

master bedroom with en-suite becoming a carer bedroom. The second floor will be 1 further child bedroom and another carer bedroom/ office. A further permanent office space will be located on the ground floor.

3.3 No physical changes are proposed to the dwelling.

4. Development Plan Policies

4.0 The Development Plan comprises the Charnwood Local Plan Core Strategy (adopted 9 November 2015), the Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies), and the Minerals and Waste Local Plan (2019).

4.1 The policies applicable to this application are as follows:

4.2 [Charnwood Local Plan Core Strategy \(2015\)](#)

- Policy CS1 – Development Strategy
- Policy CS2 – High Quality Design
- Policy CS3 – Strategic Housing Needs

4.3 [Borough of Charnwood Local Plan \(adopted 12 January 2004\) \(saved policies\)](#)

4.4 Where they have not been superseded by Core Strategy Policies previous Local Plan Policies remain part of the Development Plan. In relation to this proposal, the relevant ones are:

- Policy ST/2 - Limits to Development
- Policy EV/1 – Design
- Policy TR/18 - Parking Provision in New Development

5. Other material considerations

5.1 [The National Planning Policy Framework \(NPPF 2023\)](#)

5.2 The NPPF policy guidance of particular relevance to this proposal includes:

- Section 2 - Achieving sustainable development
- Section 4 - Decision making
- Section 8 - Promoting healthy and safe communities
- Section 9 - Promoting sustainable transport
- Section 12 - Achieving well-designed and beautiful places.
- Section 16 - Conserving and enhancing the historic environment

5.3 [Planning Practice Guidance](#)

5.4 This national document provides additional guidance to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework. The guidance sets out relevant guidance on aspects of flooding, air quality, noise, design, the setting and significance of heritage assets, landscape,

contaminated land, Community Infrastructure Levy, transport assessments and travels plans, supporting the policy framework as set out in the NPPF.

5.5 National Design Guide

5.6 This is a document created by Government which seeks to inspire higher standards of design quality in all new development.

5.7 Design Supplementary Planning Document (SPD) (January 2020)

5.8 This document sets out the Borough Council's expectations in terms of securing high quality design in all new development. Schemes should respond well to local character, have positive impacts on the environment and be adaptable to meet future needs and provide spaces and buildings that help improve people's quality of life.

5.9 Leicestershire Highways Design Guide

5.10 The purpose of the guidance is to help achieve development that provides for the safe and free movement of all road users, including cars, lorries, pedestrians, cyclists and public transport. Design elements are encouraged which provide road layouts which meet the needs of all users and restrain vehicle dominance, create an environment that is safe for all road users and in which people are encouraged to walk, cycle and use public transport and feel safe doing so; as well as to help create quality developments in which to live, work and play. The document also sets out the quantum of off-street car parking expected to be provided in new housing development and advice regarding the design of parking courts and waste collection.

5.11 Equality Act 2010

Section 149 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality.

5.12 [The Draft Charnwood Local Plan 2021-37](#)

This document sets out the Council's strategic and detailed policies for the Borough over the period 2021-37. The local plan was submitted for examination in December 2021 with hearings concluding in February 2024. The hearing sessions in February 2024 related to limited matters following on from the consultation on the post hearing submissions which closed on 8th November 2023. Following the further hearings, it is anticipated that the Inspectors will issue a letter setting out the requirement for main modifications to be made to make the plan sound. These modifications will be published for six weeks of public consultation so that the responses can assist the Inspectors in preparing their final report. The precise timings of these events are dictated by the Inspectors although, subject to their report, it is anticipated the Local Plan will be adopted by the Council in Autumn 2024.

5.13 In accordance with NPPF paragraph 48, the relevant emerging policies in the plan may be given weight in determining applications, according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight it may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- c) the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The following policies are considered applicable to this application, and the weight they can be assigned is addressed in the 'Planning Considerations' part of this report.

