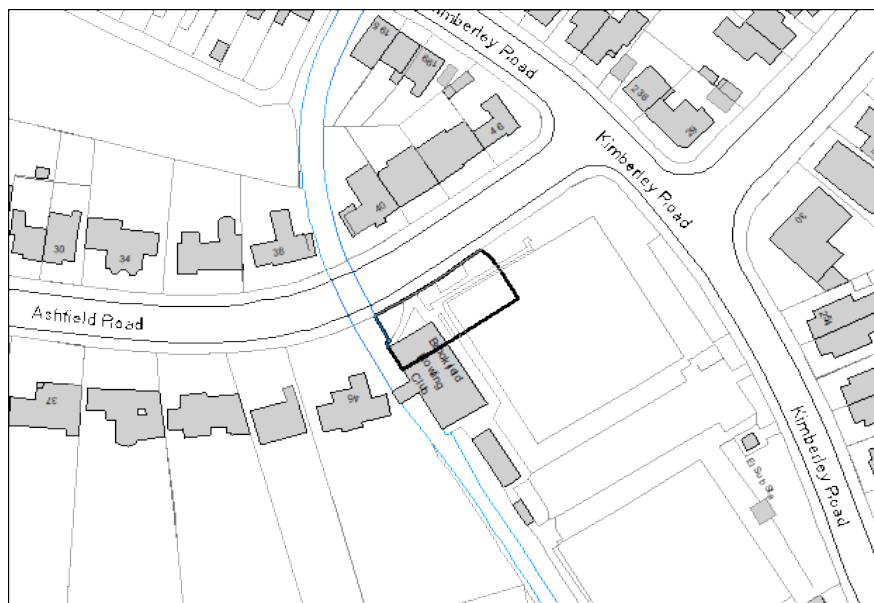


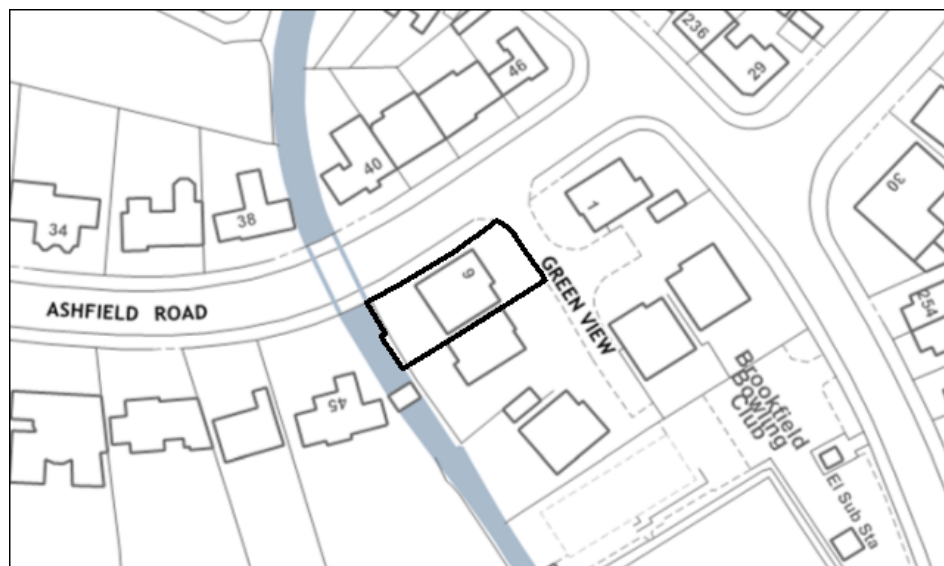
## COMMITTEE REPORT

<b>20250186</b>	<b>6 Green View</b>	
Proposal:	Change of use from residential dwelling (Class C3) to residential care home (4 Children) (Class C2)	
Applicant:	Mr A Hamirani	
App type:	Operational development - full application	
Status:	Change of use	
Expiry Date:	31 March 2025	
DJ	TEAM: PD	WARD: Stoneygate

Ordnance Survey Base map



Updated Base Map showing Green View



## Summary

- This application is subject to a Committee decision as 40 responses from 33 addresses have been submitted in objection to the application.
- Councillor Sood had also requested the application be referred to committee to allow consideration of impact to residents from noise and parking.
- 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 site is an existing two storey recently constructed detached five-bedroom dwelling (Use Class C3) located on the junction of Green View and Ashfield Road which is a primarily residential area. The site is part of a small development of six dwellings constructed on part of a former bowling green.

