

Application Reference Number P/23/2058/2

Application Type:	Full	Date Valid:	13/12/2023
Applicant:	Crown House Apartments Ltd		
Proposal:	Retrospective application for the retention of 2no.two-bedroom flats (Use Class C2)		
Location:	18 Barrow Road, Sileby, Leicestershire, LE12 7LP		
Parish:	Sileby	Ward:	Sileby and Seagrave
Case Officer:	Victoria Stone	Tel No:	07713 323437

1. Background

- 1.1 This application has been 'called in' for consideration by Plans Committee at the request of Ward Councillor Geoff Lawrence for the following reasons:
- Impact upon neighbouring residential amenity
 - Use is not suitable due to the access arrangements

2. Description of the Site

- 2.1 The application site relates to a two-storey terraced dwelling on the east side of Barrow Road, in the village of Sileby. The property is of brick construction with a rendered and painted exterior. The main roof of the property is pitched and laid with interlocking tiles, whilst a two-storey rear addition has a flat roof.
- 2.2 The property consists of two flats. The ground floor is accessed via a front door onto Barrow Road, whilst access to the first floor flat is via an external staircase to the rear of the property. Rear access to the first floor flat is via a small gravel driveway which connects to Barrow Road to the north via a carriage arch beneath No.36 Barrow Road and through the rear garden of the adjoining property, No.20 Barrow Road.
- 2.3 The site lies within the Sileby Conservation Area and there are two listed buildings located within close vicinity to the site, St Mary's Church (Grade II*) and No.13-15 Barrow Road (Grade II).

3. Description of the Proposal

- 3.1 This full application seeks retrospective planning permission for the change of use of the property from C3 to C2 for the long-term care of two children between the age of 14 and 18. There would be one child receiving care in each flat, with one member of staff per child providing 24-hour care. Each flat would have one bedroom for the child and a bedroom allocated for the onsite staff. The supporting information sets out that

the needs of the child will depend on each child but that they will be looking to accommodate children with mild autism and those with emotional behaviour.

- 3.2 No changes have been required to facilitate the change of use to the external fabric of the property or to the internal layout, although the proposal includes the provision of four cycle spaces and a bin storage area in the rear garden.
- 3.3 A Heritage Statement, prepared by Heritage Unlimited, accompanies the application.

4. Development Plan Policies

4.1 The Development Plan comprises the Sileby Neighbourhood Plan (2022), the Charnwood Local Plan 2011 to 2028 Core Strategy 2006-2028 (2015), the 'saved' policies of the Borough of Charnwood Local Plan (2004) and the Minerals and Waste Local Plan (2019).

4.2 The policies applicable to this application are as follows:

4.2.1 Sileby Neighbourhood Plan Review (2022)

- Policy G1 – Limits to Development
- Policy G2 - Design
- Policy T1 – Public Car Parking
- Policy T2 – Highway Safety

4.2.2 Charnwood Local Plan 2011 to 2028 Core Strategy (adopted 9 November 2015)

The policies relevant to this proposal comprise:

- Policy CS1 – Development Strategy
- Policy CS2 – High Quality Design
- Policy CS14 – Heritage
- Policy CS25 – Presumption in Favour of Sustainable Development

4.2.3 Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies)

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

4.2.4 Minerals and Waste Local Plan (2019)

Policy M11 seeks to safeguard mineral resources including sand, gravel, limestone, igneous rock, surface coal, fireclay, brick clay and gypsum. The policy sets out that planning permission will be granted for development that is incompatible with

safeguarding minerals within a Mineral Safeguarding Area provided certain criteria are met.

5. Other Material considerations

5.1 National Planning Policy Framework (2023) (NPPF)

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

- Section 2 – Achieving sustainable development
- Section 4 - Decision-making
- Section 5 – Delivering a sufficient supply of homes
- Section 8 – Promoting health and safe communities
- Section 9 – Promoting sustainable transport
- Section 12 – Achieving well-designed and beautiful places
- Section 15 – Conserving and enhancing the historic environment

5.2 Planning Practice Guidance

The National Planning Practice Guidance (PPG) reinforces and provides additional guidance to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework. This national document provides 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 travel plans.

