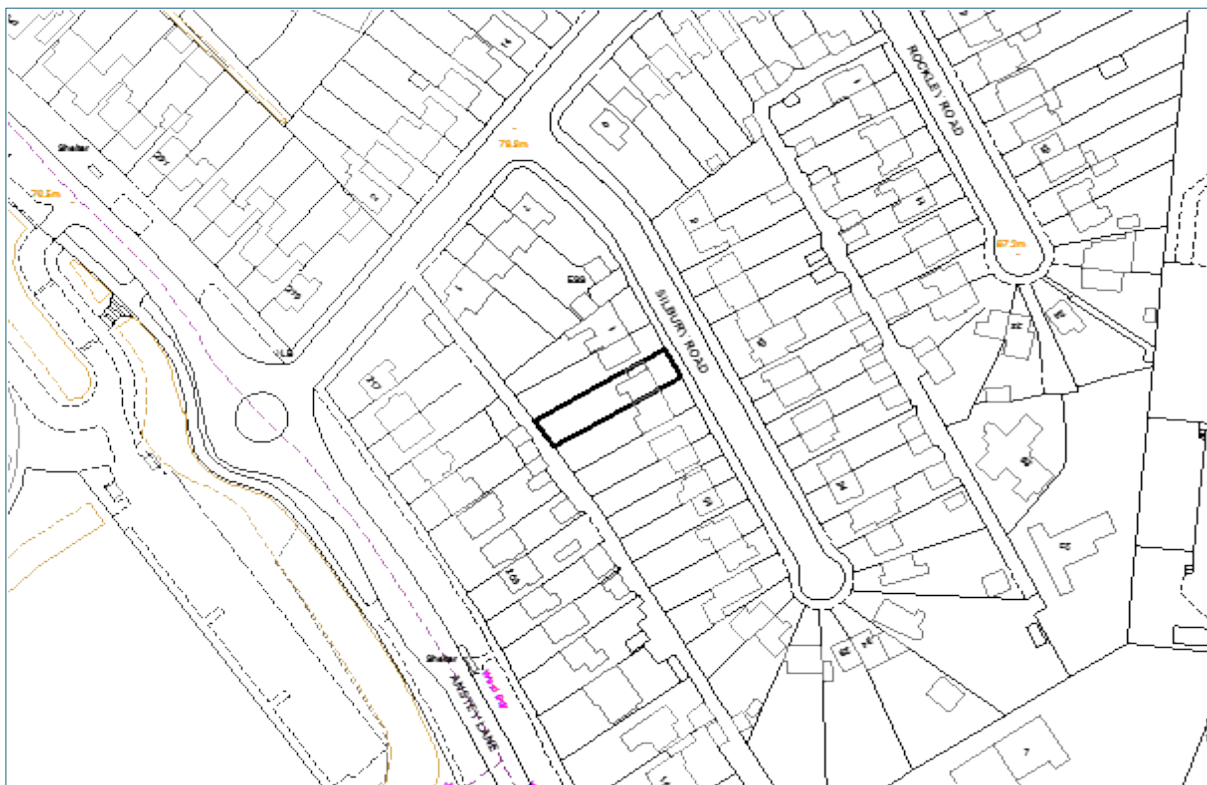


1 st Recommendation: Conditional approval	
20251474	5 Silbury Road
Proposal:	Change of use from dwellinghouse (Class C3) to residential children's home for two children (Class C2)
Applicant:	Mr Matthew Piper
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20251474
Expiry Date:	19 November 2025
CW	WARD: Abbey



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Summary

- The application is brought to committee due to more than 6 objections having been received;
- The main issues are: the principle of development & character of the area; amenity of neighbouring residents; living conditions for future occupiers and parking;
- Objections from 8 addresses were received on the grounds of the principle of development, residential amenity and parking/highways safety.
- The recommendation is to grant conditional approval.

The Site

The application relates to a two-storey semi-detached dwellinghouse located in a residential area, surrounded by neighbouring dwellings. The property has a driveway to the front and garden space to the rear and is within a Critical Drainage Area and a Final Hotspot.

