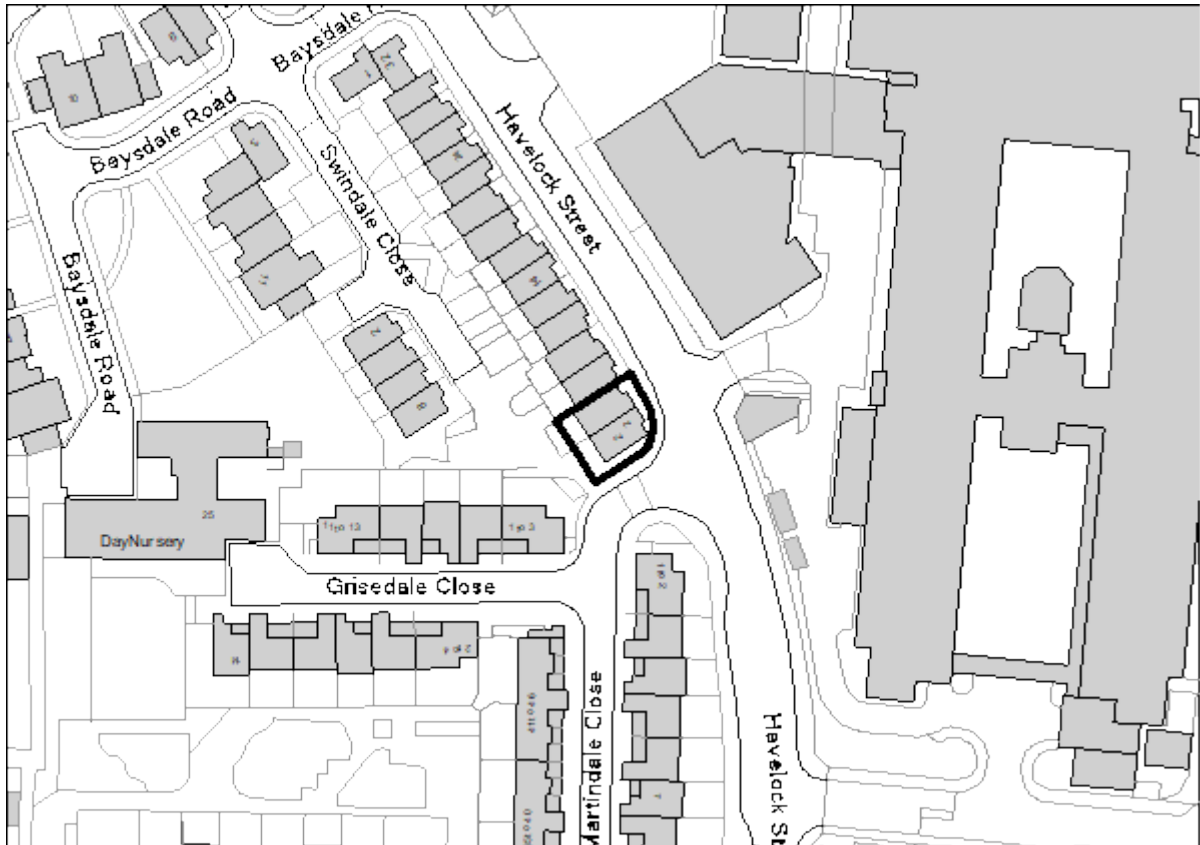


Recommendation: Refusal	
20250190	2 & 4 Havelock Street
Proposal:	Change of use from two dwellings (Class C3) to residential care homes (Both Class C2) (Both max 2 residents in care)
Applicant:	Sublime Care Solution Limited
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20250190
Expiry Date:	15 April 2025
SS1	WARD: Saffron



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Summary

- The application relates to 2 terraced dwellings and proposes changes of use to both for small residential care homes
- The application is brought to committee because the agent is the husband of a councillor.
- The main issues include the principle of the development, neighbouring residential amenity, living conditions for occupiers and parking.
- Refusal is recommended on the grounds of erosion of the character of the area; and poor living conditions for care residents.

The Site

The application relates to two adjoining 2-storey dwellinghouses. No.2 Havelock Street is end-of-terrace and no.4 is mid-terrace. Both dwellings are 3-bedroomed. No.2 has a rear yard c.19sqm in size. No.4 has a rear yard c.14sqm in size.

The dwellings front Havelock Street, which is a small but relatively busy road. Opposite the site is Leicester Royal Infirmary with a goods access to the LRI directly opposite.

To the rear of the dwellings is an area of hardstanding with soft landscaping. Rear elevations of dwellings on Grisedale Close and front elevations of dwellings on Farndale Close are also in close proximity.