5.3 National Design Guide

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

5.4 The Planning (Listed Buildings and Conservation Areas) Act 1990

The Planning (Listed Buildings and Conservation Areas) Act 1990 provides a statutory duty for local authorities to have special regard to Listed Buildings and Conservation Areas. Section 66 (1) of the Act refers to the desirability of preserving Listed Buildings, the setting of Listed Buildings and the features of special architectural and historic interest which it possesses. Whilst Section 72(1) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

5.5 Leicestershire Highways Design Guide

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 parking expected to be provided in new housing development.

5.6 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.

5.7 The Crime and Disorder Act 1998

This places a duty on the local planning authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on community safety is therefore a material consideration in the determination of planning applications.

5.8 Housing Supplementary Planning Document (July 2018)

This document sets out the Council's goals for the delivery of housing and how it will deal with applications for new development. The document seeks to provide clarity for those who live in the Borough and for the developers who deliver the new homes. It includes guidance on affordable housing, houses in multiple occupation and purpose built and campus student accommodation. The SPD will be a material consideration in the determination of planning applications in the Borough. It should be noted that the SPD cannot and does not propose new policy; rather it explains how Policies CS3, CS4, H/12 and CS23 will be used.

5.9 The Draft Charnwood Local Plan 2021-2037

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.

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
- Policy SC1 – Service Centres
- Policy T3 – Car Parking Standards
- Policy CC5 – Sustainable Transport
- Policy EV8 - Heritage

6. Relevant Planning History - None

7. Responses of Consultees & Other Comments Received

7.1 The table below sets out 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 – Local Highway Authority (LHA)	<p>Site Access/Trip Generation – Given the scale of the development, the LHA is 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>Highway Safety – The LHA have considered the circumstances of the Personal Injury Collisions that have been recorded within 500m of the site within the most recent five-year period. They are satisfied that the development proposal is unlikely to result in further such incidents occurring.</p>

	<p>Internal Layout – The LHA understand that there are no existing parking spaces available, and no vehicle parking spaces as proposed as part of the development proposal. The LHA would not be able to demonstrate that a shortfall of parking on this scale would have a severe impact on the surrounding highway network.</p> <p>Transport Sustainability – The site has footway links to local amenities such as a local shops, supermarket and public house located within 120 metres of the site. In addition, the development site is located within 100 metres of bus stops with services between Loughborough, Leicester and within Sileby.</p> <p>Overall, the LHA has raised no objection subject to a condition securing secure cycle parking.</p>
Charnwood Borough Council Environmental Health Officer	<p>No objections to the proposal in principle subject to the implementation of the recommended conditions relating to:</p> <p>A Property Management Plan, in the interests of neighbouring amenity; and</p> <p>Enhanced sound insulation on the separating wall between the structurally adjoining property</p>
Ward Councillor and Parish Council Response	
Sileby Parish Council	<p>Strongly object to the application for the following reasons:</p> <p>Neighbours have reported earlier in the meeting that they were not given 21 days' notice to respond.</p> <p>Due to the layout of the shared access and the detrimental effect to the social wellbeing of the adjoining residents, the use is not suitable.</p> <p>The Parish Council fully support the comments made by the Environmental Health Officer at Charnwood Borough Council.</p>
Councillor Lawrence	<p>Geoff</p> <p>Do not believe that the proposed access to the first floor flat, utilising rights to pass across neighbouring properties, is suitable for a 24-hour/7 days per week child-care setting.</p> <p>Very concerned that the neighbours living at No.16, 20 & 22 Barrow Road have experienced substantial disturbance and intrusion, significant distress and anxiety</p>

	<p>and loss of privacy as a result of the unauthorised change of use.</p> <p>Do not believe that the proposed change of use is suitable because:</p> <p>a.it is not detached from the adjoining properties, and</p> <p>b.it is not self-contained in terms of access to the first floor flat and secure separation of outdoor space from the neighbouring property at No.20 Barrow Road.</p>
Responses to publicity	
From	Comments
<p>Seven representations have been received objecting to the application:</p>	<ul style="list-style-type: none"> • Incorrect information in the application submission documents and date of when the use first commenced. • Adverse impact upon neighbouring residential amenity due to noise disturbance and impact upon privacy. • Detrimental impact upon social well-being and quality of living for the occupants of the neighbouring properties. • Upstairs flat is unsuitable as access is via a shared drive and crossing the garden of No.20 Barrow Road. • Increase in parking issues and increase in pedestrians on the shared drive as a result of the use. • The use has resulted in antisocial behaviour. • Not an appropriate location due to the shared nature of the access and garden arrangements.

