

<b>Recommendation: Conditional approval</b>	
<b>20241627</b>	<b>60 Asquith Boulevard, Sakeena House</b>
Proposal:	Change of use from dwellinghouse (Class C3) to residential young persons care home (2 children) (Class C2); installation of two bike racks
Applicant:	Mr Sulman Ahmed
View application and responses:	<a href="https://planning.leicester.gov.uk/Planning/Display/20241627">https://planning.leicester.gov.uk/Planning/Display/20241627</a>
Expiry Date:	21 November 2024
DJ	WARD: Knighton



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## Summary

- The application is brought to committee due to more than 5 objections being received;
- 6 letters and a petition with 33 signatures from 31 addresses have been submitted in objection to the site. The main concerns are regarding the appropriateness of the site within the area, parking, and the impact on neighbouring properties
- 7 letters from 7 addresses have also been submitted in support of the application.
- 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 site is an existing two storey detached four bedroom residential dwelling (Use Class C3) on the south of Asquith Boulevard which is a primarily residential area.

The surrounding properties on Asquith Boulevard are primarily residential dwellings, with a public footpath to the west of the site. The surface flooding on the site is assessed as 1 in 1000.

## Background

20041199 – First floor extension at side of house – conditionally approved in 2004 the works have not been implemented.

20241436 – Notification of proposed single storey extension at rear of dwellinghouse of dimensions: 6.0 metres beyond the rear wall of the original dwellinghouse; maximum height 3.05 metres; height of the eaves 2.7 metres (Class C3) – Prior approval deemed not to be required in 2024 – The works have not been implemented.

## The Proposal

The proposal is for the change of use from a residential dwelling (Use Class C3) to a young persons care home (Use Class C2) for the care of up to 2 children aged between 7 and 14.

On the ground floor, there is to be a living room, a drawing room, a games room, a kitchen, a bathroom and a staff room.

On the first floor, there are to be 2 bedrooms, a staff room/ sleep in room and a bathroom.

No external alterations to the building are proposed as part of this application.

The proposal also includes the installation of 2 bike storage racks, with one by the front door and the other adjacent to the bay window.

There will be four members of staff present during the day with two members of staff then staying overnight.

A management plan has been received as part of this application which provides an overview of how the unit will be managed on a day to day basis.

## 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 (Noise and light pollution)  
Paragraph 194 (Land Use)

#### Core Strategy (2014) and Local Plan (2006)

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

#### Supplementary guidance

Appendix 1 CLLP 2006 - Vehicle Parking Standards

## Consultations

No consultation responses have been received.

## Representations

6 letters and a petition with 33 signatures from 31 addresses have been submitted in objection to the site.

Also 7 letters from 7 addresses have been submitted in support of the application.

The objections raise the following concerns:

#### Principle of Development

- Proposal will significantly alter the character of the area,
- The site will be out of keeping and incompatible with residential area,
- Proposal is a commercial establishment in a residential area,
- The proposal will prevent the site being used for residential use when in a housing crisis,
- Previous application in area 20220086,(28 Asquith Boulevard)
- Already a care home on the street (no.26 Asquith Boulevard),
- 26 Asquith Road is now a bed and breakfast causing concerns about viability of proposal,
- Contrary to policy H05 which seeks to prioritise housing stock across the city,
- The area is residential not commercial,
- Areas of Leicester where a number of commercial sites have been converted

#### Amenity

- Increase in noise,
- Without sufficient support structures nearby, there may be negative implications on both the children and residents,

#### Highways and Parking

- Influx of visitors, staff and transport of children may lead to traffic and parking challenges,
- Will increase congestion,
- Already difficult to manoeuvre/drove around on the road,
- How will onsite parking be enforced,
- Onsite parking will be used by staff so visitors will have to park on road,

## Other Matters

- Insufficient consultation has been completed,
- Neighbours did not receive letters informing them of the application,
- Different people coming and going from the property,
- Loss of value to their property,
- Wants stable neighbours,
- Known drug dealing in area,
- Area known for anti-social behaviour and proposal would add to it,
- Children may be behaviourally challenged,
- May exacerbate tensions within community,
- Increase in crime,
- Will be a constant rotation of children entering the property increasing likelihood of antisocial behaviour,
- Unclear how the site will integrate with the local services and amenities,
- Will disrupt community dynamics,
- How will proposal meet relevant regulations and standards,
- A previous householder application was recently approved,
- Potential second site coming forward if proposal is approved,
- No mention of the company running the site is made in the application,
- Could make area a no-go area,
- Do the council have the resources to monitor the standards and welfare of young people?
- Questions regarding safety of users in a care facility.

The letters of support raise the following points:

- Right place to make a difference for children who need stability and support,
- Addition of 2 children will not be disruptive,
- Children deserve a safe, caring environment,
- Thought has been put into making the home able to fit in with the neighbourhood,
- Will be a positive contribution to the neighbourhood,
- Provides a chance for children to develop with stability and security,
- Proposal is small and fits in well within existing residential setting,
- Will be Ofsted regulated,

## Consideration

### Principle of development

Concerns were raised in submitted 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 so is in principle a use compatible in a residential area. The proposal is small in scale and it is not considered 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.