Green View is an un-adopted road which serves the six dwellings and is accessed from Ashfield Road. To the rear of the six dwellings is the remaining part of the bowls club.

Stoneygate Conservation Area is located 200m west of the site.

To the rear of the site is Evington Brook which continues past the bowls club

The site is located within partially within Flood Zones 2 and 3b, as well as an area of surface flood 1 in 1000, a critical drainage area and is within 20m of a watercourse.

## Background

20192230 - Demolition of single storey clubhouse (Class D2); construction of single storey clubhouse; construction of six two storey dwellinghouses (2x4 bed) and (4x5 bed) (Class C3) (amended plans received 14/02/2020) – conditionally approved in 2020 – works completed.

20200702 – Variation of condition 3 (Acoustic survey) attached to planning permission 20192230 to allow the survey to be carried out before slab/foundation level – conditionally approved in 2020.

20201261 – Variation of condition 20 (Submitted plans) attached to planning permission 20200702 (Demolition of single storey clubhouse (Class D2); construction of single storey clubhouse; construction of six two storey dwellinghouses (2x4 bed) and (4x5 bed) (Class C3)) to alter the design of the clubhouse; amend the site layout; alter layout of plots 1, 2, 3 and 4; alterations to fenestration of plot 6 – conditionally approved in 2020.

20210919 – Partial discharge of conditions of 20201261: condition 2 (temporary arrangement during building operations), condition 3 (Arboricultural Assessment), condition 4 (noise) and condition 5 (materials) – unconditionally approved in 2021.

20212927 – Variation of condition 20 (submitted plans) attached to planning permission 20200702 (Demolition of single storey clubhouse; construction of six two storey dwelling houses (2x4 bed) and (4x5 bed) (Class C3)) (amended plans received 15/02/2022) – conditionally approved in 2022

20213083 – Approval of details reserved by conditions attached to planning permission 20212927: condition 6 (Clubhouse materials) – unconditionally approved in 2022.

20221158 – Non material amendment to planning permission 20212927 (to allow alterations to roof materials) (amended plans received 23/06/2022) – conditionally approved in 2022.

20222091 – Variation of Condition 22 (Amended Plans) attached to planning permission 20212927 (Demolition of single storey clubhouse; construction of single storey clubhouse; six two storey dwelling houses (2x4 bed) and (4x5 bed) (Class C3)) – conditionally approved in 2022.

20230961 – Discharge of condition 11 (waste management) attached to planning permission 20212927 (demolition of single storey clubhouse; construction of single storey clubhouse; six two storey dwelling houses (2x4 bed) and (4x5 bed) (Class C3)) – Unconditionally approved in 2023.

## The Proposal

The application is for the change of use from a residential dwelling (Use Class C3) to a children's care home (Use Class C2) for up to 4 children aged between 6-17 with at least 2 staff members on site at all times. The care home will have an internal floor area of 250sqm and will contain a living room, dining room, kitchen, garage, hall, utility room and W/C on the ground floor and 5 bedrooms with 3 ensembles and a bathroom on the first floor.

There is a garden area of circa 84sqm at the rear.

3 parking spaces are shown at the front of the site.

The shifts of the staff are confirmed as being 1 overnight shift and 2 daytime shifts. There will be a manager in attendance between 09:00-18:00 as well as additionally when required

Whilst no internal alterations have been confirmed, within the planning statement it is stated that the fifth bedroom will be used by staff.

No external alterations to the dwelling front/rear garden area have been proposed as part of this application.

## Policy Considerations

National Planning Policy Framework 2024

Paragraph 2 (Primacy of development plan)

Paragraph 11 (Sustainable development)

Paragraph 44 (Right information crucial)

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 139 (Design decisions)  
Paragraph 140 (Clear and accurate plans)  
Paragraph 187 (Natural environment considerations)  
Paragraph 193 (Biodiversity in planning decisions)  
Paragraph 198 (Noise and light pollution)

#### Core Strategy 2014 and Local Plan 2006

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

#### Further Relevant Documents

Residential Amenity SPD 2008

## Consultations

Social Care – The applicant has formed an independent care company. However there is no record that Leicester City Council has a contractual relationship with the applicant, nor do they have any homes registered with Ofsted. The company was formed in July 2024 and the director appears to have no history of involvement with care companies according to companies house nor are they a registered social worker according to the Social Work England register.

