

COMMITTEE REPORT

20240175	42 Clarefield Road	
Proposal:	Change of use from residential dwelling (Class C3) to residential care home (Class C2) (max 2 children)	
Applicant:	Mr Idris Adetayo	
App type:	Operational development - full application	
Status:	Change of use	
Expiry Date:	13 June 2024	
SS1	TEAM: PD	WARD: Western



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Summary

- The application is brought to committee as the planning agent is married to a councillor,
- the main issues in this case are the principle of development, the character and appearance of the area, the amenity of neighbouring occupiers, the living conditions of the future occupiers and parking,

- objections have been received from 4 separate addresses,
- the application is recommended for approval subject to conditions.

The Site

The application relates to a two-storey semi-detached property located within a primarily residential area on the corner of Clarefield Road and Nevanthon Road. There is a three storey block of flats with a parade of shops on the ground floor level opposite the site and to the north on Nevanthon Road. The site is within a Critical Drainage Area (CDA).

Background

There is one previous planning application at this address:

20200888 - Change of use from dwelling house (Class C3) to residential care home (2 Bedrooms)(Class C2)(Amended)

- Approved subject to conditions. Not 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 care home would have a living/dining room and kitchen with ancillary storage on the ground floor and 2 bedrooms, a bathroom and office on the first floor.

The application states that:

- the home would provide 24-hour care and assisted living for two individuals (aged 7-18 years) that may or may not have mental or physical disabilities,
- there would also be staff on site that would work shifts, with up to 4-6 staff (with care provision specialisms where required)
- visiting hours would be 10am-5pm with up to two visitors at a time,
- on-site parking be available for 3 cars.

A noise impact assessment was submitted. The assessment proposes separating wall construction and a sound insulation upgrade against predicted sound transfer levels.

Policy Considerations

National Planning Policy Framework 2023

Paragraph 2 (Primacy of development plan)

Paragraph 11 (Sustainable development)

Paragraph 115 (Unacceptable highways impact)

Paragraph 116 (Highways requirements for development)

Paragraph 135 (Good design and amenity)

Paragraph 191 (Pollution impacts)

Paragraph 194 (Land Use)

Local Policies

CLPP 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.

Consultations

Noise and Pollution Control Team

Response on initial submission

Concerned of noise impacts to neighbours from the proposed use. Requested an insulation scheme and a noise management plan.

Response on submission following receipt of the noise impact assessment

Happy with the report. The sound insulation performance levels set out in section 2.3 of the report should be implemented as a minimum specification. Would wish to see a noise management plan.

Representations

Objections were received from 4 separate addresses. The following issues were raised:

- Clarefield Road is a residential street for families, not a place of industry/business, these two things should be kept apart,
- it is a strange site for a residential care home,
- there is already a care home at 37 Clarefield, providing 3 additional vehicles which present a danger to children and pedestrians, and 2+ shift changes per day which cause disturbance particularly in the morning – this development would provide additional vehicles and disturbance,
- this is a business operating 24/7 creating non-stop activity which affects neighbours' right to peace and quiet,
- noise from the proposed use would escalate affecting the neighbour's quality of life, different from a family where children would go to school, the staff would be busy and cause noise, there would be noise from cars coming and going,
- the neighbour's house would not have peace and comfort,
- the neighbour's house would be de-valued,
- noise from the property will affect the neighbour's ability to work from home,
- noise from the property already occurs late at night and in the early morning, including people talking, shutting doors, the washing machine and cooking,
- noise from the property will affect neighbours when they are on leave from their work,
- other residents in the street agree this is not acceptable,
- the needs of neighbouring properties have not been taken into account,
- the use is better suited to a detached property, rather than a semi-detached property constructed in the 1970s with paper thin walls,

- there is only parking space for two cars when four vehicles for carers may need to come to the house,
- there are visibility issues for vehicles because of the road layout and fences,
- there are hedges at the side of the property and
- the house only has 2 bedrooms, with a residential care home for up to 2 children this will involve sharing of bedrooms if staff are present at all times. There would seem to be a lot of people for such a house if they are not related, there could be 4-5 adult size people in a tiny semi-detached house, without a place for the carers to sleep.

