

COMMITTEE REPORT

Recommendation: Conditional approval	
20260356	15 Oakside Crescent
Proposal:	Change of use from dwellinghouse (Class C3) to children's home (Class C2), for maximum 4 children (Amended 01/07/2026)
Applicant:	Warren Property Investments Ltd
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20260356
Expiry Date:	25 August 2026
AR1	WARD: Evington



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Summary

- The application is reported to committee as there have been 32 no. letters of objection from 25 no. separate neighbouring addresses within the Local Authority area.
- The proposal seeks a change of use from a family home to a care home.
- The main issues are the principle of development, the character of the area, the impact on future and neighbouring occupiers, and parking and highway safety
- The application is recommended for conditional approval.

The Site

The application site comprises the southern property of a pair of semi-detached bungalows on the west side of Oakside Crescent. The property includes 6 no. bedrooms, 1 with an en-suite, and a bathroom in the roof area, facilitated by a rear flat roofed dormer and hip-to-gable roof extension (ref: 20031584), and has also been extended to the rear by a single storey (ref: 20170429).

The front garden is block paved and is approximately 10m wide by 8.5m deep, with an approximate area of 85m², providing space for at least 3 no. cars to be parked clear of the highway.

The rear garden has an area of approximately 72m², and there is an 8m buffer for the Ethel Brook Ordinary Watercourse which extends the depth of the rear garden.

Surrounding properties form part of the same development and are a variety of two-storey semi-detached properties of the same materials palette as the application site with variations in the design.

Background

20031584. Porch extension at front, gable roof extension, dormer extension at front and rear of house (amended plans). Approved 07/10/2003.

20170429. Notification of proposed single storey extension at rear of dwellinghouse of dimensions: 4.00 metres beyond the rear wall of the original dwellinghouse; maximum height 2.79 metres; height of the eaves 2.62 metres (Class C3). Prior Approval Not Required 06/04/2017.

The Proposal

The proposal is for the change of use of a 6-bedroomed semi-detached dormer bungalow (Class C3) to a Children's Home for a maximum of 4 no. children (up to age 18) where care is provided (Class C2).

No external alterations are proposed with the resultant property comprising a Kitchen/Dining Room, a Sitting Room, Living Room, Utility Room, Study, Managers Office/overnight accommodation and a Shower Room at ground floor level, and 4 no. children's bedrooms, 1 no. with an en-suite, and a bathroom at first floor level in the roof area.

Care is to be provided by staff working in shift patterns with a minimum of 2 no. staff on site at any one time.

The application has been accompanied by a Planning Statement, a Statement of Purpose, an Ofsted Report and a Registration Certificate.

The applicants positively engaged with the Social Care Team prior to, and during, the determining of the application.

An amended plan and Planning Statement were received 17/04/2026, re-labelling the upper floor bedrooms and correcting errors in the Statement.

An amended application form was received 01/07/2026 serving notice by way of Certificate B on owners, other than the applicants, of land within the red line.

Policy Considerations

Leicester Local Plan (2026)

Policy Ho03. Housing Mix

Policy Ho10. Retention of Family Housing

Policy DQP06. Residential Amenity

Policy T01. Sustainable Transport Network

Policy T07. Car Parking

National Planning Policy Framework (2024)

The following has also been taken into account:

Leicester Street Design Guide (2020)

Local Housing Needs Assessment (2022) (LHNA)

Planning Practice Guidance – Noise

- <https://www.gov.uk/guidance/noise--2>

Consultations

Pollution – Noise-Premises-Light

- Comments
- Concerns regarding unexpected and continuous noise affecting nearby residents – unsociable hours, amplified music, excessive vocal noise.
- Recommend noise management plan on how noise complaints will be managed and excessive noise minimised.

Social Care Children's (Children's Care Homes)

- Support the proposal.
- Full comments are shown below:

The Social Care and Education department of Leicester City Council have been asked to provide comment on the planning application for 15 Oakside Crescent for a change of use to a residential children's home. Ultimately, any decision to change the registration and / or statement of purpose of such a provision rests with Ofsted.

