

<b>20251201</b>	<b>36 Shirley Road</b>	
Proposal:	Change of Use from dwelling (Class C3) to residential care home (Class C2) (max 2 residents in care)	
Applicant:	Graceful Healthcare Services Ltd	
App type:	Operational development - full application	
Status:	Change of use	
Expiry Date:	11 September 2025	
HA	TEAM: PD	WARD: Knighton



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## Summary

- The application has been brought to committee because the agent is the husband of a councillor.
- The main issues are: the principle of development & character of the area; amenity of neighbouring residents; living conditions for future occupiers and parking.
- One objection from a neighbour has been received on the grounds of inappropriate use in the area, property is not the right fit and restrictions imposed on neighbouring by properties.
- The application is recommended for approval.

## The Site

The application relates to a detached bungalow located in a residential area. The property is located on a corner plot and to the side and rear are neighbouring dwellings. The property has a driveway with dual access to the front and garden space to the side and rear.

## Background

There is a planning history at the site as follows:

20241477 - Construction of single storey extensions at front and side of house: alterations to house, roof, land levels and boundary treatment (Class C3). This application was withdrawn.

20240266 - Construction of single storey extensions at front and side of house; alterations to roof and land levels (Class C3). This was refused for the following three reasons:

1. In the absence of sufficient information, the applicant has failed to demonstrate that the changes in land levels would not result in a detrimental impact to the existing and future residents in the occupiers of 34 Shirley Road with respect of overlooking, increased sense of enclosure, and land instability. The proposal would fail to comply with saved policy PS10 of the Local Plan and paragraphs 135(f), 180(e), and 189(a) of the National Planning Policy Framework (2023).
2. In the absence of an Arboricultural assessment, tree survey, and tree constraints plan, the applicant has failed to demonstrate that all retained neighbouring trees and trees on site would be unharmed by the development. The proposal would fail to comply with saved policy UD06 of the 2006 Local Plan, 2014 Core Strategy policy CS17, and paragraph 136 of the 2023 National Planning Policy Framework.
3. The proposed development, due to its siting, size, and design, would be an incongruous addition to the street scene and fail to assimilate with the character of the area. The side extension would disrupt the uniform building line of Ridgeway Road, and the proposed fenestration would not be in character with the surrounding area. The proposal would be contrary to Core Strategy Policy CS03 and National Planning Policy Framework (2023) Paragraphs 135 and 139.

## 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). This home would accommodate a maximum of two children (7-18) or two adults (18-65), the care home would accommodate solely children or adults, it would never be a mix. Proposed shift patterns are as follows: 8:00am to 7:30pm and 7:15pm to 8:00am. Visiting hours will be restricted to 10:00am to 5:00pm, with no more than two visitors at a time.

The proposed layout of the property is two bedrooms for the residents, one with an en-suite bathroom, a separate bathroom with shower, an office which will contain sleeping facilities for staff, a kitchen with door to the rear garden. There will be a combined living room/dining room with a door to the side garden and an activity/playroom.

The planning statement informs that the property would house a maximum of two residents and at full capacity when care was required on a 2:1 basis there would be four members of staff on site.

The application proposes four off street parking spaces at the front of the property.

## **Policy Considerations**

### National Planning Policy Framework 2024

Paragraph 2 (Primacy of development plan)

Paragraph 11 (Sustainable development)

Paragraph 109 (Transport impacts and patterns)

Paragraph 115 (Assessing transport issues)

Paragraph 116 (Unacceptable highways impact)

Paragraph 117 (Highways requirements for development)

Paragraph 135 (Good design and amenity)

Paragraph 198 (Noise and light pollution)

Paragraph 201 (Planning decisions separate from other regimes)

### Local Policies

CLLP 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)

### Other Documents

Leicester Street Design Guide 2020

## **Representations**

One objection was received from a neighbour, it contained the following concerns:

- Increase in foot traffic caused by the care home.
- The location is residential in use.
- The property is not the right fit for the use as it would take the charm away from the street.
- Potential restrictions imposed on properties near to the care home.

## **Consultations**

## LCC Social Care Department

As the proposal is for either children or adults' care consultation was sought from both social care departments and is summarised below:

### **Children's Social Care Department:**

- Highly unusual for a residential provider to offer accommodation to such a wide age range (7 to 65).
- The provider is currently registered with CQC, but if they decide to provide a service for children they will need to register with OFSTED.
- The applicant has suggested they would either provide a service for children or adults at any one time, but OFSTED may have an issue with this and place restrictions on their registration.
- If they were to offer residential provision for children with complex needs, placements may be commissioned from them, but good and outstanding council children's homes would be considered first.
- Location is appropriate as it is in a good neighbourhood with local amenities and does not appear to be near other children's homes with a similar proposed purpose.