Consideration

Principle of Development/Character of the Area

I note the concerns raised in 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. The proposal is small in scale and I do not consider 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.

Whilst it is noted that there may be another care home at no.37, I have no evidence to show that there is a significant concentration of such uses in the area, nor would there be any policy reason to refuse the application on that basis.

Whilst it is noted that there are objections on the basis of the development being within a semi-detached property, this proposal must be considered on its own merits and I assess the further planning matters of the proposal below.

Neighbouring Residential Amenity

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

I note the concerns raised in objections in relation to noise impacts from the site and the proposed use. The objections note that noise impacts are already occurring and there is the concern that the proposed use would cause noise from the future occupiers. I also note that the property is part of a semi-detached couplet, sharing a wall with no.40.

Notwithstanding the above, the proposal is to provide managed care for 2 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, I do not consider that there would 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, I do not consider that these differences will equate to harm.

Notwithstanding the above, I have considered it prudent to confirm wall insulation details to ensure a good standard of sound reduction between the application site and the neighbour in the semi-detached couplet. The agent submitted a noise impact assessment to show insulation that would reduce the noise levels between the houses significantly.

The noise impact assessment sets out that the current separating wall provides a sound reduction of Rw50, meaning that if noise levels at the application property reached 85db the noise level in the adjacent house could reach 35db.

At chapter 2.2, it details how an independent wall lining system with specifications could raise the insulation to Rw65 (potentially up to Rw90). As such, this would mean that even very loud noises in the proposed house would not cause significant noise impacts to the neighbour. The noise pollution control officer is satisfied with this report.

The noise impact assessment also notes that the only room in the care home adjacent to the separating wall is the first floor office. The living areas and bedrooms are acoustically buffered from the adjacent property by the kitchens, bathrooms, corridors and stairs.

With the wall lining system installed, I consider that there would be no unacceptable impacts in terms of noise transmission between the properties in the couplet as the insulation would be considerably improved. A condition can secure the implementation of this.

I do not consider that noise from within the building, used as a children's home, poses an unacceptable risk in terms of amenity enjoyed within any other neighbouring dwellings. I do not consider that 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 unacceptably impact amenity at any neighbouring properties.

I 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.

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. Whilst the noise pollution control officer has requested a noise management plan and noting again the issues raised in objections, the 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 insulation 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. I also consider 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.

Living Conditions for Occupiers

Saved Policy PS10 of the Local Plan (2006) applies to the amenity of future as well as existing neighbouring residents and I note the concerns raised in objections regarding future living conditions. However, the house has good light and outlook from its windows, an acceptable level of gross internal floorspace and a good provision of garden space for 2 children 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 108, 114, and 116 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. There would be space for a car on the driveway. It is noted that notwithstanding the above requirement the development would require several staff members on site at all times meaning that there may be some on-street parking required. I note too that the site is a corner plot. However, the site is close to bus stops on Hinckley Road and Glenfield Road therefore some staff may use public transport or alternative methods to the private vehicle. I have no evidence that the area is experiencing significant parking congestion at present. Overall, c.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 115 and the proposal would not warrant refusal on highways grounds.

Other Issues

I note the issue raised in an objection relating to impact on property values. However, planning decisions are concerned with land use in the public interest and applications are determined in accordance with policies in the development plan for Leicester.

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 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 children and I recommend a condition to limit the number of children being looked after to 2 as any increase would also require further 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. The change of use hereby approved shall not take place until sound insulation for the shared party wall with number 40 has been installed in accordance with the details set out in chapter 2.2 of the submitted Noise Report (received 17/05/2024) The sound insulation so installed 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, 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).
5. Development shall be carried out in accordance with the following approved plans:
Floor Plans & Elevations, drawing no DS_05_20 P2, received 29/01/2024
(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.