With regards to crime and anti-social behaviour the location is reported as having an average crime rate. As there is no evidence of the companies experience or skills as a care provider, their ability to manage any vulnerability of resident children or anti-social behaviour that might be related is unknown.

No staffing provisions are described by the applicant and neither is the proposed occupancy. Ofsted's minimum requirement for a 2 bed home would be a double staffing and potential for car parking at shift handover for 4 staff. Highways impacts must be considered with regards to regular professional and family visitors to the home.

The new core priorities of the 2025 sufficiency strategy are:

- More children at home with their parents with intensive support and a reduction of children in care
- More children at home with their parents with intensive support and a reduction of children in care
- Working with a not-for-profit provider to grow the residential provision needed within Leicester City

Lead Local Flood Authority – No objection subject to the inclusion of a condition for Emergency Flood Planning details to be submitted and approved by the local planning authority.

Environmental Agency – No objection with the site application to be assessed using Flood Risk Standing Advice (FRSA)

## Representations

40 objections have been received from 33 different Leicester City addresses.

The objections raise the following concerns:

### Principle

- No need for a children's home demonstrated.
- Change of use to a business
- Business use will change the character of the area.
- Already an elderly care home and homeless shelter within the area
- Several institutional premises in area at Graysford Hall, 11 Elmfield Avenue, a homeless shelter at 10 St James Terrace and The University complex known as Brookfield that is approached from Holmfield Road
- Other care home applications within the area at 23 Linden Drive and 15 Stoughton Drive and a C3 to C4 change of use at 28 Homeway Road.

### Design

- Loss of appeal and historical character of the neighbourhood
- Further degradation of the neighbourhood after loss of bowling green

### Living standards

- Lack of meaningful garden
- Modern dwelling is unsuitable for institutional care home.
- A new dwelling is not suitable for children, especially with learning disabilities.
- Garden too small for four children/ young adults.
- The building is constructed of less robust materials which are unsuitable for a care home.

### Amenity

- Increase in footfall.
- Increase in noise.
- Will cause loitering in surrounding streets.
- Increase in anti-social behaviour.
- Detrimental impact to the bowling green
- Detrimental physical and mental impact to the bowling green users
- Increase in littering.
- Impact of noise, parking, vehicle manoeuvring, safety and security is contrary to PS10 of the saved Local Plan

### Highways/parking

- Increase in traffic.
- Traffic already congested.
- Limited parking on Green View
- There are at most 2 small/medium parking spaces not 4.

- Application does not take into account visitors to the site beyond children and carers.
- Insufficient space for vehicles to park on street
- Children will be individually taxied to schools.