Ofsted clarified their expectations around residential home registration in December 2025. They expect that before a home is opened, we expect providers to engage with the local authority to confirm that:

- *there is a need for a home in the area;*
- *essential services are available (e.g. CAMHS, schools, dentists); and*
- *the location is safe and suitable*

Is there a need for a children's home in this area?

There is no volume need for children's homes in Leicester City but there is a need for experienced providers for the most challenging children.

Leicester City Council currently has had a need for 100 children bed spaces on a continuous basis over the past few years. Having regard to discussions with ourselves and Ofsted in January 2026, there are 122 registered beds within the Local Authority area. It is expected over the next five years the need for residential beds will reduce and the local authority will increase its directly run provision.

However, there is a need for experienced providers in the city as not all registered beds are of the quality required by the local authority. This is a relocation of a home operated by Jasmine Gardens Ltd, currently rated "good" by Ofsted and with a history of taking placements from Leicester City.

Therefore, we believe that this proposed home will be of potential benefit to children from Leicester City.

Are essential services suitably available?

There are significant pressures on health (primary care, dentistry, paediatrics, CAMHS), education places (particularly for those children with additional needs) and policing in the city. The proposed home is likely to be used by Leicester City Council for local children and as such we would expect local children to be placed who already in contact with relevant service so would not add new pressures.

Is the location safe and suitable

The proposed provider has discussed risk information and has consulted with the relevant agencies including the local authority. We agree with assessment that Oakside Crescent is suitable location for the proposed service.

Further comments

Staffing provisions described by the applicant are in line with the minimum staffing numbers that would be required by Ofsted. There is potential need for car parking etc at shift handovers for staff as described in the planning statement. The applicant proposes four residents. The Highways considerations also need to take account of additional regular professional and family visitors to the home.

In respect of the proposed operator, I recommend the benefit of the permission be restricted through a personal consent condition to Jasmine Gardens (Private Ltd).

Conclusion

Having regard to the above, the Social Care department would support registration of the proposed care home with Ofsted and the proposal would desirably add to children's care provision in Leicester.

I support the application.

Representations

35 no. representations have been received:

- 32 no. letters of OBJECTION from 25 no. separate neighbouring addresses
- 2 no. letters COMMENTING from neighbouring addresses
- 1 no. letter of SUPPORT from a neighbouring address

OBJECTIONS

Principle of Development

- Appreciate need to provide care and accommodation for vulnerable children, but do not believe this particular property and location are suitable for such a use.
- Adults over the age of 18 can move in. This is possible in a C2 children's home as long as they are in the minority
- Local Need
 - The applicant has not shown a need for a children's home in the area.
 - Children placed may be from outside the local area, contrary to Leicester City Council (LCC) principles for keeping children close to home
- LCC Placement Strategy
 - Expanding private care homes goes against the Council's strategy, which favours in-house residential care due to rising costs and suitability of external homes.
 - Housing children in residential homes is not in the best interests of looked after children and they would be better placed with trained and supervised foster carers who can provide a supportive family environment, tailored to their needs, whilst not focussed on profit, which in turn is more economical.

Character of the Area

- More intensive form of use not in keeping with the established character of this quiet, residential area.
 - In this case, the introduction of a staffed, shift-based operation would materially alter the residential nature of Oakside Crescent.
- Change to Business Premises
 - The change of status will allow this property to become a 24 hour business with no immediate commercial properties.
 - Approving this application could set a precedent for other non-residential uses in a quiet residential area, potentially leading to further changes that residents oppose.
- Institutionalisation of the Area
 - The area already has several institutional premises.

Residential Amenity

- Impact on Community
 - The application would harm the quiet, community-driven atmosphere of the neighbourhood and would be particularly disruptive to the elderly residents.
 - The nature of a children's home (shift workers, visitors, transport arrangements) is likely to result in increased noise, disturbance, and general activity.
 - The proposal only mentions one overnight staff member and doesn't mention the possibility of two.
- Increased Foot Traffic
 - The presence of several staff and visitors, along with the children, would lead to a large increase in foot traffic, disrupting the peacefulness of the area.
 - Due to reassessment, additional staff may need to be employed due to the needs of the children or a specific child. The extra demand

will increase at, potentially any time, the busyness of the property with regards to change over, comings and goings and possibly staff gathering outside the property.