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 contained with the development plan for Charnwood which comprises the Sileby Neighbourhood Plan Review 2022-2027, the Charnwood Local Plan 2011 to 2028 Core Strategy (2015) and those 'saved' policies within the Borough of Charnwood Local Plan 1991-2006 (2004) which have not been superseded by the Core Strategy, 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 The main planning considerations applicable to this application are considered to be:

- Principle of Development
- Design and Impact on Character
- Heritage
- Impact upon Residential Amenity
- Highway Matters

9. Key Issues

9.1 Principle of the Development

9.1.1 The most up to date element of the adopted development plan is the Sileby Neighbourhood Plan Review 2022-2037. Policy G1 (Limits to Development) aims to ensure that sufficient sites for new homes and economic activity are available in appropriate locations within the parish that will meet the community's aspiration to avoid unwanted encroachment into the countryside. This policy states that development proposals within the Neighbourhood Plan area will be supported on sites within the settlement boundary where the proposal complies with the policies in the Neighbourhood Plan.

9.1.2 The principle of development is also guided by Policy CS1 (Development Strategy) of the Local Plan Core Strategy. Policy CS1 outlines the development strategy for the borough and the distribution of sustainable growth, including a settlement hierarchy in which the provision of housing within the existing built-up areas in 'Service Centres', such as Sileby is supported.

9.1.3 Policy DS1 (Development Strategy) of the emerging Local Plan sets the overall spatial strategy for Charnwood between 2021 and 2037. It adopts a similar approach to Policy CS1 of the adopted Local Plan Core Strategy and supports smaller scale growth in 'Service Centres'. Under the guidance of NPPF Paragraph 48, it is considered that the emerging Local Plan is 'well advanced' having been subject to Examination and policies are consistent with the NPPF. However, Policy DS1 is contested and can therefore be given only limited weight at this time.

9.1.4 The application site is located within the Limits to Development area as defined by the more up to date Policy G1 of the Sileby Neighbouring Plan, Policy CS1 of the Local Plan Core Strategy and saved Policy ST/2 of the Local Plan. The proposal also accords with the emerging Local Plan Policies DS1 and SC1.

9.1.5 Policy CS3 of the Core Strategy 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.

9.1.6 As such, the proposed residential use would accord with the adopted and emerging development plan and therefore the principle of the change of use from C3 to a C2 use would be acceptable in principle.

9.2 Design and Impact on Character

9.2.1 Policy G2 of the Sileby Neighbourhood Plan supports development that is of an appropriate design that complements local vernacular and character of the village.

9.2.2 Policy CS2 of the Core Strategy requires new development to respect and enhance the character of the area and saved Policy EV/1 (Design) of the Local Plan supports development that, inter alia, respects and enhances the local environment. Similarly, Policy DS5 of the emerging Local Plan (High Quality Design) requires, amongst other things, all new development to make a positive contribution to Charnwood by responding positively to local distinctiveness.

9.2.3 There have been no external alterations to the fabric of the property to facilitate the change of use. Given this, the development has had a neutral impact on the character and appearance of the area and the street scene. Accordingly, it is considered that the proposal complies with Policy G2 of the Sileby Neighbourhood Plan, Policy CS2 of the Core Strategy, saved Policy EV/1 of the Local Plan and Policy DS2 of the emerging Local Plan and guidance in the NPPF in terms of design.

9.3 Impact on Heritage

9.3.1 The application site lies within the Sileby Conservation Area and there are two listed buildings in proximity – St Mary’s Church, which is Grade II* and 13-15 Barrow Road, which are Grade II.

