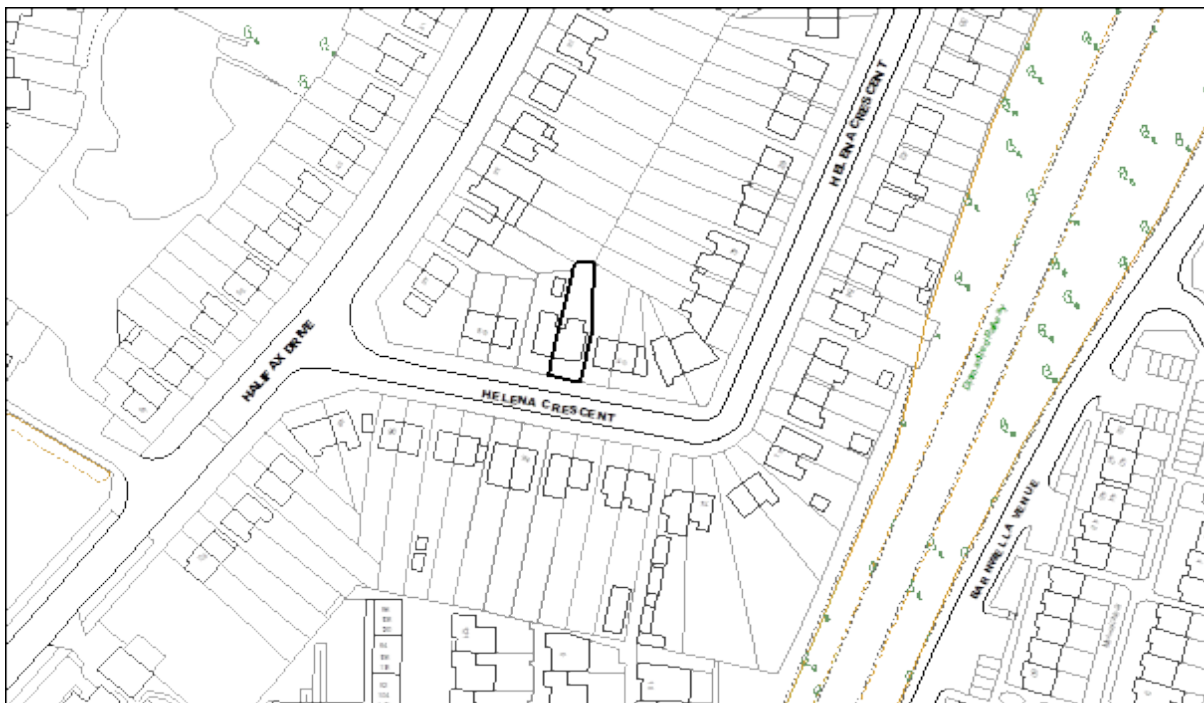


Recommendation: Conditional approval	
20250991	53 Helena Crescent
Proposal:	Change of use from dwellinghouse (Class C3) to residential children's home (Class C2) for two children under 18; bin and bike stores
Applicant:	Mr Keith Fungai Rusike
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20250991
Expiry Date:	11 August 2025
CW	WARD: Abbey



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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 29 addresses objecting to the development were received;
- The recommendation is to grant conditional approval.

The Site

The application relates to a two-storey semi-detached dwellinghouse located in a residential area, surrounded by neighbouring dwellings. The property has a driveway to the front and garden space to the rear, and it has previously been extended by way of a single storey front, side and rear extension.

Background

There is planning history at this site as follows:

19841434

Erection of storm porch to front and garage to side of dwellinghouse.

Conditionally Approved / Implemented.

The Proposal

The proposal is for the 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 two children (8-18 years).

The proposed layout of the property is for the ground floor to contain a lounge, kitchen and dining room as well as an office / staffroom with a shower. The office / staffroom would provide sleeping facilities for staff. Upstairs the first floor would provide 2 x bedrooms and a bathroom for the young people in care.

The design and access statement informs that the property would house a maximum of two children with one member of staff present at all times. Two members of staff would only be on site during shift changeover. Proposed shift patterns are as follows: 07:00 – 14:30, 14:00 – 22:00, 22:00 – 07:00.

To the front of the property a bin store 0.8m in length, 0.75m in width and 1.3m in height is proposed. This would be sited between the porch and the lounge window. A cycle store is proposed to be located to the rear of the property measuring 1.9m in both width and length and 1.4m in height.

The application proposes two off street parking spaces to the front of the property.