However, it is considered reasonable to include a condition to any approved planning decision restricting the ability to change the use class of the site from C2 without planning permission.

### Design

No external alterations are included as part of the application. It is therefore considered the proposal would not provide any additional visual harm to either the site or the wider street scene.

### Living conditions (*The proposal*)

The dwelling is to be occupied by up to 2 children.

With regards to the levels of outlook, light, privacy and noise levels for the occupants, the proposed floor plan is primarily the same as the existing floor plan. It is therefore considered that the occupants would benefit from the same levels of light, outlook, privacy and noise as existing occupants of the dwelling.

The dwelling also benefits from a private garden area which is circa 190sqm. It is therefore considered that the future occupants would have sufficient outdoor garden space.

It is therefore considered that the proposal provides a sufficient quality of living space for future occupants as a Care facility for 2 children and the works are in accordance with Policy CS03 of the adopted Core Strategy.

### Residential amenity (*neighbouring properties*)

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

As no external alterations are being completed on the property, there would be no impact to the levels of outlook, light or privacy to neighbouring properties.

It is noted that there are concerns raised in objections in relation to potential 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 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 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, it is not considered that these differences will equate to harm. It is also not considered that the 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.

However, to ensure this remains the case, it is recommended that a condition is included which limits the unit to up to 2 children.

Therefore, the proposal would not conflict with NPPF paragraph 135f, and Local Plan policies PS10 and PS11, and 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 separation 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. It is also considered 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. Furthermore, in the event of any situation arising, the submitted management plan clearly identifies points of contacts and procedures for specific scenarios.

## Highways and Parking

### 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

It would be expected that a house of this size, as existing, would be likely to attract 2 cars. There would be a minimum of 2 staff on site following the change of use but there would be likely to be visitors at times. Overall it is considered that the site would attract an average of 3 cars which the site can provide for.

It is also noted that whilst the road is narrow, there are no parking restrictions on Asquith Boulevard and there were not many cars parked on the public highway at the time of the site visit.

Concerns have been raised in objections in terms of amount of traffic/parking required for the development the proposed use would have sufficient parking that would be policy compliant, the proposed development in itself would not be likely to cause a significant material impact on highway safety sufficient to represent a valid reason to refuse the proposal on highways grounds.

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- Government policy requires evidence of severe traffic impacts to be required should planning permission be withheld on transport grounds.

### Drainage

The site is within an area where predicted surface flooding is 1 in 1000 on the site. It is considered that a requirement for a scheme of sustainable drainage would be unnecessary and onerous and that the impact of the proposal in terms of increased surface water run-off is unlikely to be significant.

It is therefore concluded that the proposal would not conflict with Policy CS02 of the Core Strategy (2014) and is acceptable in terms of sustainable drainage.

### Other matters

An objection was received questioning whether the consultation procedure was correctly completed. The application has followed both the Development Management Procedure Order (DMPO) and the Statement of Community Infrastructure regulations/instructions.

Objections were received regarding the loss of house values. This is not a material planning consideration and cannot be the consideration for any planning decision.

Concerns were raised in the submitted objections regarding the approval of the application setting a precedence, especially when this is the second care facility in the area. However this application is considered on its own merits as all applications are required to be.

There was also a comment regarding a potential second application at a neighbouring site if this one is to be approved. No application has been submitted for consideration and would need to be considered on its own material considerations. Furthermore, any potential future applications can not be considered with regards to the current planning application.

There have also been a number of objections raising concerns regarding the potential the application could increase the levels of crime and anti-social behaviour within the area and this causing division and tensions within the community. As stated previously

within this report, this permission does not indemnify against criminal activity or anti social behaviour which should be reported to the relevant body when necessary.

An objection also questioned the approval of the previous prior approval application on the site. Should the planning application be approved and implemented, the prior approval decision can not be implemented and any extension works will need to be reapplied for.

Objections were also received relating to the impact to local services and amenities. There is no reason to believe there would be material impacts on the local infrastructure from this small change of use.

Concerns were raised also with regards to who the end user will be and how the site will be kept up to the correct standards with other comments raising concerns about previous failings in the wider care industry. As part of this application a Care Management Plan has been submitted which confirms how the site will be run on a day to day basis as well as providing an overview on how the community engagement will be achieved. The document also provides the contact details for the director of the organisation to directly communicate with when there are any concerns about the standards or regulations not being met.

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.

## Conclusion

This is a residential use proposed to be located in a residential area.

Overall, the application has been considered from the perspectives of the principle of development, the design, the living conditions, the neighbouring amenity, the parking standards, the drainage of the site, as well as other matters raised by public representations.

In all cases, the proposal has been considered acceptable.

I recommend that this application is APPROVED subject to 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. (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 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).
4. Development shall be carried out in accordance with the following approved plans and documents:  
Proposed Floor Plans - Received 19/09/2024  
Bicycle Rack Details - Received 27/09/2024  
Care Management Plan - Received - 24/10/2024  
(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 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 2023.
2. As the rear extension approved via prior approval (Ref:20241436) was not implemented before the submission of application 20241627, the rear extension can not be completed parallel to the change of use application and if still required must be re-applied for via the relevant process.
3. 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).

## **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.
- 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.