9.3.2 Section 16(20) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Additionally, Section 72(1) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

9.3.3 Policy CS14 (Heritage) of the Local Plan Core Strategy sets out that we will conserve and enhance our historic assets for their own value and the community, environmental and economic contribution they make. Policy EV8 (Heritage) of the emerging Local Plan echoes this requirement.

- 9.3.4 Given there have been no changes to the external fabric of the existing building or any visible associated works to facilitate the change of use it is considered the development has not undermined the character or appearance of the Conservation Area or the setting of the nearby listed buildings.
- 9.3.5 As such, the proposal complies with Policy CS14 of the Core Strategy, EV/8 of the emerging Local Plan and the requirements in respect of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9.4 Impact upon Residential Amenity

- 9.4.1 Policy CS2 of the Core Strategy seeks to protect the amenity of people who live or work nearby and those who will live in the new development. Saved Policy EV/1 of the Local Plan requires new development to safeguard the amenities of adjoining properties, particularly the privacy and light enjoyed by adjoining residential properties. This is replicated within Policy DS5 of the emerging Local Plan, which due to its advancement and low level of contention can be afforded moderate weight.
- 9.4.2 The surrounding uses consist of residential properties. The application property forms part of a terraced row of properties, with access to the first-floor accommodation gained via a shared driveway which runs along the rear of No.20-22 Barrow Road and through the rear garden space of No.20 Barrow Road.
- 9.4.3 As set out in the application submission documents, each flat is currently being used for the care of one child (a total of two at the property) under the age of 18. In terms of amenity, noise levels, disturbance and anti-social behaviour should depend on how the managerial practices in the home respond to any incidents. 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. There is no reason to assume that with satisfactory managerial practices in place, future residents will be a source of unacceptable noise, disturbance, or antisocial behaviour.
- 9.4.4 Staff are currently either dropped off by a care agency or park on the street outside the property, if needed. It is considered that there has not been, nor should there be, a significant increase in comings and goings than a typical C3 use. Based on the information submitted, staff work on a shift pattern with 14 and 10 hourly intervals, 8am – 10pm and then 10pm – 8am, this generating a maximum of just 8 movements spread over a 24 hour period (this is 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 there is or will be in a greater quantity. Specialist services may also generate movement, in the same manner as residents may for example receive 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 for any residential use. However, there will be no commutes to and from work.

- 9.4.5 Consideration should also be given to the fact that occupiers of all types of dwellings have the potential to cause nuisance. The existing two flats have four bedrooms in total therefore could be occupied by a family with a number of children or groups of adults (including where care is provided) or could change use to small HMO's with up to six residents each. As such, the noise and disruption from occupiers of the flats when used for the 'conventional' Class C3 could also cause harm to neighbouring amenity, however there would be no mechanism in place to devise and implement a management plan. With an appropriate management plan in place, it is considered that the noise associated with the use of the two flats as a care facility for up to two children, should be no more than could be experienced with a Class C3 residential use.
- 9.4.6 Further, it should be noted there is a stronger governance in place for the use of the two flats as a care home for children than a Class C3 dwelling. It would initially be for the premise management, but then 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. In addition, any noise or disturbance would be the subject of Environmental Health legislation around statutory noise nuisance. It is however considered reasonable and necessary to impose a condition that restricts the number of children to no more than two, as applied for, as this is the basis for this assessment.
- 9.4.7 The Council's Environmental Health Officer (EHO) has raised no objection to the proposal in principle, however because the property shares a party wall with a neighbouring dwellinghouse and due to the nature of the use, she acknowledges the potential for noise transfer between the two properties. As such, it is recommended that enhanced sound insulation should be providing on the separating wall between the structurally adjoining property to minimise air and structure-borne sound. The EHO has also recommended that the applicant should be required to devise and implement a Property Management Plan (PMP). This should ensure that there are appropriate practices and procedures in place so that the property is professionally managed to safeguard against noise or nuisance, together with a system in place to deal robustly with any problems arising. Both the sound insulation and PMP could be secured via condition.
- 9.4.8 It is therefore considered that subject to sound insulation, a satisfactory Property Management Plan, and a condition restricting the number of children to reside at the facility, the proposal would unlikely cause a significantly harmful impact on the

residential amenities of the neighbouring dwellings and therefore the proposal is considered to comply with the relevant policies listed above.