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

Objections were received from 24 separate city addresses. Issues raised were:

Principle of Development/Character of the Area

- The proposal would introduce a more intensive and institutional use to a quiet residential area.
- Staff coming and going not in-keeping with a residential area.
- Will cause a negative impact upon the character of the crescent.

Neighbouring Residential Amenity

- Rise in noise levels.
- Unacceptable noise levels.
- Loud parties.

Amenity of future occupiers

- The house is small and not suitable for a childrens home.
- Room sizes are too small.

Parking

- Parking is already tight, extra vehicles from agencies associated with the use would cause mayhem and upset for residents.
- Increased traffic from delivery vehicles.
- Lack of parking causes disputes between residents.
- Will not be able to park outside my own property.
- Every property has two or more cars with some having five or six so there is congestion on the street for parking.
- The drive is only for 1 car not 2 as shown on the plans.

Other Issues

- Property value will decrease.
- This is not being done to better the young people lives.
- This is being done for financial gain.
- Will cause chaos.
- Rise in anti-social behaviour.
- Rise in crime.
- Proposed use would bring a negative feeling to the area.
- Property is not well maintained (unsightly rubbish), it's in a dangerous condition and young people should not be expected to live there.
- Owners are verbally abusive
- There are busy roads nearby and a hostel nearby so the area is unsafe.

- Concern for mine and my families welfare.
- Not a suitable location for a care home.
- Use may result in police presence, foul language and visible conflicts.
- Children need stability, consistency and good role models as well as a tidy house, number 53 will not provide this.
- Ethics and values should be put before personal gain.
- Unethical for young people to live in the conditions present at number 53.
- Concerning not knowing who would be living in the care home.
- Not in the interest of the community for the home to be used as a care home.
- Do not want to live near to a care home as it will cause fear, worry and upset.
- Smell of cannabis in the area.
- We pay council tax we should've been informed by the council about this not by a neighbour.
- Not sensible to place a child's home in a small crescent.
- Regular fire alarms will disturb residents.
- Potential issues with gangs, criminal activity and county lines.
- Children shouldn't be placed in an area where they aren't wanted.
- Causing emotional stress and anxiety to the residents impacting mental health.
- Lack of detail about staffing levels and the management structure.
- No information about how the care home will operate daily or how residents concerns will be addressed.
- Limited direct engagement with the community.
- Drug dealers in the area and people asking for money, vulnerable children shouldn't be around these sorts of people.
- No regard for existing residents.
- There must be other more suitable areas for children.
- Good access to public transport so children could abscond or invite unwanted guests.

Consultations

LCC Social Care Department

The applicant has formed an independent care company, Prowess Support Ltd. 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 company was formed in December 2024. The director appears to have no history of involvement with care companies according to Companies House but is an experienced investor in properties. The applicant is not a registered social worker according to the Social Work England register.

In relation 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 anti-social behaviour that might be related to residents is unknown.

Staffing provisions described by the applicant are not in line with the minimum staffing numbers that would be required by Ofsted. The minimum accepted by

Ofsted for a two bedded home would be double staffing. Highways considerations also need to take account of additional regular professionals and family visitors to the home.

Environmental Health: Noise Pollution

Concerns raised about the potential for noise disturbance for neighbouring properties associated with the proposed nature of the use and challenges of pursuing statutory nuisance enforcement. Concerns raised that the noise impact assessment has not been written by a suitably qualified professional.

If planning permission is granted, sound insulation should be applied to all walls shared with the adjoining neighbouring property and a noise management plan should be submitted.

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 and objectors consider the proposed care home as being a commercial business. However, the proposed care home will be a managed provision where assisted living is provided for the residents, and as a primarily residential use, its location in a residential area is appropriate in policy terms. Given the small scale of the proposal, I do not consider that the degree to which the managed nature of the site would be perceptible in the wider area would be so significant as to have an unacceptable impact upon this suburban locality in terms of general noise and disturbance.

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.

Additionally, I consider that the change of use would not contribute to any significant/unacceptable over-concentration of this type of use in this area. Having reviewed planning history of all properties within a 400m radius of the site there are no other properties that have planning permission granted for use as a Class C2 care home for children.

