

Recommendation: Conditional approval	
20250666	118 Ashton Green Road
Proposal:	Change of use from dwellinghouse (Class C3) to residential childrens care home for up to 2 persons (Class C2)
Applicant:	Mrs Kaur
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20250666
Expiry Date:	23 June 2025
CY1	WARD: Beaumont Leys



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Summary

- The application is for the change of use from one dwellinghouse to a residential children's care home
- The application has been brought to committee as there have been 23 objections raised
- The main issues include the principle of the development, neighbouring residential amenity, living conditions for occupiers and parking.
- The application is recommended for approval subject to conditions

The Site context and History

The application relates to a 4-bedroom detached house fronting Ashton Green Road. The property has a garden space approximately measuring 75m². With reference to the site plan provided there are three parking spaces on site including the garage and a further 2 in front of the property. These spaces are accessed via a shared access off of Ashton Green Road which is also used by 120 Ashton Green Road.

The site forms part of a large-scale sustainable urban development (known as Ashton Green). An outline permission for the entire Ashton Green area was submitted in 2010 under application 20100969 and there were subsequent variations to this permission in 2013 (20131597), 2016 (20162453), and most recently 2024 (20240895).

The site is located within the first phase of development (phase A). The reserved matters application for this phase was submitted in 2016 for the construction of 100 dwellings (application 20160456 with a non-material amendment application submitted in 2018 to alter parking regarding position, space, garage and carport allocation under application 20180005). The dwelling is labelled as plot 61 and one of the northern-most properties within that phase in close proximity to the older Glebelands area. It is directly opposite land designated as Green Wedge (currently agricultural land to the East) although this site is allocated for mixed use residential, education and health and community facility development in the emerging Local Plan (SL03)

The Proposal

It is proposed to change the use of the property from a dwellinghouse (Class C3) to a Children's Home (Class C2).

With reference to the submitted Design and Access Statement, the property would be used as a home for up to two children/ young people (under the age of 18), and they would be supervised a maximum of 3 staff at all times, in the home. As such, two bedrooms are provided for the children/ young people, and one bedroom is provided for staff which is shown to have three beds. The Design and Access Statement goes on to state that waste management and parking would not be altered by the proposal.

Policy Considerations

National Planning Policy Framework 2024

Paragraph 2 (Primacy of development plan)

Paragraph 11 (Sustainable development)

Paragraph 39 (Early engagement)

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 198 (Noise and light pollution)

Paragraph 201 (Planning decisions separate from other regimes)

Core Strategy (2014) and Local Plan (2006)

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

Emerging Local Plan Policy SL 03 Land to the East of Ashton Green

Supplementary guidance

Consultations

Leicester City Council Social Care and Inclusion Team

The Social Care and Education department of Leicester City Council have been asked to provide comment on the planning application for 118 Ashton Green Road:

For a change of use to a residential children's home. Ultimately, any decision to change the registration and / or statement of purpose of such a provision rests with Ofsted.

We recognise that not all comments here relate directly to material planning matters but we seek to provide context that may be helpful in better understanding and evaluating the application.

The address is the registered office of Energy Utility Warehouse (UK) Limited. The applicant appears to be the director of a dormant residential care company, Harmony Place Ltd, formed in 2023. We can find no record that Leicester City Council has a contractual relationship with the applicant as a children's home provider and they have no children's homes currently registered with Ofsted. The director / applicant is not a registered social worker according to Social Work England.

In relation to crime and anti-social behaviour the rate is just below average in the area itself but is above average within the one-mile radius from the home. 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 to residents is unknown.

Staffing provisions are described by the applicant are in keeping with minimum regulations for such a unit. The shift pattern described by the applicants would mean 5-6 staff on site at time of handovers and the need for car parking etc at shift handovers of four staff. Highways considerations also need to take account of regular professional and family visitors to the home.

Representations

There have been 22 letters of objection from 16 neighbouring residents, along with an Objection from Morris Homes (the developer of the estate) who have raised concerns about the following matters:

Principle of use –

- Home would be a commercial use out of keeping with the residential character of the area
- There are more suitable locations for children's home
- Noting several other homes in the vicinity:
 - o Voyage Care – Leicester Road (0.9 miles)
 - o Cedar Mews Care Home – Hallam Fields Road (2.1 miles)
 - o George Hythe House – 1 Croft Road (0.8 miles)
 - o Diamond House Care Home – Bewcastle Grove (1.5 miles)
 - o Helping Hands Care Home – Sibson Road (1.2 miles)
 - o A separate care facility proposed under phase C1 of the Ashton Green Development (20250506).