- Potential for Anti-Social Behaviour
 - There are concerns that some children in care may have behavioural issues, which could lead to anti-social or criminal behaviour and security issues for the local community.

Parking and Highways

- The application does not address significant parking and traffic problems, as the site has limited parking spaces and the surrounding streets are already congested including Mosque overflow and school traffic.

Other

- Not Ofsted registered and lack of care experience
- Lack of clarity regarding the scale and intensity of the operation (staffing levels, shift patterns, visitor frequency means the LPA cannot fully assess the cumulative impact of the proposal. Conflicts with NPPF requirement for well-designed places and adequate assessment of impacts.
- Quotes that the proposal is contrary to case law:
 - South Bucks District Council v Porter (No. 2) [2004] UKHL 33
 - Newport Borough Council v Secretary of State for Wales [1998] JPL 377
 - Westminster City Council v British Waterways Board [1985] AC 676
 - Tesco Stores Ltd v Secretary of State for the Environment [1995] 1 WLR 759
- False information
 - Some of the objections raised issue with the accuracy of the submitted supporting information, including spelling mistakes and other minor errors.
- Limitation for complaints – point of contact but no mention of how this operates to resolve problems.

COMMENTS

- Some inaccuracy in submitted information.
- The property has been extended under 20031584 and 20170429.
- Oakside Crescent used for Mosque overflow parking and school traffic.

SUPPORT

- No issues regarding the planning application for a children's home which is needed.

Consideration

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires Local Planning Authorities (LPA) to determine planning applications in accordance with

their Development Plans unless material planning considerations indicate otherwise.

The Principle of Development

The proposal is for the change the use of a 6-bedroomed dwellinghouse (Class C3) to a care home for 4 no. children (Class C2).

Policy Ho03 of the Leicester Local Plan (2026) seeks to achieve a mix of house types, tenures and sizes, taking account of evidenced need for current and future households, with Policy H010 seeking the retention of family housing, requiring proposals for the conversion of properties with more than 4 bedrooms, and which are outside of Article 4 HMO Control Areas, to be assessed on their individual merits, subject to compliance with Local Plan policies.

The Local Housing Needs Assessment (2022) identifies the need for different sizes of family dwellinghouses (C3) across the City, with Table 3 in the Leicester Local Plan (2026) showing the recommended mix of market and affordable housing. The table shows a requirement for 3,792 4+ bedroomed dwellinghouses over the plan period.

The Children's Social Care Team has confirmed the rolling need for children's care homes within Leicester City is 100 bed spaces, with the Council benefitting from 122 bed spaces as of January 2026. Whilst the volume need for children's care homes for the Council has been met, the Social Care Team note the need for experienced providers in the City as not all registered beds are of the quality required.

The applicants, Jasmine Gardens Private Ltd, currently have a 'good' rating from Ofsted, and have a history of placements within Leicester City. This proposal is for the relocation of a home which they currently operate, and it is considered by Social Care to meet the qualitative need.

To ensure the qualitative need is secured, conditions are recommended to restrict the provision of the C2 use at the property to the applicants only, with reversion to Class C3 on cessation of the C2 use, as well as to limit the number of children occupying the property to a maximum of 4 at any one time.

Although the proposed change of use would result in the loss of a larger family home, this would not necessarily be a permanent or long-term situation, as the care home will be a managed provision where assisted living is provided for the resident children, and the property would remain in use as a place of residence within a residential area.

It is considered that, with the imposition of the recommended conditions, the provision of a good quality children's care home outweighs the loss of a larger family home, and the proposal is therefore acceptable in principle.

Character of the Area

Policy DQP01 of the Leicester Local Plan (2026) requires development to consider the character of the site and its wider context, providing an appropriate

mix of uses, including a mix of homes, tenures, types and sizes in line with needs set out in Policy Ho03.

Concerns have been raised that the proposal would introduce a more intensive non- residential form of use, further institutionalising the area and materially altering its established residential character.