The site is in an area where an Article 4 Direction has removed Permitted Development rights for Houses in Multiple Occupation (HMO) due to an overconcentration of these uses.

The site is in a drainage hotspot area and critical drainage area.

Background

Planning History

The dwellings were approved as part of the application for the wider residential area of 49 dwellings, reference 19990209.

Other Development

It is apparent from street view imagery and my site visit that, since August 2023, timber boarding has been added to the rear gates and the metal fencing above the brick wall element of the rear boundary treatment.

The Proposal

It is proposed to change the use of both dwellings to residential care homes (Class C2).

The application is supported by a "care package summary" which advises that the care homes may be occupied *either* by 1 child (age 8-17) *or* up to 2 adults (age 18+) at any one time.

Whilst the ground floor layouts would remain the same with lounges to front and kitchens to rear, the first floor layouts would be altered depending on which occupancy is taking place. Where 1 child is the resident in care, the first floors would have the bedroom to front, and an activity room and staff room to rear. Where 2 adults are being looked after, there would be the bedroom to front, and 2nd bedroom and staff room to rear.

The care package summary also advises that:

- Care provision specialism to include people with learning difficulties and/or autism with provision of medium to long term care- providing a home for residents;
- There will be a shift pattern (8am to 8pm and 8pm to 8am);
- There will be 2 full time staff on duty based on a 1-1 or 2-1 care per service user
- There will always be staff present;

- 2 parking spaces are at the rear of both properties and these will be designated for staff use only. Visitors will be advised at the time of booking of available pay-per hour car parking providers in the area as well as details of the regular public transport options;
- Staff movement limited to shift pattern/daily activities of the residents. Visitors restricted to Sundays and by prior appointment; and
- Registered taxi providers will be the mode of transportation of service users and carers.

Subsequently to the application being submitted, near the end of the publicity period, the applicant submitted a noise assessment technical note and a transport technical note. The noise assessment technical note considers that it is highly likely that no adverse noise impacts shall arise for future occupiers or nearby residents. The transport technical note considers that site management would allow one parking space per care home to be sufficient for operational needs.

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

Residential Amenity SPD

Consultations

Pollution Control Officer

- Raises concerns regarding noise and disturbance to neighbouring residential properties.
- Notes that no insulation scheme has been submitted.
- Recommends a noise management plan to manage potential noise complaints.

Social Care & Education department

It is very unclear as to what the proposal is for the property. Children's homes, supported accommodation and adult care all have separate regulatory regimes and it is very unlikely that any regulatory regime would allow an age mix as described by the applicant as described. This raises concerns about the skills, knowledge and experience of the provider despite the fact they seem to have been operating in the West Midlands since 2016. It is noted that they are rated "good" as an adult provider by CQC. Havelock Street is in a high crime area, likely due to the proximity to the football stadium and hospital, which has an accident and emergency department. This does raise some concerns as to the suitability as a care setting for vulnerable children or adults and the contribution that there might be to local crime and anti-social behaviour from residents.

Consideration

Principle of Development/Character of the Area

The proposed care homes will be managed provisions where assisted living is provided for the residents. Notwithstanding this, they are intended to function as uses similar to typical residential dwellings and represent supported housing which is a type of housing that is accommodated under the aims of Core Strategy policy CS06.

However, it is unusual for 2 separate two-storey residential dwellings next to each other on a typical residential street to both be within such a use. The area to the rear of the site, including the parking spaces and small rear gardens at the site, is relatively dense in terms of the close relationship of the terraced Havelock Street dwellings with each other, the small gardens and narrow access/parking spaces, and the rear of similar terraced rows on Grisedale Close and Farndale Close.

Given the above, the managed nature of two care dwelling sites together would be likely to be significantly perceptible in the locality. Staff would need to present at all times. Several staff would be arriving and leaving daily across both the properties. The use would have potential to introduce other regular visitors associated with the function of the care dwellings over and above what might be expected of two dwelling houses in this terraced location. Given this, and given the single parking spaces to the rear of each site, there would be likely to be regular occasions where the properties would attract more cars than can be catered for. This could result in parking congestion on the hardstanding at the rear, particularly given the limited parking spaces available to the wider residential area and the double yellow lines on Farndale Close. Further to the above, given that all trips by car would be required to be taken on Farndale Close and the close relationship with surrounding dwellings, the comings and goings associated with the properties would be clearly perceptible to the surrounding dwellings. Additionally, the uses could result in a more transient nature of occupiers at the site and for this to occur on two adjacent properties would also be likely to be perceptible in the area, particularly given the very small gardens with a high degree of mutual overlooking between properties in the area. These points above are all inherent issues that come with the changes of use. I am also aware of the noise pollution officer's concern regarding potential noise impacts from properties within the proposed use class. I consider that the 2 changes of use would significantly alter the residential character of the locality and, taking the above issues cumulatively with 2 properties, this would be to the detriment and erosion of the

existing primarily residential character of the area. The proposal would be contrary to Local Plan policy PS10 which requires consideration of the ability of the area to assimilate development in taking account of proposals, Core Strategy policy CS03 which requires developments that contribute positively to the character of the local built environment, and NPPF paragraphs 135, which requires developments to function well over their lifetimes, and be sympathetic to local character.