#### Other Matters

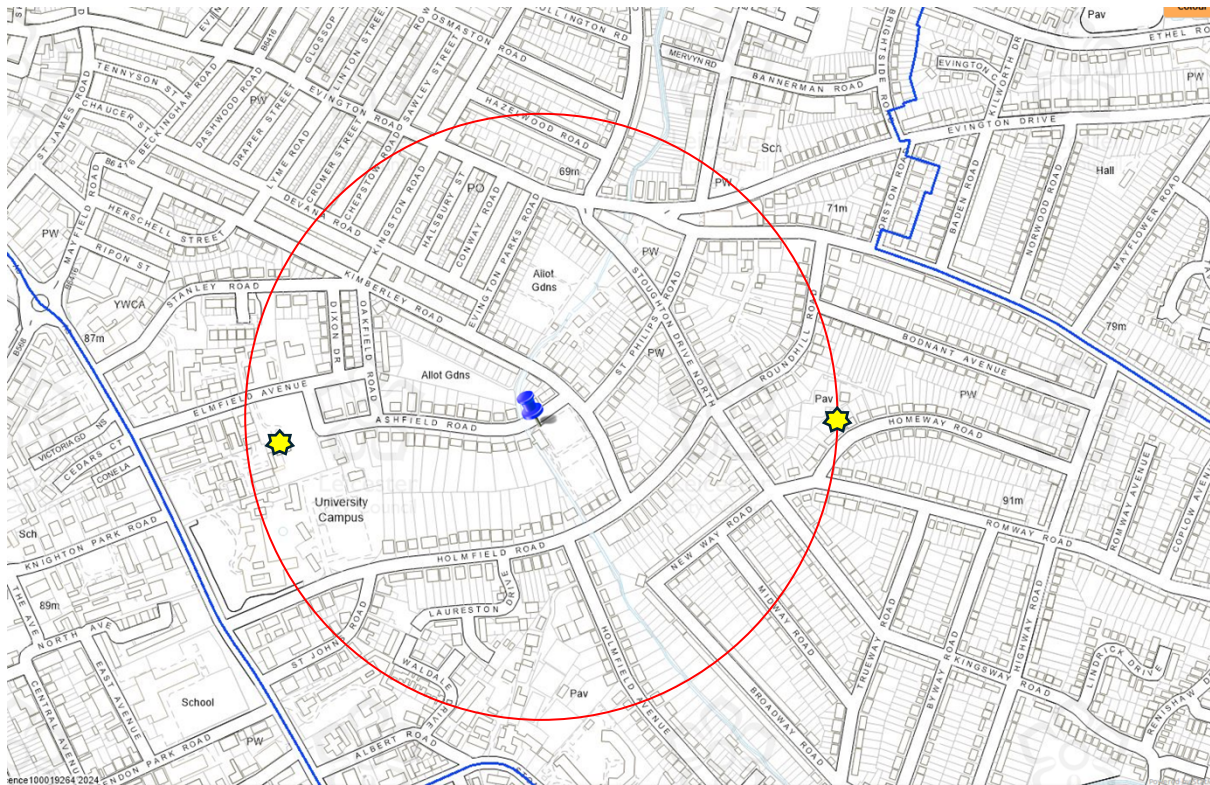
- Will cause other dwellings in area to convert.
- No confirmation of where the children will be from
- If not local children, proposal will breach council's staying put policy.
- Site is located adjacent to a brook which could be dangerous to the children.
- Loss of house value
- Company is not experienced as Companies House shows it was incorporated on 30/07/2024.
- No company shown on CQC or OFSTED registers.
- The company's website is still under construction.
- Increase in crime.
- Children will play in the streets.
- No evidence the company is an experienced and knowledgeable provider of care.
- Contrary to Councils policy to expand own in-house care homes.
- Dwelling is a speculative purchase, and the application is to monetise the property.
- All dwellings on Green View have covenants preventing the change of use from a domestic family home to business.
- Children will use the shared driveway as a playground.
- Neighbours may choose to take legal action if approved due to existing covenant.
- Fire safety concerns.
- Concerned a delegated decision would mean the application would be rubber stamped.
- Neighbour not consulted.

## Consideration

#### Principle of development

Having reviewed planning history for a 400m radius from the applications site, there are two previous applications for care facilities. The first is Graysford Hall (Circa 330m west of the site) which was approved for the construction of a three storey 72 bed care home (Use Class C2) (Ref:20171457) in 2017.

The other site is 24 Homeway Road (circa 430m east of the site) which was approved for the change of use from a single dwelling to a care for up to 3 children (Ref:20240849). However, another application was submitted and approved during the same time period for a certificate of lawfulness (Ref:20242199) for the dwelling to be converted from a single dwelling (Use Class C3) to a house of multiple occupation (Use Class C4). As both were determined in 2025, it is unclear which permission if either has been implemented.



It is noted that within an objection reference was made to applications at 23 Linden Drive (Ref: 20241910) and 15 Stoughton Drive (Ref: 20242145). Whilst both of these sites have received planning permission for the change of use to care homes, they are both located more than 400m from the site.

As only 1 site has been identified within a 400m radius of the proposal which provides a care for a different group of people (elderly care) and on a larger scale, it is considered that only limited consideration should be given to its presence. Therefore, it is considered that this lack of immediate proximity to any comparable existing facilities 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.

However, it is considered reasonable to include a condition to any approved planning decision restricting the ability to change the use class of the site from C2 without planning permission.

Concerns were raised in submitted 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 so is in principle a use compatible in a residential area. The proposal is small in scale, and it is not considered its managed nature would be particularly perceptible in the wider area. 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.

### Design and Heritage

An objection was received stating that the proposal would cause a loss of appeal and the historical character of the neighbourhood.

No external alterations are included as part of the application, and whilst Stoneygate Conservation Area is located 200m to the west of the site, it is considered there would be no visual harm to the character of the conservation area due to the distance from the conservation area and the use of the site not changing significantly.