Reference to planning data for previous approvals within Evington Ward, shows **no sites within a 400m radius of the application site**, which have been granted planning permission to operate as a C2 Care Home use:

Address	LCC Ref:	No. of children	Distance from Site
44 Thurnview Road	20231045	4	756m
24 Walshe Road	20240203	1	460m
29 Saltersford Road	20240222	3	1.69km
23 Linden Drive	20241910	3	1.47km
26 Yelverton Avenue	20242245	3	979m

Plan to show No. of C2 properties within 400m radius of Site:
(24 Walshe Road shown – 460m northwest)



As such, there is not currently an over-concentration of small children's care homes within a 400m radius of the application site, that would result in an adverse impact on the amenity or character of the area.

The proposal is also not considered to be a business or commercial use, with the number of occupants not dissimilar to the number of residents expected to reside within a family home of the same size. Its use will therefore remain fundamentally residential in nature within a residential area.

As such, subject to the layout within the property being carried out in accordance with the approved plans, which can be secured by condition, the proposal will not

result in an unacceptable impact on the character of the area, and complies with the aims and objectives of Policy DPQ01 of the Leicester Local Plan (2026).

Living Conditions (Future Occupiers)

Policy DQP06 requires proposals not to cause unacceptable harm to the living conditions of existing and future residents.

Within the property, 4 no. bedrooms, 1 with an en-suite, and a bathroom at first floor level in the extended roof space are set aside for the children's bedrooms, with the 2 no. bedrooms at ground floor level and an en-suite are for use by the staff as a study and office/overnight accommodation. The remaining rooms retain their existing uses.

It is considered that the property has provided acceptable living conditions for previous residential occupiers in terms of levels of daylight and sunlight, noise, privacy and overlooking and, given that no external or internal alterations are proposed, future occupiers will also benefit from the acceptable layout, bedroom sizes, communal spaces and rear private garden of approximately 99 sq.m (measured from the submitted plans).

Subject to conditions for the proposal to operate in accordance with the submitted plans, and for there to be a maximum of 4 no. resident children at any one time, there will be no unacceptable impact on the amenities of future occupiers, in compliance with Policy DQP06 of the Leicester Local Plan (2026).

Residential Amenity (Neighbouring Occupiers)

Policy DQP06 requires proposals not to cause unacceptable harm to the living conditions of existing and future residents.

Concerns have been raised that the proposal will harm the quiet, community-driven atmosphere of the neighbourhood and be disruptive, with the comings and goings of shift workers, visitors and transport arrangements likely to result in increased noise, disturbance and general activity. There are also concerns that some of the children may have behavioural issues which could lead to anti-social or criminal behaviour, and security issues for the local community.

With respect to general amenity, as no external alterations are proposed, there would be no change to the already acceptable impact on levels of outlook, light or privacy to neighbouring residential occupiers.

With respect to internal noise generation, the application site is a semi-detached property, attached to No.13 Oakside Crescent, and as such, there is potential for noise from within the property to impact on the amenities of these adjoining neighbouring occupiers. Issues of unacceptable noise, over and above that which would be expected from a residential use in a residential area, can be secured by condition for a suitable noise insulation system to be introduced to the party walls, prior to first use, and maintained for the lifetime of the development. An additional condition can be added for there to be a maximum of 4 no. resident children at any one time.

With respect to external noise generation, whilst neighbouring occupiers may experience a different character of activities such as staff changes, and possibly, more transient occupiers over the longer term, it is considered that the use of the rear garden by staff and residents of the home, or general comings and goings associated with the property, is unlikely to give rise to noise impacts that would be significantly different from those generated at the existing dwellinghouse, or would unacceptably impact amenity at any neighbouring properties. The differences in the use do not of themselves equate to harm to residential amenity, over and above that which would be expected from a residential use in a residential area.

It should also be noted that regardless of the outcome of this application, the granting of any planning permission does not indemnify against statutory nuisance action being taken should substantiated noise complaints be received. Paragraph 201 of the National Planning Policy Framework (2024) (NPPF) states:

'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.'

This means there would be no planning justification to withhold permission on this basis.