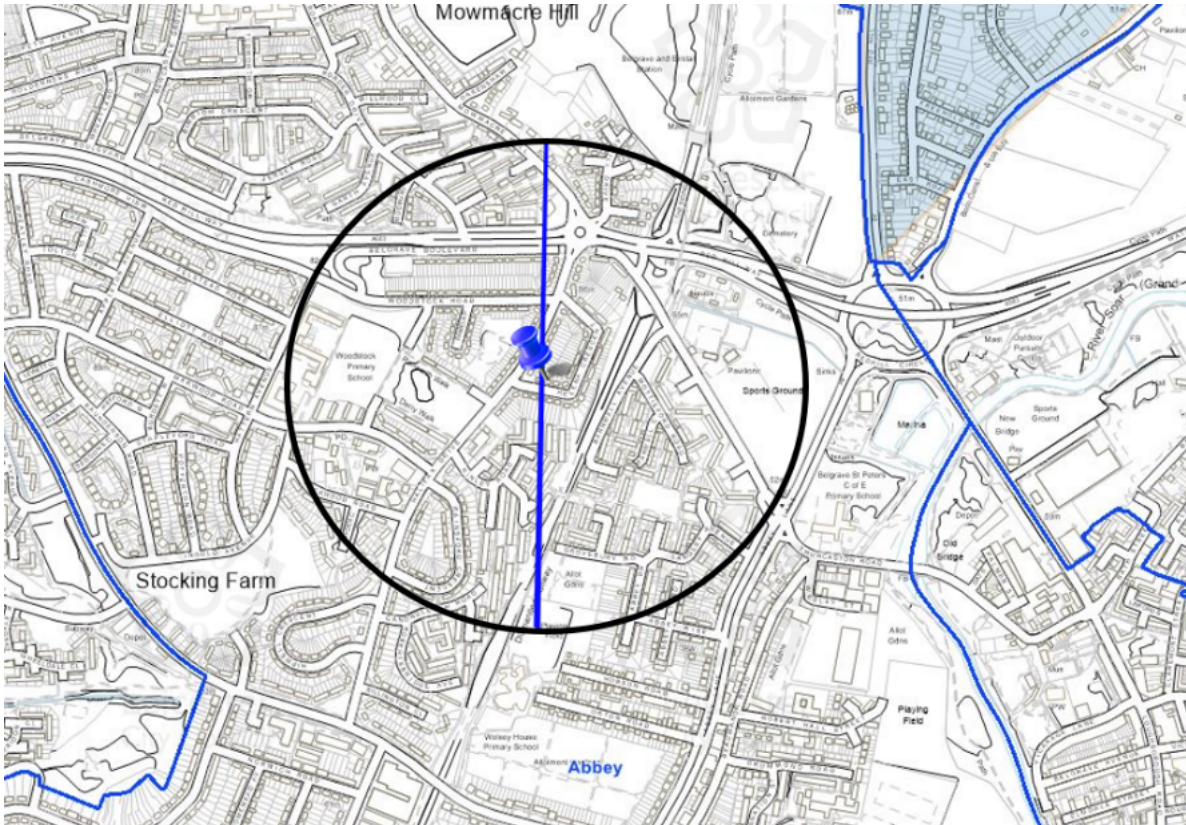


Figure 1: 400m radius around the development site, 53 Helena Crescent

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 for two children with one carer always present for professional oversight and supervision. Noting the comments of the Social Care department, there would be potential for there to be more people 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.

It is not considered that the change of use would result in an unacceptable impact in terms of noise both due to the similarity to the existing C3 residential use and the small scale of the proposal. Notwithstanding this, a condition is recommended to be attached to the permission ensuring that sound insulation as described in the Noise Impact Report NIA0016 will be applied to all shared party walls prior to the use of the property as a care home being commenced. This condition is required to protect neighbouring residential amenity.

Objections to the application raise concerns that the change in use will result in an increase in noise levels. I acknowledge that Class C2 uses can result in increased noise levels and an increase in noise complaints and that regulatory enforcement of control of noise from children in residential properties is challenging. I consider the

recommended sound insulation as per the Noise Impact Report NIA0016 should be adequate to prevent an unacceptable impact upon the residential amenity of the neighbouring residents. A noise management plan could not realistically direct or control the activities of two individuals in a residential development of this scale located in a residential area. This is a matter for effective operation by managers of the home- it would not be able to be controlled by planning enforcement mechanisms, so to apply such a condition would fail to meet the necessary legal tests.

The proposed bin store and cycle store due to their siting and size will not impact on residential amenity, and the design of these stores is also considered acceptable.

I therefore 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 the concerns raised in objections in relation to noise impacts from the site and the proposed use as well as concerns regarding anti-social behaviour. The granting of this planning permission does not indemnify against statutory nuisance action being taken so there would be no planning justification to withhold permission on this basis. 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 2 residents in care with staff working shift patterns. Overall, the proposal would provide good living conditions for its future occupiers.