It is therefore considered the proposal would not provide any additional visual harm to either the site, wider street scene or any heritage assets and is in accordance with Core Strategy Policies CS03 and CS18.

### Living conditions (*The proposal*)

The dwelling is to be occupied by up to 4 children.

With regards to the levels of outlook, light, privacy and noise levels for the occupants, the proposed floor plan is the same as the existing floor plan. It is therefore considered that the occupants would benefit from the same levels of light, outlook, privacy and noise as existing occupants of the dwelling.

The dwelling also benefits from a private garden area which is circa 83.8sqm. Within the Officers Report for the construction of the dwellings on Green View (Ref: 20192230), it is stated with regards to the proposed gardens that:

*“The rear gardens also would be generally of an acceptable size and good level of privacy would be secured for future occupiers.”*

It is considered that this is still the case for the change of use of the dwelling to a care facility and that the future occupants (with a similar occupancy level to if a family resided in the dwelling) would have sufficient outdoor garden space.

Objections were received which raised concerns about the suitability of a modern dwelling for a care home with reference to the quality of materials and the potential mental health of future occupants.

Unless suitable reasoning is given as to why they shouldn't, all new dwellings approved for planning permission by Leicester City Council are conditioned to be constructed in accordance with Category 2: Accessible and adaptable dwellings M4 (2) which requires dwellings be adaptable in the future for any additional needs of future occupants.

It is therefore considered that the proposal provides a sufficient quality of living space for future occupants as a Care facility for 4 children and the works are in accordance with Policy CS03 of the adopted Core Strategy.



### Residential amenity (*neighbouring properties*)

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

As no external alterations are being completed on the property, there would be no impact to the levels of outlook, light or privacy to neighbouring properties.

It is noted that there are concerns raised in objections in relation to potential 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 for four young people 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, there would not be likely 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, it is not considered that these differences will equate to harm. It is also not considered that the 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 five-bedroomed dwelling or unacceptably impact amenity at any neighbouring properties.

However, to ensure this remains the case, it is recommended that a condition is included which limits the unit to up to four children.

Therefore, the proposal would not conflict with NPPF paragraph 135f, and Local Plan policies PS10 and PS11, and 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 separation 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. It is also considered 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.

### Highways and Parking

## 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. There would be space for 3 cars on the front driveway. As such the proposal would comply with Appendix 01.

## Context of the Area

It would be expected that a house of this size, as existing, would be likely to attract 2 cars. There would be a minimum of 2 staff on site following the change of use but there would be likely to be visitors at times. Overall, it is considered that the site would attract an average of 3 cars.

Whilst the proposed site plan shows 3 vehicle parking spaces on the front without altering the existing landscaping. However, as shown on the approved site plan from application 20192230, the sites frontage only has capacity for 2 vehicle parking spaces, with Condition 2 of the approved variation of conditions (Ref: 20222091) requiring the Landscaping and Ecological Management Plan to be completed and complied with for a minimum of 5 years meaning that an additional space cannot be created on the existing grass.

Whilst the proposal includes the existing garage being retained, which has been designed in accordance with Leicester City Councils parking size requirements, it is considered unlikely that this space would be used frequently for vehicle parking, due to the requirement to manoeuvre any parked vehicle in front of the garage when this car is required.

However, Holmfield Road bus stop is located circa 480m walking distance from the site which provides an hourly bus service into Leicester City Centre. It is therefore considered this provides a sustainable alternative arrangement to the need for private cars.

It is also noted that whilst the Green View, which is not a part of the adopted highway, is narrow, there are no parking restrictions on the street, nor are there any on Ashfield Road which at the time of the site visit, did not contain many parked cars.

Concerns have been raised in objections in terms of amount of traffic/parking required for the development. As stated above, the proposed use would have sufficient parking that would be policy compliant, the proposed development in itself would not be likely to cause a severe impact on highway safety sufficient to represent a valid reason to refuse the proposal on highways grounds.

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- Government policy requires evidence of severe traffic impacts to be required should planning permission be withheld on transport grounds.

## Drainage

The site is located partially within Flood Zones 2 and 3b, an area of surface flood 1 in 1000, a critical drainage area and is within 20m of a watercourse.

Within the Flood Risk Assessment submitted as part of the application, it is confirmed that, *“finished floor levels of the house have been set a minimum of 600mm above the 1 in 100-year flood level including an allowance for climate change.”* An Emergency Flood Plan will therefore be recommended as part for any approved application.