Background

The property has no planning history.

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 home would accommodate a maximum of two children (11-16 years).

The application is only for the change of use of the property, no alterations or extensions are proposed. The property will therefore remain unaltered and provide a kitchen, lounge and dining room at ground floor level and two bedrooms, one bedroom/office and a bathroom at first floor level.

Supporting information submitted as part of the application informs that between 2-3 staff will be present at the property during the day and that 2 staff will be present during the night. Shift changeovers will be between 07:30 - 08:00 and 21:30 – 22:00.

In addition, it is stated that social workers will visit the property between every 4-6 weeks, Ofsted Inspections will occur 2-3 times per year, an independent regulation visit will occur once a month, family and friends will visit as per the care plan and can range from weekly to monthly visits and food deliveries will occur twice a week.

The application further informs that the property benefits from two off street parking spaces to 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)

Supplementary guidance

Appendix 1 CLLP 2006 - Vehicle Parking Standards.

Representations

Objections were received from 8 separate city addresses. Issues raised were:

Principle of Development/Character of the Area

- The proposal would introduce an institutional use to a quiet residential area.
- A Class C2 use would be a distinct change in character of the property and its operation.

Neighbouring Residential Amenity

- Shift changes will cause disturbance due to doors slamming, engines running and conversations.

Amenity of future occupiers

- Who is going to look after the children, care for them and ensure they're educated and fed?

Parking

- Staff, visitors and service vehicles will lead to a shortfall in parking spaces, exacerbating congestion and creating dangerous parking manoeuvres.
- Parking already at capacity with residents' cars, carers for housebound residents, people from nearby streets and pick up and drop offs from nearby schools.
- People need space to park outside their own homes.
- No access for emergency vehicles due to cars parked on the street.
- Level of traffic differs significantly from the current use.
- Unacceptable increase in traffic.
- Application states there is space for two cars to park off street, however there is only space for one car on the driveway.
- The use poses a serious risk to highways safety.
- No highways / transport assessment has been submitted.

Other Issues

- Lack of details in the application explaining how the property will be used, internal layout, parking provision, outdoor space and boundary treatments.

- No details of why the children are in care and this causes concern as to the way it could impact the nature of the road.
- Application was publicised by way of notices, letters should've been sent to everyone.

Consultations

LCC Social Care Department

The applicant appears to be a director of both a property investment company and a care company, Foxes Care Home for Young People Ltd, registered with Companies House in November 2024. We can find no record that Leicester City Council has a contractual relationship with the applicant as a children's home provider and they have no children's homes currently registered with Ofsted. The director appears to have no prior history of involvement with care companies according to Companies House. The applicant is not a registered social worker according to the Social Work England register.

In relation to crime and anti-social behaviour, the location is reported as having an above average crime rate. As there is no evidence of the applicant companies experience or skills as a care provider their ability to manage any vulnerability of resident children or anti-social behaviour that might be related to residents is unknown.

Staffing provisions described by the applicant are in line with the minimum staffing numbers that would be required by Ofsted. The minimum accepted by Ofsted for a two bedded home would be double staffing and potential need for car parking etc at shift handovers of four or five staff. The applicant proposes two residents. The Highways considerations also need to take account of additional regular professional and family visitors to the home.

Environmental Health: Noise Pollution

Concerns raised about the potential for noise disturbance for neighbouring properties associated with the proposed nature of the use.

If planning permission is granted, sound insulation should be applied to all walls shared with the adjoining neighbouring property and a noise management plan should be submitted.

Consideration

Principle of Development/Character of the Area

I note the concerns raised in objections in regard to the development being inappropriate in a residential area and objectors consider the proposed care home as being an institutional use. However, the proposed care home will be a managed provision where assisted living is provided for the residents, and as a primarily

residential use its location in a residential area is appropriate in policy terms. Given the small scale of the proposal, I do not consider that the degree to which the managed nature of the site would be perceptible in the wider area would be so significant as to have an unacceptable impact upon this suburban locality in terms of general noise and disturbance.