With respect to behavioural issues, the proposal is to provide managed care for up to 4 no. children with carers always present for supervision and professional oversight. Any safeguarding issues are under the control of Ofsted, a separate regime outside of the planning process to which Care Homes are legally required to comply, or in respect of alleged criminality, the Police.

As the proposal would be an acceptable use of land, it is considered there is no planning justification for the provision of a Noise Management Plan in respect of noise/disturbance/anti-social behaviour which could be dealt with by regimes outside of Planning – Noise Pollution Control, the Police or Ofsted. It is also considered that a Noise Management Plan for this type of use would present technical enforcement challenges and as such would not be appropriate to impose.

Subject to conditions for the proposal to be operated in accordance with the submitted plans, for internal noise insulation to be installed and maintained for the lifetime of the development, and for there to be a maximum of 4 no. resident children at any one time, it is considered there will be no unacceptable impact on the amenities of surrounding neighbouring occupiers, which is in compliance with Policy DQO06 of the Leicester Local Plan (2026).

Parking and Highways

Paragraphs 116 and 117 of the NPPF require new development not to have an unacceptable impact on highway safety, creating safe places to minimise scope for conflicts between pedestrians, cyclists, and vehicles, which responds to local character and design standards.

Policy T01 of the Leicester Local Plan (2026) promotes the development of a sustainable transport network and Policy T07 seeks a level of car parking appropriate to the scale and nature of the development, taking into consideration the provision of alternative means of transport, alternatives to car parking provision, anticipated level of use, patterns of working hours and the relationship to nearby other uses.

Policy DES16 of the Leicester Street Design Guide (June 2020) (LSDG) requires parking spaces at residential sites to be a minimum of 2.4m wide by 5.5m long, with an additional 0.5m added to the width where a parking space is adjacent to a wall on one side.

Concerns have been raised that the proposal does not address significant parking and traffic problems at the site due to limited parking spaces and the surrounding streets being congested by Mosque overflow and school traffic.

According to the submitted Planning Statement, the proposed use would not exceed 3 no. staff during the day on a rota basis, with no more than 2 no. staff present at any one time. None of the staff will reside at the property and there will be 1 no. staff member on a waking night shift, to ensure 24-hour care. Visitors and deliveries are expected to be of the same scale and frequency not dissimilar to those generated by a family home of the same size.

The front garden is block paved and, measuring from the submitted plans, gives an area of approximately 9m long by 11m wide, sufficient for the parking of at least 3 no. vehicles clear of the highway. This is comparable to the size of surrounding neighbouring front gardens, and the number of parking spaces provided within, and is in compliance with DES16 of the LSDG.

The concerns raised refer to other uses impacting on parking and traffic in the surrounding area. It is noted that the development would require a minimum of 2 no. staff members to be on site at all times, and it could be expected that other support staff or families may visit the regularly, meaning that there may be some need for on-street parking at times. However, the highway in Oakside Crescent permits unrestricted parking, and there are a number of bus stops close to the site in Davenport Road, approximately a 100m walk to the north of the site, and Goodwood Road, approximately a 500m walk to the northwest, to allow staff to use public transport. There is also space within the site to provide secure cycle storage without impacting the on-site parking provision.

It is considered that the proposed use will not generate a parking requirement which would significantly adversely impact on the on-street parking provision within the surrounding area, to the detriment of the highway network and highway safety, and that issues caused by other surrounding uses are not exacerbated by any additional parking requirements for the proposed use.

As such, it is considered that the proposed use would not lead to unacceptable highway network and safety issues over and above the existing situation as a C3 dwellinghouse.

Subject to conditions for the use class to be restricted to within Class C2 only, and for the number of residents to be provided care not to exceed 4, the proposal is considered to be in accordance with Paragraphs 116 and 117 of the National

Planning Policy Framework (2024), and Policies T01 and T07 of the Leicester Local Plan (2026).