Highways/Parking

Local Plan saved policies AM01 and AM02, and NPPF paragraphs 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 notwithstanding the comments in respect of required staffing levels.

Objections to the application raise concerns that the change of use will result in more vehicles being present at the property and therefore more cars will be parked on the street. Objectors state that this will prevent residents from being able to park outside their own property and cause congestion on the road.

The proposed block plan submitted as part of the application shows two parking spaces to the front of the property, however one of these spaces is substantially below the size requirements for a car parking space as set out in the Leicester Street

Design Guide 2020. As a result, the application is assessed based on one off street parking space being provided.

The application states that the development would require one staff member on site at all times with two being on site during staff changeover. However I have assessed the impacts on the basis of potential double staffing requirements together the expectation that other support staff or family members 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 Belgrave Boulevard (routes 25,40N, S832) and Halifax Drive (route 54) and secure cycle storage will be provided to the rear of the site, therefore staff and other visitors would be able to use public transport or alternative methods to the private vehicle. 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

LCC Social Care have noted that staffing provisions would not satisfy Ofsted requirements and I have borne this in mind in my assessments of likely impacts in the area, although compliance with this matter would fall to be dealt with by Ofsted.

Comments in respect of a lack of evidence of the company's ability to manage anti-social behaviour that might be related to residents are not material planning considerations and if any anti-social behaviour occurs it should be reported to the relevant authority.

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

Objections raise concerns regarding unwanted guests being invited to the property and an increase in antisocial behaviour, crime, use of drugs and gangs which would harm community spirit and bring a negative feeling to the area. These are not material planning considerations that can be taken into account as part of the decision-making process. If any criminal activity occurs this should be reported to the relevant authority.

I note issues raised in objections regarding the applicant's motives for opening a care home. However, planning decisions run with the land, rather than be tied to any specific applicant. The identity of the applicant or their reason for submitting the application is not relevant to the decision making process which is only concerned with the merit of the use of land.

I note issues raised in objections relating to a lack of details about how the care home will operate, the suitability of the property to operate as a care home and concerns about how well the children will be cared for including the ease of which they could abscond. However, the main issue with this application is that the principle of providing small-scale residential care in a residential area is appropriate. As above, NPPF paragraph 201 advises: '*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.

In addition, 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 refer to a lack of community engagement and that some residents were only notified by neighbours not the council. 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.

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/alterd consideration for these types of uses would be necessary and for this reason I am recommending a condition that restricts the uses of the property to a care home.

The proposal is for 2 adults in care and I recommend a condition to limit this to 2 as any increase would also require further/alterd 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. Prior to the commencement of the approved use of the property as a Class C2 care home, sound insulation as described in the Noise Impact Report (NIA0016, 13/06/25) shall be applied to all shared walls with the adjoining property (55 Helena Crescent). The sound insulation shall be retained thereafter at the same acoustic performance. (To safeguard amenity at the adjoining semi-detached house, and in accordance with policies PS10 & PS11 of the City of Leicester Local Plan (2006)).
3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, or any order amending or revoking and replacing that Order with or without modification, the premises shall not be used for any purpose other than for a care home within Class C2 of the Order, unless otherwise approved in writing by the local planning authority. (To enable consideration of the amenity, parking and highway safety impacts of alternative Class C2 uses, in accordance with Policies CS03, CS08 and CS14 of the Leicester Core Strategy (2014) and saved Policy PS10 of the Local Plan (2006)).

4. The premises shall not accommodate any more than 2 residents in care at any one time. (To enable consideration of the amenity of residents and parking impacts of a more intensive use, in accordance with Policy CS14 of the Leicester Core Strategy (2014) and saved Policy PS10 of the Local Plan (2006)).

5. Development shall be carried out in accordance with the following approved plans:

- Location Plan, Received 16/06/25
 - Proposed Block Plan, 002, Received 16/06/2025
 - Proposed Ground Floor Plan, 004, Received 16/06/2025
 - Proposed First Floor Plan, 005, Received 16/06/2025
 - Proposed Front and Side Elevation, 006, Received 16/06/2025
 - Proposed Rear Elevation, 007, Section A'A
 - Proposed Bin/Cycle Store Elevations, 008, Received 16/06/2025
 - Proposed Tree Plan, 009, Received 16/06/2025
- (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.

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.

- 2006_PS11 Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
- 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.