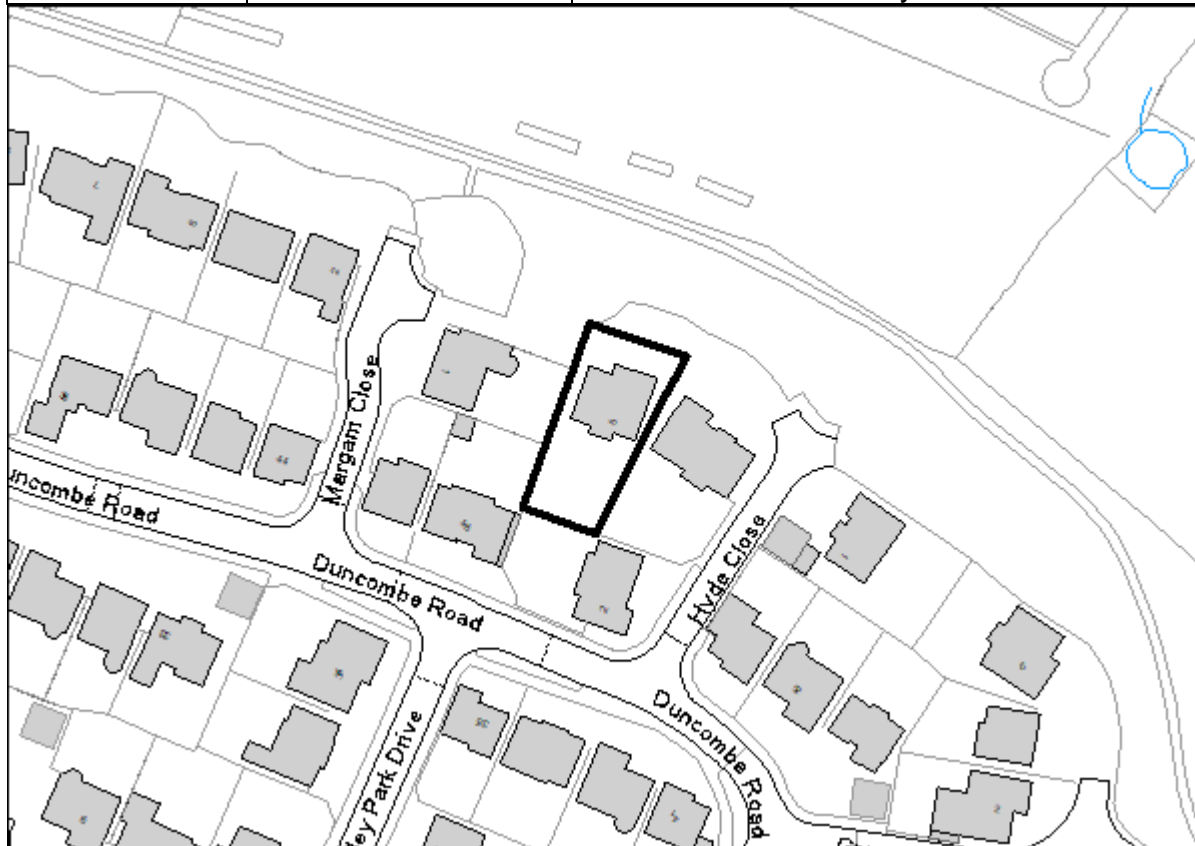


COMMITTEE REPORT

20240426	6 Hyde Close	
Proposal:	Change of use from house (Class C3) to residential children's care home (Class C2) (max 3 children)	
Applicant:	Mrs Stacy Jemwa	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	25 July 2024	
SS1	TEAM: PD	WARD: Beaumont Leys



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Summary

- The application is brought to committee due to more than 5 objections being received;
- 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 application relates to a two-storey detached 4-bed dwellinghouse located at the end of a cul-de-sac in a residential estate.

To the west, south and east of the site are neighbouring residential properties. To the north is green space.

The wider area is noted as a critical drainage area and historically was part of a medieval forest.

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). No external alterations are proposed.

The care home would have a kitchen/dining room, study and living room on the ground floor and 4 bedrooms and a bathroom on the first floor.

The application states that:

- The home would accommodate up to 3 young people; with up to 3 staff members on site plus sometimes the manager and visitors;
- Visitors may include social workers, ofsted, reviewers, tutors and friends/family but visitors will be infrequent;
- Shifts will consist of full shifts with sleep ins with full time staff all contracted to 40 hours a week;
- It is proposed to provide a safe home for vulnerable children with individualised care plans for children.

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.

Representations

Objections have been received from 36 separate city addresses and 1 out-of-city address. A further general comment has been received from 1 city address.

Issues raised were:

Lack of Information

- Lack of details of the operation makes it difficult to assess the wider impacts of the proposal;

Parking and Traffic

- Existing traffic/parking pressure from other commercial/hospital uses in the area and this proposal would add to on-street congestion;
- Not enough on-street parking in the area;
- Vehicles have damaged a neighbour's trellis/fence;
- Private drives are used for vans/other vehicles to turn;
- Pictures/videos were sent showing vehicles in the surrounding area;
- The cul-de-sac is small and vans sometimes need to reverse out its full distance (80m);
- Turning space has not been demonstrated in the parking area/it is not suitable size;
- The proposal cannot accommodate the amount of vehicles needed at handovers;
- No cycle parking information is provided;
- Overall the proposal will harm highway safety contrary to NPPF 115 and 116 and CS15;
- Lack of nearby amenities will exacerbate traffic movements;

Neighbouring Residential Amenity

- Noise/disturbance would be greater than from typical dwellings due to the occupiers, including at night;
- Noise assessment should be submitted;
- Proposal contrary to NPPF 135 and CS03;

Principle of Development/Character of the Area

- This is a residential institution/business, not a dwelling, it is not in the character of the area, harming the neighbourhood, causing safety concerns;
- Children would cause anti-social behaviour;

Publicity

- Only one site notice with bushes around it;
- Only one neighbour received a letter;

Other Issues

- Neighbouring house prices affected;

- Precedent would be set if approved;
- The scope could be increased from 3 children in future;
- Lack of amenities for the children/not a safe area for the children;
- Lack of facilities/infrastructure at the site;
- Detrimental to the environment as there may be different requirements for waste/energy efficiency; and
- Impact on local services and infrastructure.

