

# COMMITTEE REPORT

<b>20230944</b>	<b>103 Northdene Road</b>	
Proposal:	Change of use from dwellinghouse (1x3 bed) (Class C3) to residential care home (Class C2) (amended plans and documents received 14/09/2023)	
Applicant:	Blue Valley Care	
App type:	Operational development - full application	
Status:	Change of use	
Expiry Date:	23 August 2023	
RB	TEAM: PD	WARD: Knighton



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## Summary

- The application is brought to committee due to more than five objections received.
- 20 objections have been received from 10 different addresses within the city on grounds of use of the property as care home, neighbouring amenity, loss of

amenity, potential noise and disturbance, inadequate parking and highway safety and impacts on local services.

- Main issues are the principle of the use, the impact on the residential character of the area; increased coming and goings, impact on amenity of nearby occupiers, highway safety and parking.
- The application is recommended for approval.

## The Site

The property is a semi-detached house located within a primarily residential area. There is a vehicular access and front courtyard, which is paved with an approximately 1m high brick wall. There is patio area at the rear with a relatively large garden beyond and single storey detached outbuilding close to the rear boundary.

The surrounding area is mainly comprised of two storey semi-detached houses with two bungalows on the corner of Northdene Road, where the road changes direction to the north.

## Background

Application 20030016 for the construction of a single storey extension at side and rear of house was approved on 14/02/2003. This application appears to have been implemented.

Application 20080539 for the construction of a first floor extension at side of house (class C3) was approved on 22/05/2008. This application has not been implemented.

The single storey attached garage to the side has recently been converted into a habitable room, with the garage door being replaced with a window.

## The proposal

The application is for change of use to care home to accommodate a maximum of three children at any point in time.

The property would provide 1 young person's bedroom with ensuite, a living room/lounge/dining room, kitchen, staff bathroom and support workers office/bedroom at ground floor level and 2 young person's bedrooms, a young person's bathroom, young person's WC and staff office at first floor level.

It is stated that the existing outbuilding at the bottom of the garden would be retained for storage.

There are no external alterations required in order to facilitate the change of use to a care home.

A statement has been provided by the applicant states that:

- The home will provide a home for up to 3 children aged between 8 - 17 years of age, referred by the Local Authorities.
- The home would occupy five people; 3 children and 2 staff.

- Staff will be on the premises 24/7. 2 members of staff would work a 16 hour shift, 7am to 11pm. One would sleep in, going off shift at 8am, and the other one would go home at 11pm. There will be 1 waking night starting at 10pm to 8am to ensure that the young people are safeguarded at night with one staff member awake throughout the night.

A noise insulation scheme for the internal boundary wall with 105 Northdene Road was submitted during the application process.

## Policy Considerations

### National Planning Policy Guidance (NPPF) 2023

Paragraphs 2 and 11 (Presumption in favour of Sustainable Development)

Paragraphs 92 and 93 (Promoting Healthy and Safe Communities)

Paragraphs 110 and 111 (Highways safety)

Paragraph 119 (Effective use of land)

Paragraphs 130 and 134 (Good Design)

Paragraph 185 (Pollution)

### Development Plan policies

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

### Supplementary Planning Documents (SPD)

Residential Amenity

Appendix 1 of the Local Plan – Vehicle Parking Standards

## Consultations

Noise Pollution – no objections

## Representations

20 letters of objection have been received from 10 different addresses within the city that raise the following concerns:

- The proposal would result in an adverse impact on the quality of life of nearby residents;
- The conversion of the dwellinghouse into a residential care home could lead to increased traffic flow in the area, as well as potential parking issues for both residents and staff. This could disrupt the existing traffic patterns and create congestion, impacting the safety and convenience of the neighbourhood.
- Residential care home for children often involves round-the-clock care, which could lead to increased noise levels during the day and night. This could disturb the peaceful and quiet character of the residential area, affecting the quality of life for existing residents.
- The presence of a residential care home for children in close proximity could potentially have a negative impact on property values. Prospective homebuyers might be hesitant to invest in properties adjacent to or near care facilities due to perceived impacts on the desirability of the neighbourhood.