As no physical alterations have been proposed and there are no changes to the surface water drainage, it is considered that subject to the above condition, the application would not cause any substantial drainage issues and is in accordance with adopted Core Strategy Policy CS02.

## Other matters

An objection was received questioning whether the consultation procedure was correctly completed and raised concerns regarding the application being “rubber stamped” if determined via a delegated decision. The application has followed both the Development Management Procedure Order (DMPO) as prescribed by the Government as well as the Council’s Statement of Community Involvement.

Comments were received raising concerns about the safety of the site when adjacent to the brook to the rear as well as children playing in the street or on the shared driveway. The site was built along with the wider street as residential dwellings, and it is considered there would no additional risk to safety of future occupants or their neighbours than has already been considered within the previously approved application allowing for families to occupy the dwelling without any additional restrictions.

Objections were received regarding the loss of house values. This is not a material planning consideration.

Comments were received stating that it was unknown where the future occupants of the site would be located from and that approving the planning application would be contrary to Leicester City Councils policies relating to expansion of publicly owned care homes. However planning applications cannot be used as a mechanism to restrict end users from certain geographical or cultural backgrounds, nor can planning control be used to discriminate for or against any private as opposed to public sector proposals.

Concerns were raised in the submitted objections regarding the approval of the application setting a precedent. However, this application is considered on its own merits as all applications are required to be.

There have also been a number of objections raising concerns regarding the potential the application could increase the levels of crime and anti-social behaviour within the area and this causing division and tensions within the community. As stated previously

within this report, this permission does not indemnify against criminal activity or anti-social behaviour which should be reported to the relevant body when necessary.

Concerns were raised also with regards to who the end user will be and how the site will be kept up to the correct standards with other comments raising concerns about the lack of experience from the proposed management company and the site being a speculative purchase.

Local authorities do not have any powers in relation to the regulation of privately run children's care homes, as those powers rest with Ofsted. Planning legislation should not- and cannot- legally be used as a proxy for controlling matters which are the responsibility of Ofsted who have the remit for the oversight of these facilities.

Objections were received which stated that there is a covenant on the dwellings within Green View preventing the change of use of the sites into businesses. Some objections have also stated they may choose to take legal action if the application is approved due to the covenant.

The inclusion or possible breach of a covenant on a site is a legal matter to be addressed between the parties involved and securing covenant provisions cannot be determined through a planning application.

Concerns were also raised regarding the fire safety of the dwelling. However, this is not a matter which can be considered under planning applications of this nature and is a building control matter.

## Conclusion

This is a residential use proposed to be located in a residential area.

Overall, the application has been considered from the perspectives of the principle of development, the design, the living conditions, the neighbouring amenity, the parking standards, the drainage of the site, as well as other matters raised by public representations.

In all cases, the proposal has been considered acceptable.

I recommend that this application is APPROVED subject to 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. (To enable consideration of the amenity, parking and highway safety impacts of

alternative Class C2 uses, in accordance with Policies CS03, CS06, 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. (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. Prior to the occupation of development, details regarding Emergency Flood Planning shall be submitted to and approved by the local planning authority. The details shall include:
  - Suitable access and egress routes for residents and/or users of the development during a potential flood event and present these access and egress routes on a layout plan of the development.
  - Define the areas of safe refuge for residents and/or users of the development to use if safe access and egress is not possible.
  - Define how Flood Resilience Measures incorporated into the development are to be managed and maintained throughout their lifespan, as well as how they are to be operated in the event of a flood and the person/organisation responsible for their operation.
  - Define how any vehicles on site are to be relocated to areas of lower risk in the event of a flood, so as not to cause a hazard to surrounding infrastructure.
  - Provide recommendation that all residents and/or users of the development to sign up for the Environment Agency's free Flood Warning service and the Met Office severe weather warnings email alert service where available for the site

The development shall be managed in accordance with these details thereafter. (To minimise the risk of damage in times of flooding, and in accordance with policy CS02 of the Core Strategy).

5. Development shall be carried out in accordance with the following approved plans:  
Drawing 6GV/2025 2/2 - Proposed Plans - Received 03/02/2025  
(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 which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an

application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

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.

### **Policies relating to this recommendation**

2006_AM12	Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
2006_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
2014_CS03	The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
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.
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.