- Noting a potential school development on the land directly opposite this property. Planning application 20210302.
- Could have an impact on remaining developments in Ashton Green
- The development could set a precedent for other similar developments in the area

Amenity -

- The potentially frequent turnover of residents could have a disruptive impact on neighbouring amenity for example through children shouting, crying, and playing at irregular hours, along with potential behavioural problems, anti-social behaviour, increased noise levels, and/ or additional comings and goings such as from staff, emergency service vehicles, and visitors
- This disruption could be exacerbated to neighbouring residents by the site being located in a densely built and overlooked area.
- Impact on privacy due to staff and occupants being close to other residents' homes
- Increase in litter, waste bins overflowing, or hygiene issues due to higher occupancy
- The shower/ bath would be relocated directly adjacent to a window causing privacy issues
- The home would not be suitable for disabled occupants
- Concerns for children's safety/ safeguarding due to the proximity of the property to busy roads, schools, parks, agricultural fields, woods, and railway lines
- Light pollution due to the 24 hour use

Highways -

- Traffic could increase due to the 24hour staffing, shift changes, deliveries, and from other visitors (for example health and social care professionals). This could result in an impact on highway safety.
- There is a lack of parking to facilitate the use
- 2 of the 5 parking spaces on site cannot be used for parking as this is the private drive for the parking spaces and the turning head would be blocked by the parking spaces.
- The overspill parking on Glebelands Road should not be used for additional parking for this use

Other matters

- The site is near to schools and families with young children and the permission has provided a lack of detail of what safeguarding measures would be put in place to mitigate any challenging behaviour
- The use could have an impact on property prices
- The property has a restrictive covenant which prevents the home from being used for any institutional, commercial or business use
- There has been a lack of consultation by the applicant with the community regarding the proposed change of use and requests that the proposal has more community consultation
- The information regarding the use is limiting and vague and requests further scrutiny
- The removal of an existing door would remove a potential emergency exit

- 1 staff bedroom for 3 members of staff would be unsuitable
- Inaccuracies in the Application Form provided such as
 - o Not declaring the loss of a C3 Dwelling
 - o Not mentioning staff numbers
 - o Not mentioning hours of use
 - o Not mentioning the proposed materials that are proposed to infill an existing door
- Leicester Police are unaware of the scheme despite the Statement stating there was engagement
- There is no department in the council called Children's Care contrary to the planning statement
- The site could need additional CCTV, additional security lighting, or fencing which has not been applied for
- The area may not have the infrastructure required to support this use for example youth centres, healthcare services, or appropriate public transport.
- Could cause increased community tension

Consideration

Principle of Development

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.

Whilst the change of use would result in the loss of a family house, the proposed care home will be a managed provision where assisted living is provided for the residents and would fundamentally remain in use as a place of residence in a residential area contrary to objections stating this would be a commercial use. I consider the principle of the use is in accordance with the aims of Core Strategy policy CS06.



No sites for other care homes are located within a 400m radius (see figure above). I note a list of care homes in close proximity to the site have been shared by an objector. The closest of these is 0.8miles away from the application site (around 1250m) so they are not considered to materially affect the area surrounding the site, and they would not be considered to result in an overconcentration of such uses in the area.

With reference to the Ashton Green Design Guide submitted in the most recent outline application the area is mostly designated for residential use, with an employment area to the south-east (partially developed), a village centre south of the application site and another mixed-use area to the west (both to come in later phases) and an ecology area to the west also. Given the scale of the Ashton Green Development in relation to this property and the proposed use, the proposal is considered to be consistent with and would not jeopardise the plans for the urban extension.

With regards to the comment that about phase C1 of the Ashton Green development (planning application 20250506) this is for 441 dwellinghouses and this doesn't include a separate care facility. Application 20210302 is also noted (which was for a screening opinion for a new school). This land was reallocated for industrial use in the last outline application but with a second option for a school should demand be required in future as further phases are constructed. With reference to the Ashton

Green Design Guide there may be scope to provide supported living units beyond the proposed village centre however this is not definitive and would be subject to a reserved matters application.

Regarding concerns that the development could set a precedent for other similar developments in the area, each application is determined on its own merits and a potential overconcentration of uses would be a material consideration in any future application's consideration.

Regarding other more suitable locations being available for children's home the application before me has been submitted for this site and other sites being preferable would not be a reasonable reason to refuse an application where it is acceptable in principle.

Regarding concerns about infrastructure impacts, whilst the area is still undergoing development, this is anticipated to come forward as development progresses. A number of dwellings have been built and are occupied and the change would not be unacceptable in this context.

Residential Amenity

The property will be used in a way that is similar to a typical family house and as such, I do not consider the proposal would materially affect the amenities of neighbouring properties or result in detrimental impact on the residential character of the surrounding area.

This is originally a 4-bedroom property with adequate garden space and there are no plans for more than 2 people in care to reside in the property. When factoring staffing, the site is likely to have 5 people residing/ assisting in property at one time which would not be considered an intensification as this number of people would be commonly found in a four bedroomed property.