- Policy DS1 - Development Strategy
- Policy DS5 - High Quality Design

6. Relevant Planning History

- 6.1 The planning history relates to the development of the estate of which the house forms a part. There is none directly relating to the house.

7. Responses of Consultees & Other Comments Received

- 7.1 The table below sets out a summary of the responses that have been received from consultees with regard to the application. Please note that these can be read in full on the Council's website www.charnwood.gov.uk

Consultee	Response
Leicestershire County Council – Highways (LHA)	<p>No objection</p> <p>Given the scale of the development the LHA are satisfied that the proposed development is unlikely to result in a material increase or a material change in the character of traffic on the adopted highway or would create any highway safety issues.</p> <p><u>Highway Safety</u></p> <p>There has been no recorded Personal Injury Collisions within 500m in all directions of the development site. Therefore the LHA has no pre-existing highway safety concerns at this location.</p>

Consultee	Response
	<p data-bbox="603 264 820 300"><u>Internal Layout</u></p> <p data-bbox="603 331 1449 495">The Applicant has advised that six off-street parking spaces are to be provided which includes a double garage. The LHA note that if six vehicles were parked then parking for the neighbouring dwelling would likely be blocked.</p> <p data-bbox="603 595 1449 927">Notwithstanding this, based on the submitted staff numbers the LHA are satisfied that the proposal does offer an off-street parking space for each member of staff onsite at any given time. In addition there is also at least six parking bay spaces available on Polyantha Square and therefore the LHA are satisfied that the proposed development is unlikely to result in vehicles parking on the publicly maintained highway.</p>
<p data-bbox="204 963 577 1037">East Goscote Parish Council</p>	<p data-bbox="603 963 735 999">Objects:</p> <ul data-bbox="603 1030 1449 1928" style="list-style-type: none"> <li data-bbox="603 1030 1449 1272">• The Council are aware that there is a covenant on the use of the properties on the estate which prohibits commercial use. Changing the use of this house for business use is not in line with the deeds for the property and could set a precedent for further commercial use in a quiet residential street. <li data-bbox="603 1379 1449 1581">• The Council have concerns that a commercial enterprise may create additional traffic, waste etc, and that the private road is for use by residents (including the parking lay-bys which are owned by the residents and for visitors of the residents). <li data-bbox="603 1688 1449 1928">• The Council would welcome additional information on the type of traffic that would be generated by a change of use, and whether commercial food and waste vehicles will be regularly accessing the house on what is a narrow private road with little room for turning, close to a play area.

Consultee	Response
	<ul style="list-style-type: none"> Given the strong public interest, the Council urge development control to take into account the views and comments from neighbours in their decision making.
Charnwood Borough Council Environmental Health	No objection.
Ward Councillor, Councillor Needham	<ul style="list-style-type: none"> Concerned that this change of use appears to be in conflict with the restrictive covenants on all properties in this area. Home owner deeds and correspondence from David Wilson shows that the house is only to be used for residential purposes by one family. A change of use to C2 would break this covenant and potentially lead to legal action being taken by neighbours, a significant number of whom have written in response to this application. A legal case would have impacts on the current residents and also on any children/young people that may move into the house in the interim. Ask that the covenant explicitly preventing the use of the house for commercial purpose, and the significant levels of public interest, be taken into consideration for this application.
Ward Councillor – Councillor O’Neill	I am aware of the concerns of the residents. However, I believe their concerns are not directly concerned with issues related to planning.

Responses to publicity	
Rt. Hon. Mr Argar MP:	<ul style="list-style-type: none"> Aware of the restrictive covenants on the properties that prevent commercial use and reinforce the residential character and intentions for the Rearsby Roses estate. Recognises however that restrictive covenants are not material considerations for the purposes of planning applications. Residents have set out legitimate concerns as to how this commercial activity will impact on its residential

