side; two storey extension at rear; alterations to house (Class C3)

*Refusal on grounds of poor design*

### 20231986

Demolition of garage; alterations and construction of two storey/first floor extension at sides, single storey extension at front, and replacement of and extensions to roof of house (Class C3) (AMENDED PLANS RECEIVED 08/12/2023)

*Conditional Approval/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 home would accommodate a maximum of 3 children (6-18 years).

The house would be laid out with a lounge/dining room, games room, kitchen, staff respite room, meeting room, WC and storage space at ground floor and would have 4 bedrooms and a bathroom at first floor.

The applicant states that the property would house a maximum of three children, with two members of staff on duty at all times, working on a 24-hour shift pattern with shift changes at 10am.

## 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

2 supportive comments were received on the grounds that this would be a good area for the future residents, sufficient on road parking, this would support vulnerable members of society.

Objections were received from 27 separate addresses, plus comments from 3 further addresses (2 of which effectively conveyed objections). 2 objection petitions were also received, the first of which included 32 signatures and the second of which was the same petition with 6 additional signatures. Cllr Haq also requested the application be considered by committee. Issues raised were:

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

- Development would be out of character to the area/alter the peaceful character of the neighbourhood/be a commercial use;
- Care home at this site may not be appropriate for the residents, more secure accommodation is needed, or in an area with younger population;

### *Neighbouring Residential Amenity*

- Noise/disturbance from comings and goings, and residents;
- Possibility of anti-social behaviour/safety/privacy risks to neighbours;
- Objectors have had reports of anti-social behaviour at other care homes;

### *Parking*

- Concerns regarding safely accommodating additional vehicle and pedestrian movements, noting the bend in the road nearby;
- There is parking congestion at 28 Asquith Boulevard (20220086) which could occur at this property also;

#### *Other Issues*

- Inadequate consultation and community engagement – the period of time given for comments was less than 3 weeks;
- Questions safeguarding measures for the residents & seeks assurance on Ofsted oversight and registration;
- Impacts on property values;
- Questions regarding the background of the applicant & how they will provide a high standard of care;
- Questions of whether the title deeds of the house allow a business to operate;
- There may be further extensions at the property;
- How would the Council/residents monitor the use;
- Precedent would be set for these uses;
- Impacts on Human Rights;
- Development contrary to economic, social and environmental NPPF objectives;
- Development contrary to Core Strategy policies CS06, CS08, CS14, CS15, and CS18;
- If this is granted, an impact assessment must be carried out;
- Previously refused applications at this property; and
- Objector is concerned on impact of the development on their health.

## 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 planning 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 nor would the use 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.

Having reviewed planning history for a 400m radius from the applications site, there are 3 previously approved applications recorded for change of use to C2/care home use however all 3 of these are located almost 400m distance from the application site across Wakerley Road. I consider that this lack of proximity means there would be no significant amenity impacts arising from the change of use, and that the proposal would not contribute to any significant/unacceptable over-concentration of this type of use in this area.

#### 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 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, 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.

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.

I note that the concerns raised in objections in relation to noise impacts from the site and the proposed use. I note that objectors quote reports of anti-social behaviours at other care homes. 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 for the reasons given above. Risks of anti-social behaviour are not limited to care home use and can be generated by occupants of houses in any residential area. 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 3 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. There would be space for cars on the driveway for staff. It is noted that the development would require several staff members on site at all times and it could be expected that other support staff or families 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 Hawthorne Drive (route 22) and Evington Lane (hospital hopper), therefore staff would be able to 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, 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

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

I note issues raised in objections posing questions about the background of the applicant and their ability to run the care home. However, planning decisions run with the land, rather than be tied to any specific applicant. The identity of the applicant is not relevant to a planning application which is only concerned with the merit of the use of land.

I note issues raised in objections relating to other care homes not being run properly and not having Ofsted certification. However, again, the main issue with this application is that the principle of providing small-scale residential care in a residential area is appropriate. It would not be reasonable or enforceable from a planning legislation perspective to police licences of social care homes, or carry out an impact assessment post implementation. As above, NPPF paragraph 201 advises: *'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 such there would not be a valid planning reason to withhold permission on this issue.

Objections that a precedent would be set for these types of uses, and that there have been previously refused applications for extensions at the site are not sustainable as each application is considered on its own merits against the provisions of the development plan.

Objections consider that the proposal would be contrary to the overarching provisions of the NPPF and the Core Strategy. However, I am satisfied that there would be no conflict with these planning policies. CS08 is referred to, which relates to providing neighbourhoods with good local facilities which this proposal would not

affect. It also states that development should be in accordance with CS06, which I consider that this development would be. CS18 refers to the historic environment. I do not consider that the proposal would result in any impacts to the city's historic environment.

An objection refers to this proposal infringing on human rights of the neighbour, including respect of a private life, family life and home, and right to peaceful enjoyment of their property. However this application is for care for young people at the application site and approval of this application would not substantively impact upon human rights of the neighbour.

An objection refers to inadequate time for consultation. Letters were sent to all adjoining neighbours, 3 weeks in advance of the date given for comments, and 8.5 weeks prior to the decision date. 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 and the level of responses received confirm local public awareness of the proposal.

### 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 3 adults in care and I recommend a condition to limit this to 3 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. 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 3 residents in care at any one time. (To enable consideration of the amenity of residents and parking impacts of a more intensive use, in accordance with Policy CS14 of the Leicester Core Strategy (2014) and saved Policy PS10 of the Local Plan (2006)).

4. Development shall be carried out in accordance with the following approved plans:  
Proposed Floor Plans, ref A260-P102, received 25/10/2024  
(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.