Adding to my concerns raised above, I note that the dwellings are in an area covered by an article 4 direction which removes Permitted Development rights for changes of use from C3 to C4 HMOs. The background reports that led to this direction indicate that the character of the area has already been affected by the high proportion of changes of use away from typical residential dwellings to alternate residential uses. The 2021 background report to extend the article 4 area indicates that 12.46% of housing stock in the Saffron ward are HMO's which is the 4th highest in the city.

I acknowledge that the planning statement sets out management proposals to attempt to mitigate some of the potential issues described above. However, such detailed plans would not be feasible to enforce in planning. The planning system is focused on assessing development and use of land rather than applying such detailed controls. Planning permission runs with the land rather than the applicant and this also limits the weight that can be given to the management statement. I also note the concerns from the Social Care and Education in that it is considered very unlikely that any regulatory regime would allow an age mix as described by the applicant and I consider that this undermines the soundness of the planning statement and proposal. Even if the detailed management of the properties was feasible to enforce, it would not deal with all of the issues described above resulting in the change to the character of the area.

I acknowledge that the applicant has, at a late stage in the application process, submitted the noise and transport assessments by relevant professionals. Notwithstanding these comments, they are also based on the management statement and as such do not alter my conclusions above. Whilst the transport statement notes that there may be parking congestion with the existing property, I consider that a permanent residential occupier would be more likely to account for this when purchasing the property.

Having reviewed planning history for a 400m radius from the application site, there is one previously approved application recorded for change of use to C2/care home use (approved in 2022 81 Grasmere Street – red dot in the below image). As this property is c.300m away, I do not consider that impacts further to those described above would occur to the wider area from the proposal which fall to be considered in this case.