	<p>surroundings and how the proposed use is ill-suited to this site.</p> <ul style="list-style-type: none"> The application does not offer information that residents at the facility will become long term residents in keeping with the Square, indeed it indicates regular churn.
<p>County Councillor Poland:</p>	<ul style="list-style-type: none"> Covenants placed on the houses prevent commercial use and require the property remains residential Traffic concerns: the Square has narrow private roads and concern regarding the quantity of staff movements and visits from other professionals. Local Residents views should be taken into account
<p>65 letters of objection from 45 residents</p>	<ul style="list-style-type: none"> The absence of any physical barriers or substantial natural screening elements such as trees on this newly developed estate is of particular worry. Regardless of any proposed risk assessments, our primary concern is the safety and tranquility of young children The presence of a Children's Care Home in such close proximity would undoubtedly have an adverse impact on the value of our property and those of our neighbours. Uncertainty considering the close proximity of the houses and the plan for different carers and children to come and go. Parking 6 cars would block the adjacent driveway Lack of consultation on the application Most of the houses in the area are high quality homes and detached, bought for a reason to live in a small compact community that will remain residential The area will lose its quaint small community feel and as a result would impact on the value of our homes going forward. The impact of being around disruptive children on their wellbeing Furthermore we do not wish to be faced with constant barrage of authorities on site to devalue the current quiet family residential status of the site. Unruly children with behavioural issues would not only be challenging for the children in the home but also for other children in the area who are not used to seeing such challenging behaviors.

	<ul style="list-style-type: none"> • There is insufficient area for the children at the home to be safely placed in the limited space at the site without having an impact on everyone. • The proposed change is forbidden under the Title Deeds which explicitly state that the property should be used exclusively as a single-family residence and residents can take legal action in this respect. • Property devaluation is not a primary concern within planning decisions , it certainly is a major worry for the current residents of Polyantha Square. • Noise and Disturbance: remains a substantial concern. Especially after reading the Oftsed Main Findings Report: ‘Children’s Social Care in England’ which lists call outs made by children’s homes for a variety of reasons (statistics provided). • Increased traffic leading to deterioration of the private road serving the Square and increased traffic hazards • Noise disturbance from the additional visitors to the property at all times of the day and night • Approval of the application would set a precedent which would have a devastating effect on the whole neighbourhood. • The potential impact on privacy, as the house overlooks other property. The prospect of 24-hour round-the-clock staff and rotating children looking into other homes
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8. Consideration of the Planning Issues

- 8.1 The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Core Strategy (2015), “saved” policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy (2011-2028) and the Minerals and Waste Local Plan (2019).
- 8.2 As the proposal is a change of use between residential uses there is no net gain in residential units, and the Council can demonstrate a 4 year supply of housing and have a submitted Local Plan, so NPPF paragraph 11d does not apply for reasons of housing supply. As the Core Strategy and saved policies of the Local Plan are over 5 years’ old, it is important to consider if the most relevant policies within the Development Plan are up to date in order to determine if paragraph 11d of the NPPF

is applicable. The weight of the relevant policies listed above are addressed for their extent of compliance with national guidance in the report below, to consider whether there is reason for them to be given reduced weight. It is considered that the most important policies for determining this application are up to date for the reasons set out later in this report.

8.3 Amongst the material considerations are the emerging Charnwood Local Plan 2021-37 (ELP) and the National Planning Policy Framework (NPPF).

8.4 The main planning considerations applicable to this application are considered to be:

- Principle of Development
- Residential Amenity
- Highway and Parking

9. Key Issues

9.1 Principle of the Development

9.1.1 The site is situated within the limits to development as defined by Saved Policy ST/2 of the Local Plan. The policy is up to date for proposals within limits as it does not seek to restrain development; applications are considered on their merits having regard to all relevant policy.

9.1.2 Policy CS1 of the Core Strategy supports development for social and economic need within “other settlements” such as East Goscote. The emerging Local Plan Policies DS1 also identifies East Goscote as an “other settlement” where, under Policy OS1, limited development will be supported to meet local social and economic needs, where it accords with the principles of sustainable development defined by the development strategy. Policy CS1 is considered to be an up to date strategy policy for the Borough and can be given full weight. Emerging policies DS1 and OS1 are given limited and moderate weight respectively, due to the advanced stage of the Local Plan, but level of outstanding objection to the policies.