- The proposed change of use could alter the overall character of the neighbourhood, which is currently zoned for residential use. Introducing a residential care home might not be in harmony with the existing community and could lead to a loss of the cohesive residential feel that currently defines the area.
- The conversion of a dwellinghouse into a care home for children could strain local services and infrastructure, such as utilities, waste management, and emergency services. The potential need for increased resources to support the care home might not align with the capacity of the neighbourhood.
- A care home may be subject to specific regulations and requirements to ensure the safety and well-being of its residents. It is important to thoroughly assess whether the proposed property is suitable to meet these standards without compromising the safety of both the care home residents and the surrounding community.

## Consideration

The main issues are principle of the use, level of accommodation, impact on amenity of nearby occupiers and whether the staff working on shift patterns will have significant change in the character of a dwelling-house through increased coming and goings, access and parking demand and representation received.

### 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.

The property is located outside a restricted hotels, hostels and residential institutions area where saved Local Plan policy H16 states that planning permission will not be granted for a change of use to a residential institution unless it can be demonstrated that there would be no adverse effects on the amenities of neighbours or on the residential character of the area.

There does not appear to be a concentration of such uses in the immediate locality.

The property is surrounded by predominantly residential properties. Although the change of use would result in the loss of a house, the proposed 3 bed care home will be a managed provision where assisted living is provided for the residents.

Saved Policy H05 of the Local Plan (2006) seeks to resist the loss of housing but sets out a number of exception criteria. I consider that a Class C2 use is a residential use and not the type of use that Policy H05 seeks to resist. Notwithstanding, exception criteria (c) allows for the loss of dwellings where this can be justified by other community benefits, and I consider that the benefit of providing special needs housing would apply in this case.

The use of the property would continue to provide residential accommodation within an area allocated for residential use and would not result in an overconcentration of the use within the surrounding area.

I consider the principle of the use is in accordance with the aims of Core Strategy policy CS06 and saved Local Plan policies H05 and H16.

### Amenity and character and appearance

The bedrooms and other principal rooms would have a good level of outlook from the existing windows. I consider that an acceptable level of amenity will be provided in terms of privacy, outlook and natural light for each of the residents.

The three children to be housed will be accommodated within the existing bedrooms, and whilst some comings and goings to and from the house may increase due to social and medical needs, this is unlikely to be significantly above the levels expected in a family house.

A noise insulation scheme for internal wall insulation along the rooms adjacent to the common boundary with 105 Northdene Road has been provided during the application process. Although the new use as a care home is residential, I consider that there would be potential for additional disruption in regard to noise, so the insulation scheme is necessary in this instance. I consider that the insulation scheme would be sufficient in protecting the neighbouring property from significant adverse impacts from noise pollution in relation to the proposed use, and can be conditioned.

There are no further internal and external alterations required in order to facilitate the change of use to a care home. I consider that the proposal would not adversely affect the residential character or appearance of the property or have any negative visual impact on the surrounding residential area or the street scene. I conclude that the proposal would comply with Core Strategy policies CS03 and CS08 and saved local plan policy PS10 and is acceptable in visual and residential amenity terms.

There is a medium sized garden area at the rear of the house, screened by a boundary fence which would provide satisfactory private amenity area.

### Waste bin storage

The applicant states there is no arrangement for collection of refuse and recyclable waste. The provision of waste storage and collection would likely remain as existing to the front of the property and away from the front boundary with the street scene. I consider it necessary to attach a condition in this respect, which would ensure that the waste storage and collection to be acceptable.

### Access and parking

Policy CS14 of the Leicester Core Strategy (2014) states that development should be easily accessible to all future users, and that it should be accessible by alternative means of travel to the car, promoting sustainable modes of transport such as public transport, cycling, and walking and be located to minimise the need to travel.