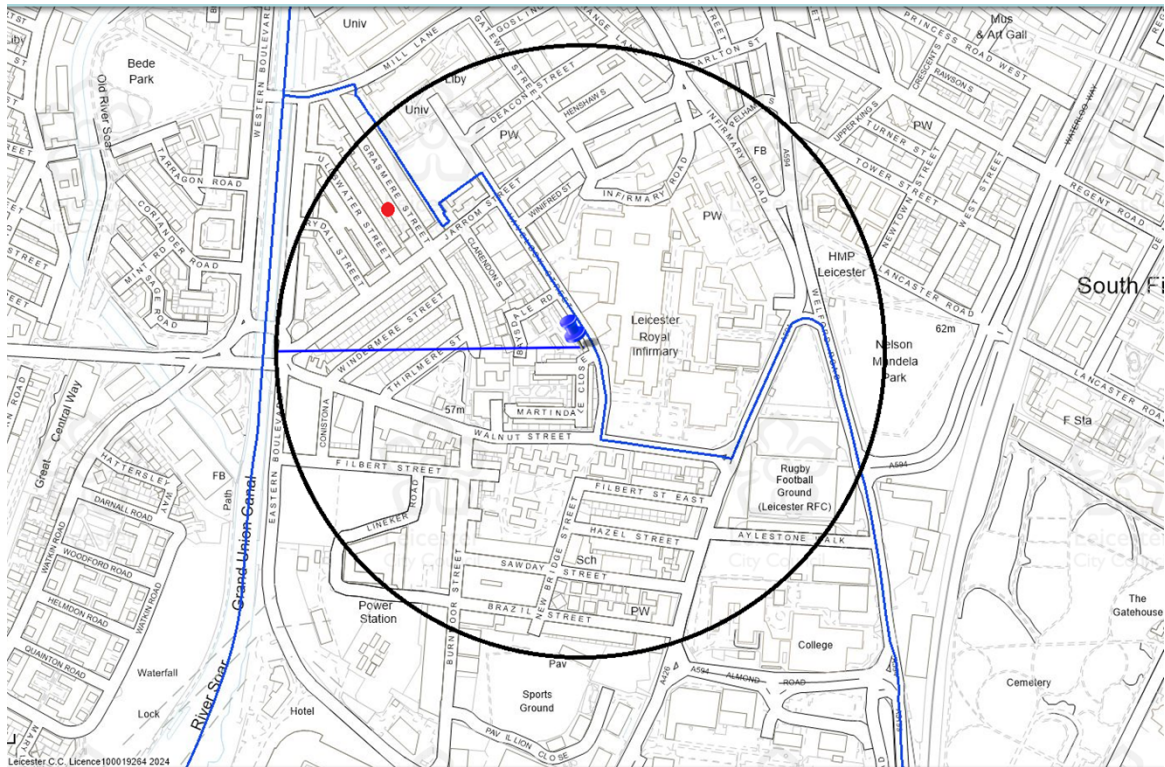


Figure 1: There is 1 other approved care home within 400m of the application site.

Noise Insulation

Were the development considered otherwise acceptable, I would have requested details of insulation of the shared walls between 2 and 4, and 4 and 6 Havelock Street, to ensure the insulation is high quality and noise escape from the proposed care dwellings to their direct neighbours is limited.

Living Conditions for Occupiers

Layout of Properties

Local Plan policy PS10 and NPPF paragraph 135f require a high standard of amenity to be provided for future occupiers. The dwellings have acceptable floorspace for up to 2 residents in care with staff working shift patterns.

However, the gardens to the rear of the appeal site are only 3m in depth. The gardens and rear outlooks have an enclosed and cramped character. At 14sqm and 20sqm, they fall well below current guidance of 75sqm for a 3-bed terraced dwelling (P28 of the Residential Amenity SPD). They do not contribute to a high standard of amenity and residents in care would not have a suitable outdoor private amenity space. Even if the new boarding on the metal fencing was removed, reducing the enclosed nature of the gardens, this would then mean that the space was not private and would be overlooked by surrounding properties and the public realm.

It is noted that the dwellings were approved in 2000 with these gardens. However, this was as part of the wider development to deliver a major housing scheme near to the city centre. Furthermore, all policies and guidance have been substantially updated since 2000.

I note the recent Planning Inspectorate appeal decision 3350799 for a refused application in Hinckley & Bosworth Borough which was for a proposed “*change of*

use from two dwellinghouses Class C3 to Childrens Care Home Class C2". In that appeal, the Council was concerned about the poor quality garden space available for the proposed occupiers. The Appeal Inspector noted the following:

"...children residing within the appeal proposal would not be allowed to leave the premises without adult supervision... This emphasises the importance of outdoor amenity areas within the appeal site to cater for children's needs. Given the sensitive nature of occupation of the proposal and the associated restrictions on access to public open space, the limited size and degree of enclosure of the gardens would not provide suitable outdoor amenity space for children residing at the site."

The Inspector went on to conclude

"The appellant submits that the appeal proposal would not change the maximum levels of occupancy compared to the permission for housing. However, the appeal proposal is for a different use to a typical family dwelling. Even if a couple or family could occupy the properties and foster children, then I consider that there would be more flexibility in providing supervised access to public open space compared to a care home reliant on staff supervising a number of children.

In conclusion on this issue, the appeal proposal would not provide suitable outdoor amenity space for residents, with significant harm to their living conditions. The proposal would therefore be contrary to the Framework which seeks to create places that promote health and well-being, with a high standard of amenity."

I have found that the gardens do not provide suitable outdoor amenity space and consider that, given the comments above within a case where the description of development is the same as this proposal, this would be particularly necessary for residents in care including children in care. I conclude that the proposal would therefore be contrary to NPPF paragraph 135f and unacceptable on proposed living conditions.

Fear of Crime

The Social Care and Education department also note that the site is in an area of high crime and raise concerns as to the suitability as a care setting for vulnerable children or adults. I appreciate this point. However it is likely that the residents in care would be monitored by staff at all times. I do not find that, in planning terms, the changes of use would result in an unacceptable impact in regard to this issue.

Conclusion

I conclude that the proposal would result in unacceptable erosion of the character of the area and unacceptable proposed living conditions for residents in care. I therefore recommend that planning permission should be refused.

REASONS FOR REFUSAL

1. Given the cumulative impacts in relation to disturbance, parking, and character of the use of the properties resulting from additional comings and goings and managed nature of the 2 proposed residential care dwellings in this dense locality, the proposal would result in significant erosion to the residential character of

the area, contrary to Local Plan 2006 saved policy PS10, Core Strategy 2014 policy CS03, and National Planning Policy Framework 2024 paragraph 135.

2. The dwellings would not provide suitable outdoor amenity space for residents in care, resulting in unacceptably poor living conditions. The proposal would therefore be contrary to National Planning Policy Framework 2024 paragraph 135f.

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 at pre-application process. 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.