9.1.3 Policy CS3 seeks to meet strategic housing needs of the community and this would include the care needs of children. The NPPF supports policies that meet the needs of different groups in the community, including housing with care provided (paragraph 63). The policy is considered up to date with the revised NPPF and can be given full weight.

9.1.4 The proposal is for a residential use inside of the settlement limits and therefore accords with the requirements of policies CS1 and CS3 of the Core Strategy (2014), and saved policy ST/2 of the Local Plan (2004). These policies can be given full weight and therefore the policies most relevant for the principle of the development are up to date. The proposal would also accord with the emerging Local Plan Policies DS1 and OS1 which set out the circumstances whereby residential development is acceptable. These policies are given less weight, as discussed above.

9.1.5 Overall and having regard for the most important policies in the determination of the application, the proposed residential use would accord with the adopted and emerging development plan due to its location inside of the settlement limits and in a sustainable location and is acceptable in principle. Other factors however require to be considered.

9.2 Design and Impact on Character

9.2.1 Policy CS2 of the Core Strategy is concerned with ensuring new development respects and enhances the character of an area whilst reinforcing a sense of place and local distinctiveness through high quality design.

9.2.2 Saved Policy EV/1 of the Local Plan 2004 supports development that is of a design, scale, layout and mass compatible with the locality and which uses appropriate materials. It seeks positive and attractive built frontages to existing or proposed public spaces including roads, footpaths and areas of public open space.

9.2.3 These policies generally accord with the NPPF and National Design Guide and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

9.2.4 Emerging Local Plan Policy DS5 requires development to make a positive contribution to Charnwood by responding positively to local distinctiveness. The emerging Local Plan is at an advanced stage, with limited contention, and this policy can be given moderate weight.

9.2.5 There are no external alterations proposed in order to facilitate the proposed use. The entirety of the property will therefore remain as existing with no indication that a change of use has occurred from physical changes or indications such as signage etc. Therefore, the development would have a neutral impact on the character and appearance of the area and the street scene.

9.2.6 The site is located within a residential area, and it is considered that the use of the dwelling as a residential children's home will be appropriate in terms of its impact on the residential character of the area.

9.2.7 The use is a residential one, albeit not occupied by what could be regarded as a 'single household' (hence the need for permission). The children and adults would be present as would be the case in a family situation and the property would be used as a home for 3 young persons being looked after in a 'residential care' setting. No external changes are proposed to the buildings and it is considered the use would assimilate well, and be indistinguishable, in a residential neighbourhood.

9.2.8 On this basis it is considered the proposal accords with the NPPF, National Design Guide, policy CS2 of Charnwood Core Strategy, saved Policy EV/1 of the Local Plan and the Charnwood Design SPD and emerging Local Plan Policy DS5.