9.5 Highway Matters

- 9.5.1 Policy T2 of the Sileby Neighbourhood Plan sets out that with particular regard to the highway network of the Parish and the need to minimise any increase in vehicular traffic, all housing and commercial development must be located so as to minimise additional traffic generation and movement through the village. Saved Policy TR/18 of the 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. Paragraph 115 of the NPPF (December 2023) sets out that planning permission should only be refused on highway grounds if there would be an unacceptable highway safety impacts or severe, residual cumulative impacts to the highway network.
- 9.5.2 In respect of the site access and trip generation, as mentioned previously, the submission information sets out that two staff members are on site at all times. Given the scale of the development the Local Highway Authority (LHA) is 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 and as such the aspiration of Neighbourhood Plan Policy T2.
- 9.5.3 In terms of parking provision, it is noted that the property does not benefit from any off-street parking spaces and no vehicle parking spaces are proposed. The supporting information submitted with the application states that members of staff are currently dropped off by a care agency, with on-street parking available if needed. On-street parking already occurs along Barrow Road and that there are a number of bus stops located within close proximity of the site. The application proposes four cycle parking spaces, which the LHA welcome and advise a condition to secure their provision. In light of this, the LHA have confirmed they would not be able to demonstrate that a shortfall of parking on this site would have a severe impact on the surrounding highway network in the context of paragraph 115 of the NPPF.
- 9.5.4. Concerns have been raised by interested parties relating to an increase in parking and pedestrian movement along the shared driveway to access the first-floor flat. A satisfactory resolution on this issue can be secured as part of the Property Management Plan, which is recommended to be secured via condition.
- 9.5.5 Given the above, the LHA advice that, in its view, the impact 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 and as such the development does not conflict with paragraph 115 of the NPPF, and the relevant policies listed above.

10. Other Matters

- 10.1 Concerns have been raised regarding the ownership of the land as defined on the submitted Site Location Plan. During the course of the application an amended Site Location Plan has been received, Certificate B was submitted, and notice served on the owners of the access drive. The property has right of access over this land but does not own it.
- 10.2 As part of this application, local residents have raised concerns regarding anti-social behaviour incidences, noise and disturbance that they have experienced. It should be acknowledged that the behaviours referred to by the residents are symptomatic of the individual concerned rather than the use of the two flats per se. Should permission be granted, the use would be for children receiving care not a particular person or type of care, so disturbance of this kind is not inevitable with future residents of the two flats.
- 10.3 Further, it should be noted that children with similar behaviours could be freely accommodated at the site, utilising the existing access arrangements to the first floor flat, 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, for 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.
- 10.4 There is no evidence to suggest that children to be cared for at the property would be any noisier or behaving differently compared to other children in a 'single household'. Taken together, it is considered that activities associated with the use would not be significantly different to that which could occur from a 'conventional' dwelling of this size, and with appropriate practices and procedures in place so that the property is professionally managed to safeguard against unreasonable noise or nuisance, together with a system in place to deal robustly with any problems arising, the installation of sound insulation between the adjoining properties and a condition restricting the number of children to reside at the facility, it could quite conceivably be less.

11. Conclusion

- 11.1 The application site is located within the Limits to Development and within walking distance to the local amenities in Sileby and transport links to Loughborough and Leicester. Having regard for the most important policies of the adopted development plan and the emerging Local Plan and the weight afforded to them, the site is sustainable in terms of the general location and access to amenities or services.