Appendix 1 of the City of Leicester Local Plan sets out the parking requirements for the city. The maximum number of parking spaces for a residential institution within Zones 3 and 4 is one space for every four bedrooms, which would equate to a maximum requirement for one off street car parking space.

The front courtyard is bounded by approximately 1m high brick wall and is paved. The applicant has stated that there is space for two car parking spaces on the front courtyard. I consider that although the depth of the drive is 5m and the recommended depth of a car parking space is 5.5m, the layout would be the same as the existing situation on site, so I consider that the arrangement would be acceptable in this instance.

Given the number of residents and the care staff required at any one time and the number of off-street car parking spaces proposed, I consider that the proposal will not have a detrimental impact on local on street parking capacity and the highway/parking impact of the proposal would not so severe to warrant a refusal.

However, within Class C2 the property could be used for a residential school, college, training centre or a hospital. 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.

I also consider it necessary that the existing outbuilding is retained for uses incidental to the main building and is not used for living accommodation.

As such I do not consider that the proposal is contrary to saved Local Plan policy AM11 of the City of Leicester Local Plan and Core Strategy policy CS14 and paragraphs 110 and 111 of the NPPF.

#### Other matters

The issues /concerns over the use of the property, amenity, access and parking raised by the residents have been addressed in the above relevant sections.

The agent has stated that the use will be regulated by Ofsted and the Care Quality Commission. It is stated that the property would be risk assessed and would conform to Children's home Regulations and guidelines as well as safeguarding policies and procedures.

The effect of the proposal on property values is not a planning matter and cannot be considered in the assessment of this application.

The proposal is a managed provision and would meet the needs of the children effectively therefore issues relating to with crime and anti-social behaviour would be managed by care team and by the other law and enforcement agencies. Likewise, emotional needs and behavioural issues, security and supervision and health care provisions are matters for care team, other agencies and regulations.

I consider that the proposed use would not result in a significant impact on services and utilities when compared to a family property.

#### Conclusion

I consider that the use of the application property as a small three person care home is an acceptable use within a residential area.

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 cause harm to the amenities of neighbouring properties or result in detrimental impact on the residential character of the surrounding area.

The development is not likely to cause severe harm to the local highway network or result in additional parking demand and is considered acceptable in highway terms. I consider that the proposal would be in accordance with the aims of the NPPF 2023 and development plan polices and guidance.

I therefore recommend **APPROVAL** 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. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the City Council as local planning authority. These arrangements shall be maintained thereafter. (In the interests of the amenities of the surrounding area, and in accordance with policy PS10 of the City of Leicester Local Plan and Core Strategy policy CS03.)
3. The development shall not be occupied until the Rockwool Flexi Acoustic Slab noise insulation scheme submitted on the 14/09/2023 is provided and installed at the property from floor to ceiling in all the locations along the common boundary with 105 Northdene Road as shown within the submitted details. The insulation scheme shall be retained as such for the lifetime of the development. (In the interests of the amenities of future users and of neighbouring properties, and in accordance with policies PS10 and PS11 of the City of Leicester Local Plan.)
4. The detached outbuilding shall not be used as living accommodation and shall not be used independently of the main building. (In the interests of residential amenity in accordance with Policy PS10 of the City of Leicester Local Plan.)
5. 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, CS06 and CS14 of the Leicester Core Strategy (2014) and saved Policies PS10 of the Local Plan (2006).)
6. Development shall be carried out in accordance with the following approved plans and supporting documents:  
Proposed Floor Plans, received 22/05/2023  
Planning Statement received on 22/05/2023  
(For the avoidance of doubt).

## NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has

been the subject of positive and proactive discussions with the applicant during the process.

The decision 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 2023 is considered to be a positive outcome of these discussions.

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

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| 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_H05  | Planning applications involving the loss of housing will be refused unless they meet criteria.   |
| 2006_H16  | Planning permission will not be granted for new or extended hotels, hostels and residential institutions within Restricted Zones unless criteria can be met.   |
| 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_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.  |