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.

Additionally, I consider that the change of use would not contribute to any significant/unacceptable over-concentration of this type of use in this area. Having reviewed planning history of all properties within a 400m radius of the site there is only one other property which has planning permission granted for use as a Class C2 care home for children.

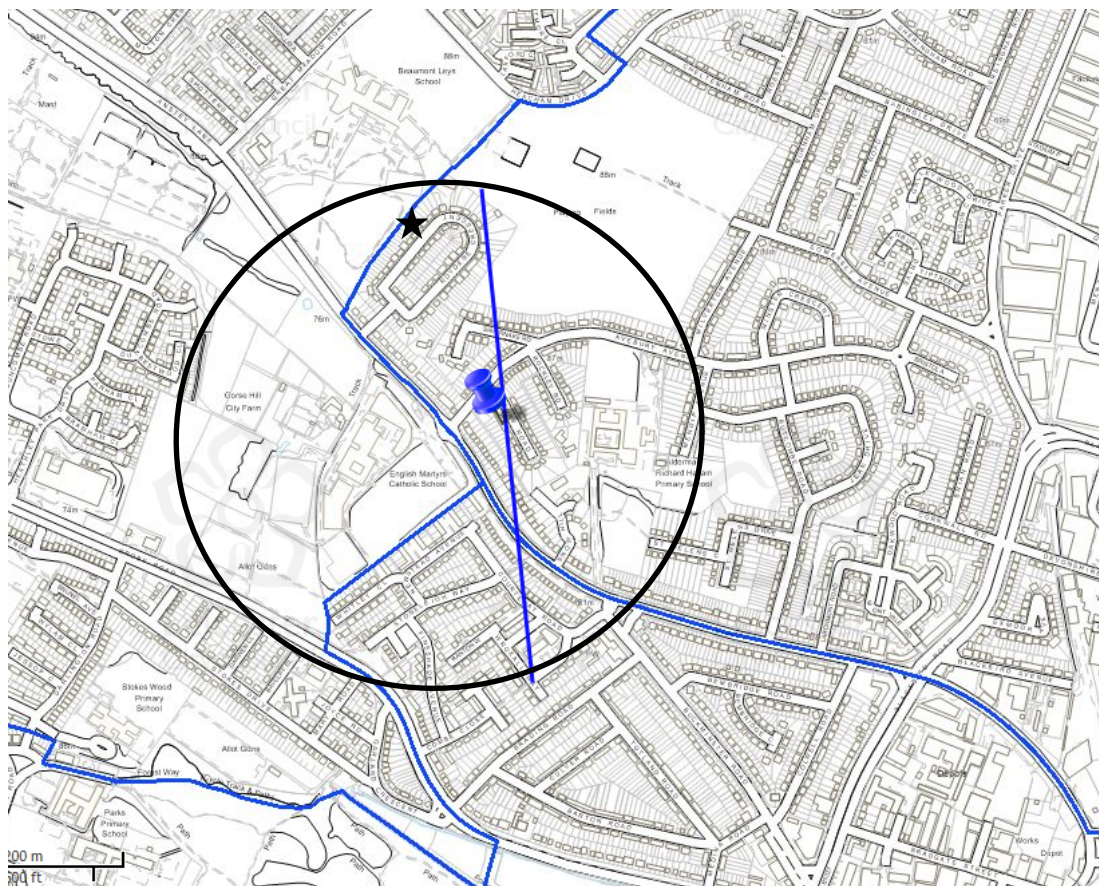


Figure 1: 400m radius around the development site, 5 Silbury Road. The star shows the position of the property within the radius which has permission for a C2 use.

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. The proposal is to provide organised care for two children 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 the daytimes than may be expected in a family home, the use is for residential care and therefore 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 experience different character of activities such as staff changes and, possibly, more transient occupiers over the longer term, these differences do not of themselves equate to harm.