- 11.2 There have been no physical alterations to the property as a result of the change of use, and as such it is considered the development would not harm the character and appearance of the area or to the surrounding heritage assets.
- 11.3 The change of use would provide a satisfactory living environment for all occupants and would not have an unacceptable impact on the amenities of the occupiers of neighbouring dwellings, subject to securing a satisfactory Property Management Plan and sound insulation measures.
- 11.4 The development would not compromise highway safety and when considered cumulatively with other developments, the impacts on the road network would not be severe.
- 11.5 It is considered that the development complies with Policies G1, G2 and T2 of the Sileby Neighbourhood Plan Review (2022), Policies CS1, CS2 and CS14 of the Charnwood Local Plan 2011-2028 Core Strategy, 'saved' Policies ST/2 and EV/1 of the Borough of Charnwood Local Plan (2004), and emerging Policies DS1, DS5, SC1, CC5 and EV8 of the Draft Charnwood Local Plan 2021-2037. Additionally, the development is considered to be compliant with the relevant provisions of the NPPF.
- 11.6 As a result it is recommended that retrospective planning permission is granted, subject to the following conditions:

12 Recommendation

- 12.1 It is recommended to **grant conditionally**, subject to the imposition of the following recommended conditions and reasons, and that the Head of Planning and Growth, in consultation with the Chair of the Plans Committee for amendments to the conditions and reasons, be given powers to determine the final detail of the planning conditions.

1. The following plans are hereby approved:

- Site Location Plan/Existing and Proposed Site Plan (Received 14 December 2023)
- Existing and Proposed Floor Plan

REASON: For the avoidance of doubt and to define the terms of the permission.

2. Within two months of the date of this permission, a Property Management Plan (PMP) should be submitted to and approved in writing by the Local Planning Authority. The PMP should include details of practices and procedures to ensure the care facility is professionally managed. It should also include details of the arrangements for maintaining a record of all complaints received about the behaviour and/or conduct of future occupiers in relation to any incidents of alleged noise nuisance or anti-social behaviour and details of the arrangements

for the on-going programme to monitor and review the effectiveness of the PMP. The use of the property shall thereafter be operated in accordance with the approved details.

REASON: To ensure the property is managed satisfactorily in the interests of neighbour amenity, in accordance with Policy CS2 of the Charnwood Local Plan 2011 to 2028 Core Strategy, saved Policy EV/1 of the Borough of Charnwood Local Plan (2004), Policy G2 (Design) of the Sileby Neighbourhood Plan and the emerging Policy DS5 of the Charnwood Local Plan 2021-2037 Pre-Submission Draft (July 2021).

3. Within two months of the date of this permission details of enhanced sound insulation to be provided on the separating walls between the adjoining properties should be submitted to and approved in writing by the Local Planning Authority. The details submitted should include a plan to show where the insulation is to be installed. The sound insulation shall then be installed in accordance with the approved details within two months of the date of the approval of the sound insulation details.

REASON: To ensure the property is managed satisfactorily in the interests of neighbour amenity, in accordance with Policy CS2 of the Charnwood Local Plan 2011 to 2028 Core Strategy, saved Policy EV/1 of the Borough of Charnwood Local Plan (2004), Policy G2 (Design) of the Sileby Neighbourhood Plan and the emerging Policy DS5 of the Charnwood Local Plan 2021-2037 Pre-Submission Draft (July 2021).

4. Within two months of the date of this permission details of the cycle storage should first be submitted to and agreed in writing by the Local Planning Authority. The proposed cycle store shall be designed in accordance with Section DG15 of Part 3 of the Leicestershire Highway Design Guide (LHDG). The cycle store to provide onsite cycle parking provision shall then be installed within two months of the approval of the cycle store details. Thereafter the onsite cycle parking provision shall be kept available for such use in perpetuity.

REASON: In the interests of the sustainable modes of transport, in accordance with saved Policy TR/18 of the Borough of Charnwood Local Plan (2004), the Leicestershire Highway Design Guide, and the emerging Policy CC5 of the Charnwood Local Plan 2021-2037 Pre-Submission Draft (July 2021).

5. The premises shall only be used as a care home for up to two children 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 Charnwood Borough Council.

REASON: In the interests of neighbour amenity in accordance with Policy CS2 of the Charnwood Local Plan 2011 to 2028 Core Strategy, saved Policy EV/1 of the Borough of Charnwood Local Plan (2004), Policy G2 (Design) of the

Sileby Neighbourhood Plan and the emerging Policy DS5 of the Charnwood Local Plan 2021-2037 Pre-Submission Draft (July 2021).