Other Matters

Regarding other issues raised within the comments received:

- Details
 - Some of the objections have referred to spelling mistakes and errors within the submitted documents.
 - Details relating to the description of the dwellinghouse (i.e. detached/semi-detached) and the applicant's details have been corrected.
- Consultations
 - Concern has been raised regarding notification to the wider community in relation to the application.
 - Neighbouring occupiers were notified in accordance with statutory publicity requirements.
- LCC Placement Strategy
 - Concerns raised in relation to this are not material planning considerations.
- Reference to Other Local Planning Authorities
 - Reference to other Local Planning Authority decisions in Oadby, and policy documents for Melton Mowbray and Durham are not relevant to this proposal which has been assessed in accordance with the Leicester City Council Development Plan and National Guidance in the National Planning Policy Framework (2024).
- Registration
 - Children's homes are required to be registered under separated regulatory regimes in order to continue to operate.
- Complaint Handling
 - Limitation for complaints – a point of contact is given but no mention of how this operates to resolve problems.
 - This is not a planning matter and would be assessed by Ofsted who act as the regulatory body for Children's homes, and reviewed by the Council's Social Care Team.
- Case Law
 - Comments have been received that the proposal is contrary to Case Law but no discussion as to its relevance to the planning merits has been provided. The cases are summarised below:
 1. South Bucks District Council v Porter (No. 2) [2004] UKHL 33
 - House of Lords judgement defining the legal standard for providing reasons in planning decisions
 - Established reasons must be adequate and intelligible, enabling the reader to understand why a decision was reached on 'principal important controversial issues.'
 - The judgement affirmed that while inspectors must be thorough, they do not need to provide an exhaustive analysis of every detail, only an intelligible explanation of the key issues.

2. Newport Borough Council v Secretary of State for Wales [1998] JPL 377
 - Intense fear or perception of danger regarding a development can be a material planning consideration even if not supported by objective scientific evidence.
 - The decision maker must assess how much weight to give when compared to technical evidence.
 - Frequently cited in matters regarding planning, public health and 'fear of harm' in development proposals.
3. Westminster City Council v British Waterways Board [1985] AC 676
 - Whether a landlord had a reasonable prospect of occupying a premises for their own business purpose, as a ground for opposing a new tenancy.
4. Tesco Stores Ltd v Secretary of State for the Environment [1995] 1 WLR 759
 - The House of Lords held that planning obligations must have a relevant connection to a proposed development to be material, and if material the discretion on weight rests with the decision maker.
 - Planning obligations cannot be used to force approval of a development otherwise unacceptable in planning terms, nor can an LPA be forced to give weight to a beneficial contribution if it is not directly related to a proposal's impact.

○ The cases cited do not alter my recommendation as:

1. Case 1 requires a clear reports and reasons.
2. Case 2 requires weight to be given to each aspect of the proposal. It is noted that neighbours may be fearful of the proposal but it is not considered that the supervised occupancy of 4 no. children to result in an intense fear or perception of danger.
3. Case 3 is not relevant to the planning matters proposed.
4. Case 4 is not relevant as no planning obligations are proposed.

Conclusion

The application is recommended for 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 Leicester Local Plan 2026 policies DQP06 and T01.)
3. The premises shall not accommodate any more than 4 children in care at any one time. (To enable consideration of the amenity of occupiers of neighbouring properties and parking impacts of a more intensive use, in accordance with Leicester Local Plan 2026 policies DQP06 and T01.)
4. The use hereby permitted shall be carried on only by Jasmine Gardens Private Ltd (Company number: 11678059). When the premises cease to be operated by Jasmine Gardens Private Ltd, the use hereby permitted shall cease and the property reverted back to a family house (Class C3). (To ensure the use addresses the qualitative need evidenced by the Social Care Team and Local Housing Needs Assessment and is in accordance with Leicester Local Plan 2026 policy Ho03.)
5. Prior to the occupation of the property as a Care Home, insulation shall be installed to the internal party walls with the adjoining neighbouring property at No.13 Oakside Crescent. The insulation shall provide a minimum value of 55 dB DnT, w+Ctr and shall be maintained to the same minimum acoustic performance throughout the lifetime of the development. (In the interests of the amenity of occupiers of No.13 Oakside Crescent, and in accordance with Leicester Local Plan 2026 policy DQP06.)
6. The development shall be carried out in full accordance with the following approved plans:
Received 17/03/2026:
Location Plan

Received 17/04/2026:
CPS 002, Proposed Floor Plans
(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 (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.

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).