### **Adult's Social Care Department:**

- Support the planning application. The provider has clarified the service will support either children or adults never both concurrently.
- There is an on-going need for small, high-quality placements for individuals with complex learning disabilities and or/autism. In the last two months, three urgent referrals were received where such a service would have been ideal.
- Currently seeking similar placements.
- Small scale placements like this align with best practice and is currently lacking in Leicester.
- Higher fees and 1:1 staffing may be required, this reflects the complexity of need, and in some cases, is comparable to supported living or even more expensive placements in larger homes. Providers already operating within Leicester often exceed banded rates, so the proposed home is unlikely to be an outlier in terms of cost.
- The provider is based in Birmingham, they are delivering a high-quality supported living service to an LCC-funded young adult in Sheffield. If registered with CQC, this new service could help reduce out-of-area placements or support individuals returning to the city.
- The proposed location appears highly suitable, set in a quiet residential area with good local amenities. Its small scale makes a discreet addition to the community, and the calm surroundings provide the kind of environment in which individuals with learning difficulties and autism are known to thrive.

## Environmental Health: Noise Pollution

There were no objections to the noise or amenity impact caused by the new use, given the low occupancy, restricted visiting hours, limited vehicle use, and the applicants stated measures to manage noise. The proposal is unlikely to cause disturbance beyond that expected from a typical household.

### **Consideration**

#### Principle of Development/Character of the Area

The proposed care home would be a managed provision of care for either two adults or two children. I note in the objection the concerns regarding the use not aligning with the character of the surrounding area and an increase in footfall as a result of the care home. The use as a care home is a primarily residential use, its location in a residential area is appropriate in planning policy terms. Given the small scale of the proposal, I consider the degree of general noise and disturbance caused by such a managed site would not be perceptible in the wider area or be so significant as to have an unacceptable impact upon this suburban locality. There are no physical changes proposed to the dwelling.

I note that planning permission runs with the land rather than the applicant and control of the actual provider/their exact care methodologies are not within the scope of planning and is a matter for regulation by Ofsted. The City Council aims to facilitate the provision of a range of accommodation to meet the special housing needs of all City residents and the Council's Core Strategy Policy CS06 supports the provision of supported housing to meet 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.

Having reviewed planning history for a 400m radius from the application site, I note the addresses listed (all marked with stars on Figure 1 below) have class C2 planning history as follows:

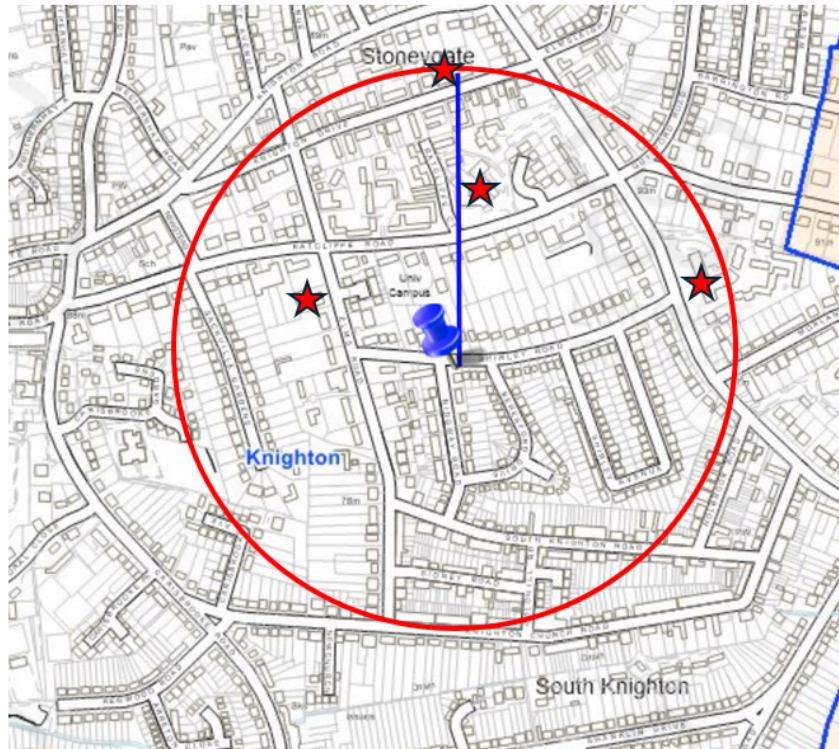
15 Elms Road – Change of hostel to residential care home (19970404).

