

Recommendation: Conditional approval	
20241068	97 Roehampton Drive
Proposal:	Change of use from house in multiple occupation (3 bed) (Class C4) to children's home (Class C2) (max 2 children)
Applicant:	AIDA LOCKTON
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20241068
Expiry Date:	14 November 2024
SS1	WARD: Eyres Monsell



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Summary

- The application is brought to committee due to more than 5 objections being received (from 11 neighbouring addresses in total);
- 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 semi-detached 3-bed dwellinghouse located within a suburban residential area. The application form advises that the site is in use as a house in multiple occupation.

To the west and east of the site are neighbouring residential properties. To the north is a public footpath.

The Proposal

The proposal is for the change of use of the property to a residential care home (Class C2). No external alterations are proposed.

The care home would have a lounge and kitchen on the ground floor and 2 bedrooms, an office and a bathroom on the first floor.

The application states that the home would accommodate up to 2 young people (5-12 years old) with up to 3 staff members on site at any one time.

The proposal would include installation of rockwool flexi acoustic slab 33kg/m³ insulation to the inside walls that are shared with the neighbour no.99 Roehampton Drive.

The site would have use of the front driveway for staff vehicles.

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 11 addresses.

Issues raised were:

- Not right area for a children's home / commercial business- proximity to pub/bookies;
- Fears for safety of neighbours / concern regards anti-social behaviour / disrupting peaceful neighbourhood;

- Concerned regards noise / nuisance behaviours, including for those nearby working from home;
- Staff/visitors will further congest the on street parking;
- Concerned regards provision of neighbours letters / consultations;
- Pressure on local services (schools/health care); and
- Harm to nearby property values.

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 nearby, I have no compelling evidence to show that there is a significant concentration of such uses in the area, nor would there be a substantive policy reason to refuse the application on that basis.

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. I saw on my site visit that there would be space for at least 1 car on the front driveway. As such the proposal would comply with Appendix 01. Furthermore it may be possible for 2 small cars to fit.

Considerations

It would be expected that a house of this size, would be liable to attract use of up to 2 cars. A HMO in this location, as per the existing property would be comparable to this also. There would be 2 staff on site at most at the majority of times following the change of use. Sometimes there may be 3 cars if an extra member of staff is required or there is a visitor. The proposal may also see a handful of cars moving through the area and manoeuvring at the property at staff handover times. However the site is in a sustainable location being 1 minute walk to the no.44 bus stops at the junction of Roehampton Drive and Shackerdale Road, which may reduce the amount of private cars used by staff and visitors.

I acknowledge the concerns raised in representations in regards to parking congestion. However given the above I would not consider there to be a significant or unacceptable impact to on-street parking in the area. It would be unlikely for the use to cause more than 1 car to be parked on-street during the majority of the time and this would be reasonably comparable to the existing HMO use or if the property was used as a dwelling.

I conclude that 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 as Government policy requires evidence of severe traffic impacts to be required should planning permission be withheld on transport 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 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 than most family houses, 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 3-bedroomed HMO or unacceptably impact amenity at any neighbouring properties.

Notwithstanding the above, I have considered it prudent to confirm wall insulation details to ensure a high standard of sound reduction between the application site and the neighbour in the semi-detached couplet. With the wall lining system installed, I consider that there would be unlikely to be any significant 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.

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.

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.

Living Conditions for Occupiers

I note the concerns raised in objections regarding the site being unsuitable due to the proximity of the site to a pub and a bookmakers. However it would not be within the remit of the planning system to control the well-being of the children to such a degree as the care home would be subject to separate social care legislation/standards. 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.

Other Issues

I note that 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.

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 – private property values are not a material consideration for planning applications.

I note the issues raised in objections in relation to publicity of the application. All adjacent occupiers have been notified and a site notice was displayed at the footpath to the rear. The statutory publicity requirements have been met and a decision can be issued accordingly.

I note the issue raised in objections regarding increased impacts on local facilities/infrastructure. The application is for a change of use rather than new development and is not of a scale that would result in material impacts on local infrastructure.

Conditions & 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 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.

Subject to conditions the application is acceptable in principle and would not have unacceptable impacts to the area 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. The development shall not be occupied until the Rockwool Flexi Acoustic Slab noise insulation scheme is provided and installed at the property from floor to ceiling in all the locations along the common boundary with 99 Roehampton Drive 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.
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. (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:
Proposed Floor Plans ND/24/122/02, received 17/06/2024
Proposed Floor Plans ND/24/122/02, Rev a, received 09/10/2024
(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 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.

2. 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).