9.3 Residential amenity

- 9.3.1 Policies CS2 of the Core Strategy and EV/1 of the saved Local Plan seek to protect the amenity of existing and future residents. They require high quality design that does not impact on the amenity of adjacent properties or create poor standards of amenity for future occupiers.
- 9.3.2 Emerging Local Plan Policy DS5 states that new development will be required to protect the amenity of people who live or work nearby and those who live in the new development. The policy is at an advanced stage following hearing sessions in June 2022 and it is consistent with the NPPF, is subject to limited objections and can therefore carry moderate weight.
- 9.3.3 The surrounding uses consist of residential properties, detached from the dwelling that is the subject of the application.
- 9.3.4 In terms of concerns regarding noise and disturbance, there is no reason to assume future residents will be a source of unacceptable noise. In any event, it is considered that these would be no more than might be associated with a Class C3 residential use but, should it occur, it is for the staff and managers of the facility to adopt practices which would manage such incidents as part of providing care which meets the emotional and physical needs of the children and any perceived threat and danger to others or anti-social behaviour. This would allow for management provision responsible for responding to incidents of noise that would not usually be present in a 'conventional' C3 use which is generating noise and disturbance, and in comparison is therefore considered superior.
- 9.3.5 In addition, the Council's Environmental Health officer has no objections.
- 9.3.6 Staff would park outside the property and it is anticipated that there would not be significant increase in comings and goings than a typical C3 use. Staff would work on a shift pattern with 2 members of staff working 16.5 hour shifts 10.00 - 23.30, both sleeping in and going off shift at 10.30 the following day thus generating just 4 movements spread over a 24 hour period (this a maximum - assuming all staff arrive separately by car). The resident children are most unlikely to have a car, in contrast to households which may contain more adults or older children with cars. Deliveries will of course take place, for goods and services, just as they do for 'conventional' dwellings for food deliveries, online shopping, post etc. but there is nothing to indicate these will be in a greater quantity. Specialist services may also generate movement, in the same manner as residents may for example receive visits for medical attention, cosmetic, social care purposes etc. Resident children are likely to be transported to and from education facilities and for social purposes, as would be expected from any residential use. However, there will be no commutes to and from work.
- 9.3.7 Noise levels will, however, depend on how the managerial practices in the home respond to any incidents and this is the case in any Class C3 dwelling where such responsibilities would fall to parents, guardians or carers, and it is considered that the proposal which is at a similar scale of occupancy to a 'conventional' dwelling (5 people in occupation at any one time), would not result in excessive noise generation.

- 9.3.8 The house is detached and there is significant separation between it and its neighbours resulting from their drives and gardens, such that noise transmission through walls will not arise.
- 9.3.9 There is no evidence that any children to be accommodated within the care home would be any noisier or behave differently compared to other children. It would initially be for the premises' management, and subsequently OFSTED to consider any complaints about noise and/or antisocial behaviour or crime to reconsider the operator's authority to use the property for care purposes, which provide stronger routes for remedy, if ever required, than a conventional dwelling.
- 9.3.10 In addition, any noise or disturbance would be the subject of Environmental Health legislation around statutory noise nuisance, just as is the case with a 'conventional' dwellinghouse. It is however considered reasonable and necessary to impose a condition that restricts occupancy to no greater than three children, and carers to 2 at any one time (except for handover) as described in the application.
- 9.3.11 Taken together, it is considered that activity and 'comings and goings' associated with the use would not be significantly different to that anticipated from a 'conventional' dwelling of this size (5 bedroom) and quite conceivably it could be less.
- 9.3.12 The proposal does not include the creation or alteration of any doors or windows and as such overlooking/privacy issues would remain as at present.
- 9.3.13 As part of this application, concerns regarding anti-social behaviour incidences, noise and disturbance from future residents. Such behaviours referred to are symptomatic of the individual concerned rather than the use of the property per se. Should permission be granted, the use would be for children receiving care not a particular behavioural type or care, so disturbance of this kind is not inevitable with future residents.
- 9.3.14 Further, it should be noted that children with similar behaviours could be freely accommodated at the site, regardless of whether the use is as a 'conventional' C3 use or as a care facility. If the children were being cared for, for example, by parents/guardians or by resident staff, as opposed to visiting staff, there would be no material change in use of the property and planning permission would not be required; the use is essentially a residential one, albeit not occupied by what could be regarded as a 'single household', hence the need for permission.
- 9.3.15 It is therefore considered that the proposal would be unlikely to have a significantly harmful impact on the residential amenities currently enjoyed by the occupiers of neighbouring dwellings, and that the proposal complies with saved Policies EV/1 and H/17 of the Borough of the Charnwood Local Plan, Policy CS2 of the Charnwood Local Plan Core Strategy 2011 - 2028, Policy DS5 of the Draft Charnwood Local Plan (2021-2037) and the Council's SPD on Design, the national guidance given in the National Planning Policy Framework and the National Design Guide.