While there is a potential for increased comings and goings and for increased use of the rear garden, this is unlikely to occur much differently to a standard family home given the proposed number of staff and residents.

Concerns have been received regarding a potentially frequent turnover of residents but this would be no different to a rented dwelling where a home is rented out to different people for varying lengths of time, and would not be considered to result in a detrimental impact to neighbours.

Concerns have also been raised regarding disruptive impacts through children shouting, crying, and playing at irregular hours, along with potential behavioural problems, anti-social behaviour, increased noise levels. There is no evidence before me to suggest that this would be worse for a children's home than a family dwelling where the specific occupants residing could not be controlled. The provision of professional staff on the site and the requirements to register with Ofsted would be likely to mitigate issues in this regard and I note NPPF paragraph 201 which requires planning decisions to ensure that other regulatory bodies will operate effectively. 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.

Waste storage would be no different to existing which I consider to be sufficient to meet the needs of the property; the amount of waste generated would not be likely to be significantly different to a family house and in this respect the situation would be no different to a dwelling.

I conclude that the proposal would comply with policy CS03 of the Core Strategy (2014) and would not conflict with saved policy PS10 of the Local Plan (2006) and is acceptable in terms of the privacy and amenity of the neighbouring occupiers.

Living Conditions

The house is a good size for the number of occupants with ample private and communal space for the young people. All habitable rooms would have good light, outlook, and privacy. It is noted only one bedroom is proposed for staff but this is commonplace for these types of uses and it is unlikely that multiple members of staff will be sleeping at one time.

Regarding concerns regarding whether the dwelling would be suitable for occupants if they required wheelchair use, a condition was attached to the 2016 planning application which stated that all 100 dwellings would need to comply with M(4)2 standards meaning that they could be accessible and adaptable for future uses.

Concerns about the site's proximity to busy roads, schools, parks, agricultural fields, woods, and railway lines are not supported with many of these being common uses close to residential areas.

I conclude that the proposal would comply with policy CS03 of the Core Strategy (2014) and would not conflict with saved policy PS10 of the Local Plan (2006) and is acceptable in terms of living conditions for the existing and proposed occupiers.

Highways/parking

The application states there is space for 5 vehicles on site. With reference to objector's comments about parking I consider that the proposal would provide space for at least 3 parking spaces and this provision would be likely to accommodate the expected demand. The proposal would not be considered to result in a detrimental impact to the highway network. Whilst it would be reasonable to expect additional visitors, there is no reason to expect visitor levels to be excessive and outside the expected levels which may be typical for a Class C3 use for a property of this size in terms of parking.

I am mindful of the potential for parking issues to arise at handover time, however, as there are no other nearby Class C2 uses, I consider any disruption would be over a short period during each day.

I conclude that the proposal would comply with policy CS14 of the Core Strategy (2014) and would not conflict with saved policy AM12 of the Local Plan (2006) and is acceptable in terms of the parking.

Other Matters

Details regarding additional management and safeguarding measures would be regulated by Ofsted and not considered to be a material planning consideration.

Property prices, restrictive covenants, lack of dialogue from the applicant with other statutory bodies are not material planning considerations.

A lack of community consultation is not mandatory, and it would be unreasonable to refuse the application on that basis.

The inaccuracies within the application form have been clarified in the provided Design & Access Statement and these are not considered to jeopardise the application.

Additional features for CCTV, additional security lighting, or fencing which has not been applied for would be subject to a further assessment should a further planning application be submitted for these details.

I recommend that a note to the applicant is included advising that the proposal will need to comply with Ofsted and any other relevant regulatory bodies that are separate to planning and the formal consideration of this application.

Conclusion

Few material changes to the existing situation would occur on site. The change of use is acceptable.

Within Class C2 the property could be used for a residential school, college, training centre or health facility. These uses could result in additional comings and goings, general disturbance, and greater parking demand. Further consideration for these types of uses is 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 children in care, and I recommend a condition to limit this to 2 as any increase would require further consideration.

Recommendation

I therefore recommend that the application be APPROVED subject to the following 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, 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 be used to 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).
4. Development shall be carried out in accordance with the following approved plans:
Proposed Location/Site Plans, 0141.SA, sheet number 4, received 17 April 2025
Proposed Floor Plans, 0141.SA, sheet number 4, received 17 April 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 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.

3. The applicant is advised that the proposal will need to comply with Ofsted and any other relevant regulatory bodies that are separate to planning and the formal consideration of this application.

Policies relating to this recommendation

2006_AM01	Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.
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_CS05	The Council will support the development of a high quality sustainable urban extension at Ashton Green.
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_CS08	Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
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.
2014_CS15	To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.