Knighton Manor, 31 Knighton Drive – Change of use from dwellinghouse to residential care home including a two-storey extension at the rear of the house (19901955).

Hendon Grange, 420 London Road – Five two-storey retirement cottages (19961036). Development of site by retirement housing scheme (19 cottages, 12 bungalows, 3-storey block of 62 flats, and conversion of offices to 11 flats)(19880207).

Ashland's residential home Ratcliffe Road – Two-storey extension to residential home (Class C2) (20042350).

There was an application at 52 Ratcliffe Road for the change of use from a house (Class C3) to a 10 bed care home (Class C2) (20101751), this was approved but the application was not implemented and the planning permission has now lapsed. I have not marked this on the map.



**Figure 1: Previously approved C2 uses within a 400m of the application site.**

Whilst there are several C2 uses within the area, these are not similar nor directly adjacent to the proposed care home. These are supported living care/flats units and nursing homes or retirement homes for the elderly and the distribution is dispersed as indicated in Figure 1. The above mentioned are purpose-built care facilities, there have been no recent similar applications for the conversion of a dwelling to a care home in the area. As such I do not consider that the proposal would contribute to an over-concentration of such uses in the area.

#### Neighbouring Residential Amenity

Taken together, NPPF paragraph 135f & 198, and Local Plan policies PS10 and PS11 require amenity to be retained for neighbouring residents from developments, including in respect of noise/disturbance. The proposal is to provide organised care for two children or adults with carers always present for professional oversight and supervision. Whilst there would be potential for more people to be present in the house regularly during the daytimes than may be expected in a family home, the use is for residential care which is not an inherently noisy use that would be out of character for a residential area (including use of the house and rear garden by the staff and children). Whilst neighbours may observe different activities at the house, such as staff changes and possibly more transient occupiers over the longer term, these differences do not of themselves equate to harm. The property is detached and situated on a corner which also minimises its impact upon neighbouring amenity. I conclude that the proposal would not conflict with NPPF paragraph 135f, and saved Local Plan policies PS10 and PS11, and that the proposal would be acceptable in terms of impact upon amenity.

It is not considered that the change of use would result in an unacceptable impact in terms of noise both due to the similarity to the existing C3 residential use and the small scale of the proposal. The environmental health noise officer had no problems with the proposed use in this location.

#### Living Conditions for Occupiers

Saved policy PS10 of the Local Plan (2006) applies to the amenity of future occupiers as well as existing neighbouring residents. The house has good light and outlook from its windows and acceptable floorspace and sufficient garden space for two residents in care with staff. Overall, the proposal would provide good living conditions for future occupiers.

#### Highways and Parking

Saved Local Plan policies AM01 and AM02, and NPPF paragraphs 109, 115, and 117 require developments to provide suitable facilities for traffic and parking and avoid harm to highway safety. It is also noted that NPPF paragraph 116 states that development should only be prevented on highways grounds in cases of unacceptable impact on highway safety or if cumulative impacts on the road network would be severe. Local Plan Appendix 01 calls for one car parking space per four bedrooms for Class C2 residential institutions, and as such the application proposal generates a standard requirement for only one space.

The proposed car parking plan submitted as part of the application shows four off-street parking spaces to the front of the property, however the front three spaces would not all fit accounting for the size requirements of a car parking space as set out in the Leicester Street Design Guide 2020. As a result, the application is assessed based on three off street parking spaces being provided.

There is space for three cars on the front drive and dwellings on Shirley Road also tend to have parking space within their curtilages. As such, the site is considered to provide enough spaces for the residents and the proposed situation would not be inherently likely to cause any parking or traffic congestion. It is noted that the use would require a maximum of four members of staff on site and it could be expected that other support staff or families may visit the house regularly meaning that there may be some on-street parking required at times. However, the site is close to bus stops on London Road (including no.31/31A that run every 15 minutes to the city centre); therefore, staff and visitors would be able to use public transport to access the site.

The parking provision and transport would be in accordance with NPPF paragraph 116 and the proposal would not warrant refusal on highways grounds.

#### 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/alterd consideration for these types of uses would be necessary, and for this reason I recommend a condition that restricts the uses of the property to a care home. The proposal is for two children or adults in care, and I

recommend a condition to limit this to two as any increase would also require further/altered consideration.

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. 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 two 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:  
Proposed Plan, A103, received 17/07/2025  
Car Parking Plan, 02, 17/07/2025  
Location Plan, 01, 17/07/2025  
(For the avoidance of doubt).

## NOTES FOR APPLICANT

1. 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).

2. 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 2024.

### **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.
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_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.