9.4 Highway and Transport Matters

- 9.4.1 Policy CS2 of the Core Strategy requires new development to provide well defined and legible streets and spaces that are easy to get around for all. Policy CS18 of the Core Strategy requires network improvements where they are identified in Transport Assessments. Policy TR/18 of the Saved Local Plan requires off-street parking to be provided for vehicles and cycles to secure highway safety and minimise harm to visual and local amenities. Adopted standards as set out in the saved Local Plan are provided as a starting point to assess the level of provision. These policies generally accord with the National Planning Policy Framework and do not directly prevent the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.
- 9.4.2 The NPPF promotes sustainable travel choices and states development should ensure safe and suitable access, reflection of national guidance and mitigation of any significant impacts. It states development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe (paragraphs 113-115).
- 9.4.3 Emerging local plan policy T3 requires new development to provide car parking in accordance with the latest published guidance of the County and Borough Councils. Emerging policies INF1 and INF2 seek to secure appropriate infrastructure to mitigate the impacts of development.
- 9.4.4 The Leicestershire Highways Design Guide (LHDG) and the associated standing advice provided by Leicestershire County Council as Highways has been considered in the determination of the application.
- 9.4.5 The existing building and the proposed development does not include any changes to the vehicular and pedestrian access which would remain as existing. There are four off street parking spaces available within the site, which would be acceptable for the numbers of staff and visitors likely to be on site at any one time. There are therefore no concerns in respect of the safety of the access.
- 9.4.6 Therefore, in the context of paragraph 115 of the NPPF, it is considered that the impacts of the proposed development could not be considered severe when considering the extant permitted use.
- 9.4.7 The Local Highway Authority has been consulted on the application and raises no objection subject to a condition that requires parking to be provided and retained.
- 9.4.8 Overall, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe.

9.5 Other matters

9.5.1 Covenants

Covenants are not a planning consideration but are governed separately under a different enforcement regime. It is important to note that the granting of planning permission does not override or remove (or otherwise alter) covenants or the ability

for them to be enforced. The applicant has been advised of the comments made in this respect for their attention.

9.5.2 Property values

Whilst clearly of great importance to the interests of residents, the Courts have deemed that property values are not a material planning consideration.

10 **Conclusions**

10.1 The site is within the limits to development and is within walking distance of the facilities services and transport links within East Goscote. Overall, and having regard for the most important policies of the adopted and emerging development plan and the weight they are currently afforded, the site is considered to be sustainable in terms of the general location and access to amenities or services in order to meet day to day needs of future occupiers, thus they would not need to be highly reliant on the private car arising from the location.

10.2 There are no physical alterations proposed to the site and it is considered the use is conducive to the primarily residential area and would not therefore cause harm to the character and appearance of the area, will not have an unacceptable impact on the amenities of the occupiers of neighbouring dwellings and will not be detrimental to highway safety.

10.3 The proposal has been designed in a form that would not result in harm to the street scene. The development would also preserve amenity for existing occupiers and would provide an adequate level of amenity for future occupiers.

10.4 Overall, the application is therefore considered to accord with the relevant policies of the Development Plan and the NPPF is a material considerations that indicates that planning permission should be approved.

10.6 The application is therefore recommended for approval.

11. **Recommendation**

11.1 It is recommended that permission is granted subject to the imposition of the following planning conditions and reasons and that the Head of Planning and Growth be given delegated authority to determine the final detail of these planning conditions, in consultation with the Chair of the Plans Committee:

1. The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- Site Location Plan at Scale 1:1250
- LUX-016-20 00 01-P01.- Proposed Floor Plans

received by the Local Planning Authority on 23rd October 2023

REASON: To define the terms of the planning permission.

3. The premises shall be used only as a care home for up to 3 children with continuous care provided by a maximum of 2 adults and for no other purpose, including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, without the prior consent of the Borough Council.

REASON: To ensure that the use remains compatible with the surrounding area in accordance with Policy CS1 of the Charnwood Adopted Core Strategy 2015 and DS5 of the emerging Charnwood Local Plan 2021-37

APPLICATION SITE