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.

Parking and Traffic

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

Hyde Close is a cul-de-sac for 4 dwellings, including no.2 on the left hand side near the entrance of the cul-de-sac, no.1 on the right hand side further down, and nos.4 and 6 at the end round a bend to the left. There is a turning head at the end on the right hand side next to the front drive at no.1. No.2 has capacity for 2 off-street parking spaces and nos.1, 4 and 6 has capacity for 3 spaces. As such dwellings in the area have sufficient off-street parking.

An objector sent a number of videos from security cameras in the nearby area show vehicles including cars, delivery vans and a bin lorry manoeuvring into/around the area including turning in residential drives, reversing out of Hyde Close. A number of photographs were also sent showing cars parked on and around Hyde Close and images of a damaged metal fence and a broken trellis.

Considerations

It would be expected that a house of this size, as existing, would often attract 2 cars. There would be 3 staff on site following the change of use. Overall I would expect that the site would attract 3 cars at most times, with occasionally times where there could be 4.

Concerns have been raised in objections that vehicles would not have space to turn and exit the site in forward gear. I agree that if 3 vehicles were parked at the site they may need to reverse along the access drive past 4 Hyde Close to exit the area. However, once they are past 4 Hyde Close, there is a turning head that they can reverse into before being able to proceed in forward gear along Hyde Close, well before going onto Duncombe Road. As such, given the small scale of the proposal and small area that there could be some reversing along, I would not consider the proposal would present significant highway safety concerns. I acknowledge that videos/photos sent in objections show that sometimes cars have parked in the turning head making it more awkward for cars to exit Hyde Close. However this would be a matter for parking enforcement and would not mean that the proposed change of use would be unacceptable in planning terms.

The proposal would see a handful of cars coming and going through the estate at staff handover times and attract a modest amount of visitors. Other than at handover times, I would not consider there to be a significant increase in traffic than could be generated by a dwellinghouse of this scale. At handover times, there may be some manoeuvring required in Hyde Close for staff to be changing over. However given the existence of the turning head on Hyde Close and the extremely low speed that cars would be travelling I still would not consider that there would be any significant amount of congestion or disturbance caused by the modest scale of this use and I consider that the staff would be likely to be able to manage handovers appropriately in due course. Overall there would be no reason for traffic caused by the development to cause significant harm to highway safety. I acknowledge that videos/photos sent in objections show that sometimes cars have parked along Hyde Close making it more awkward for cars to exit Hyde Close. However this would be a matter for parking enforcement and would not mean that the proposed change of use would be unacceptable in planning terms, including having regard for the need for safe access to the close from bin lorries.

I acknowledge that there is concern regarding existing traffic demand in the area including from the LOROS hospice and objections note that there is overspill parking in the area from Glenfield Hospital and the Elis factory. Whilst this may be the case, I would not consider this modest sized development would cause a significant or unacceptable additional impact in terms of traffic to the residential estate.

I acknowledge the occurrences shown in the videos and photos which show less than ideal use of the highway. However generally these show issues associated with other uses. However I do not consider the proposed development in itself would exacerbate these issues to a degree which would cause significant harm to highway safety.

Overall, I do not consider that there would be expected to be demand for any more than 1 additional on-street parking space required due to the development. Whilst I acknowledge the existing parking issues shown in videos and photos, I consider that this would be unlikely to cause unacceptable or severe highways/parking impacts

above the existing situation as a C3 house. 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.

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 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 3 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, I do not consider that these differences will equate to harm. 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 be very significantly different from the existing 4-bedroomed dwelling or 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. 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.

Other Issues

I note the issues raised in objections relating to lack of information. An email provides some information on the proposed operation of the use. I consider that there is sufficient information to make an assessment of the proposed use.

I note the issues raised in objections 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.

I note the issue raised in objections that approval of this application would set a precedent for others. However this application is considered on its own merits as all applications are required to be.

I note the issue raised in objections that the scope of the house would increase. However I have recommended a condition limiting the number of children to be 3.

I note the issue raised in objections that the proposal could be detrimental to the environment. There is no reason to believe there would be material impacts on the environment from this small change of use.

I note the issue raised in objections regarding increased impacts on local facilities/infrastructure. There is no reason to believe there would be material impacts on the local infrastructure from this small change of use.

I note the issue raised in objections that there is a lack of amenities at the site and in the surrounding area for the children and concerns that the area is not suitable for children. However I consider that the site and area would provide suitable amenity for the children and there is no reason to believe there would be lack of safety.

I note the issues raised in objections in relation to publicity of the application. Neighbours have been notified and the site notice was clearly displayed. The statutory publicity requirements have been met and a decision can be issued accordingly.

Conclusion

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 3 children and I recommend a condition to limit the number of children being looked after to 3 as any increase would also require further consideration.

The application is acceptable in principle and I recommend approval.

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 accommodate any more than 3 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:
Existing & Proposed Site Plan, drawing no NHD/02403/002
Proposed Floor Plans, drawing no NHD/02403/003
received 28/5/24
(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.