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. Notwithstanding this, in accordance with the recommendation of the Pollution Control Officer a condition will be attached to the permission ensuring that sound insulation to provide a minimum value of 55 dB DnT,w+Ctr will be installed to the internal party wall shared with neighbouring property 7 Silbury Road. This condition is required to protect neighbouring residential amenity.

Objections to the application raise concerns that the change in use will result in an increase in noise levels. In particular noise caused by doors slamming, engines running and conversations during staff change over. It is not considered that staff changeover will result in a significant increase in noise levels caused by cars compared to the existing use of the property as a C3 dwelling house where occupiers can enter and exit the driveway via vehicle at any time. As such, it is not considered that a noise management plan is required due to the scale of the development.

Living Conditions for Occupiers

Saved Policy PS10 of the Local Plan (2006) applies to the amenity of future as well as existing neighbouring residents. The house has good light and outlook from its window openings and acceptable floorspace and garden space for 2 residents in care 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 109, 115, and 117 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.

Objections to the application raise concerns that the change of use will result in more vehicles being present at the property and therefore more cars will be parked on the street. Objectors state that this will prevent residents from being able to park outside their own property and cause congestion on the road preventing access for carers and emergency vehicles. Objectors conclude the change of use would result pose a serious risk to highways safety.

The proposed parking plan submitted as part of the application shows two parking spaces to the front of the property, however one of these spaces is below the size requirements for a car parking space as set out in the Leicester Street Design Guide 2020. As a result, the application is assessed based on one off street parking space being provided.

The application states that the development would require between 2 – 3 staff during the day and two staff during the evenings. It is also stated that other support staff, regulators and family members may visit the house meaning that there may be need for some on-street parking at times. However, the site is close to bus stops on Avebury Avenue and Anstey Lane (routes 154 and 74) which provide an alternative method of transport for staff and visitors. It is also noted that Silbury Avenue has no on street parking restrictions.

A three-bedroom Class C3 dwelling house could be expected to house three occupants each with vehicles. The proposed Class C2 use may require staff parking for between 2 or 3 staff and space for other visitors at times.

As such, the additional parking requirements for the proposed use compared to the existing use would be minimal. The 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 116 and the proposal would not warrant refusal on highways grounds.

BNG

The application is exempt from the statutory BNG condition due to the de-minimis exemption.

Flood Risk

The site is within a Critical Drainage Area and final hotspot. I consider that as the development is only for change of use with no building works the requirement for a scheme of sustainable drainage would be onerous.

Other Issues

I note issues raised in objections relating to a lack of details about how the care home will operate (including internal layout) and concerns about how well the children will be cared for. NPPF paragraph 201 states: '*Planning decisions should*

assume that these regimes will operate effectively.' As such there would not be a valid planning reason to withhold permission on this issue.

In addition, 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.

Objections refer to a lack of community engagement and that some properties were not notified by letter, only by way of a site notice. The publicity has been carried out in accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015, because notice has been served on adjoining occupiers, site notices have been displayed and details of the application have been published on the website. As such, appropriate publicity has been carried out.

Conclusion

In accordance with the above the application is recommended for approval.

Within Class C2 the property could be used for a residential school, college, training centre or health facility. Further/altered 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 in care, and I recommend a condition to limit this to 2 as any increase would also require further/altered 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. Prior to the occupation of the property as a Care Home, details of insulation to be installed to the internal party wall with 7 Silbury Road shall be submitted to and approved in writing by the Council as the Local Planning Authority, the insulation shall provide a minimum value of 55 dB DnT, w+Ctr. The insulation shall be maintained to the same minimum acoustic performance throughout the lifetime of the development. (In the interests of the amenity of 7 Silbury Road and in accordance with Policy PS10 of the Saved 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, 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. (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 full accordance with the following approved plans:
 - Location, Site and Parking Plan, 1905-04-02PL, Received 05.09.25
 - Existing and Proposed Plans and Elevations, 1905-04-01PL, Rev 1, Received 24.09.25(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 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 (and/or pre-application).

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 2024 is considered to be a positive outcome of these discussions.

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_CS02	Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
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.