

Change of use from dwellinghouse (C3) to childrens home (C2) for up to three children

Report Item No
A2

2 Frearson Road Hugglescote Coalville Leicestershire LE67
2DU

Application Reference
24/01503/FUL

Grid Reference (E) 441740
Grid Reference (N) 313067

Date Registered:
28 November 2024
Consultation Expiry:
10 February 2025
8 Week Date:
23 January 2025
Extension of Time:
None Agreed

Applicant:
Ms Anisha Karolina

Case Officer:
Sarah Booth

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



Reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office
©copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence LA 100019329)

Reasons the case is called to the Planning Committee

The application is brought to the Planning Committee at the request of Councillor Eynon as it is her opinion that the proposal would result in highway safety concerns particularly with regard to vehicular access, traffic, a bend in the road, visibility and parking, also that the development is a business and design and safety should be of a higher standard and the development would impact on neighbouring properties.

RECOMMENDATION – PERMIT, subject to the following conditions:

1. Standard time limit (3 years).
2. Approved plans.
3. Restriction to the proposed use only.
4. Maximum of 3 children living on site at any given time.
5. Limit maximum number of staff on site to 3 (except for handover periods when it would be 4)
6. Retention of existing parking spaces.

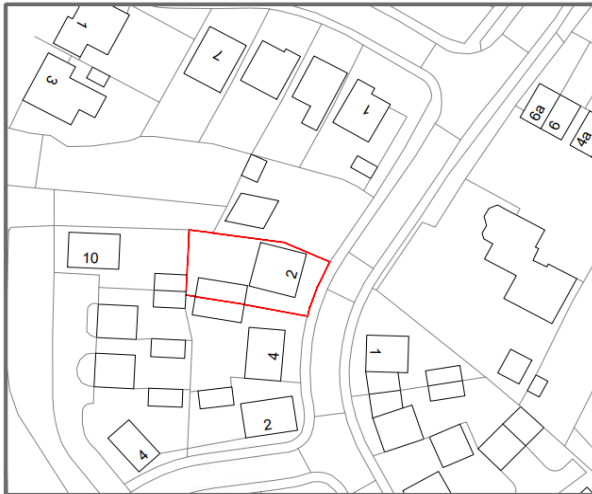
MAIN REPORT

1. Proposals and Background

The mandatory requirement for 10% Biodiversity Net Gain (BNG) for small sites as required by the Environment Act came into force on 2 April 2024. This application is exempt due to the development being de minimis in scale and there being no loss of existing habitat and thus the delivery of the 10% is not mandatory for this application.

The application seeks full planning permission for the change of use of an existing dwelling house at 2 Frearson Road (C3 use) to residential children's care home (C2 use) for three children. No physical alterations are proposed to the building, only the change in land use classification.

Site Location Plan



Aerial Image of Site Location

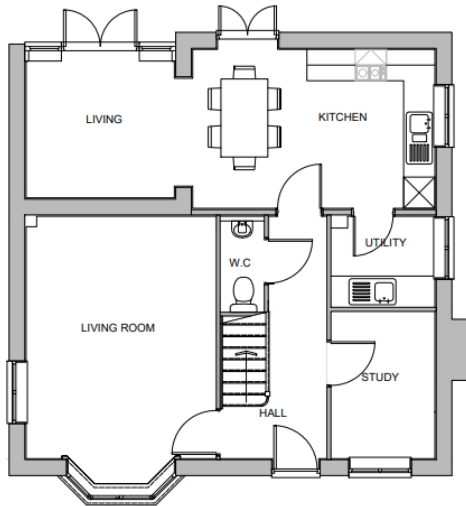


Site photos

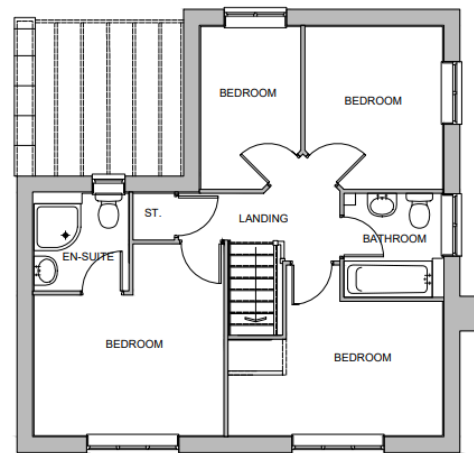


The application site consists of a two-storey detached dwelling. The existing floor plans shows 4 upstairs bedrooms and this would remain unchanged. There are no external alterations to the property proposed in this application.

Existing floor Plans

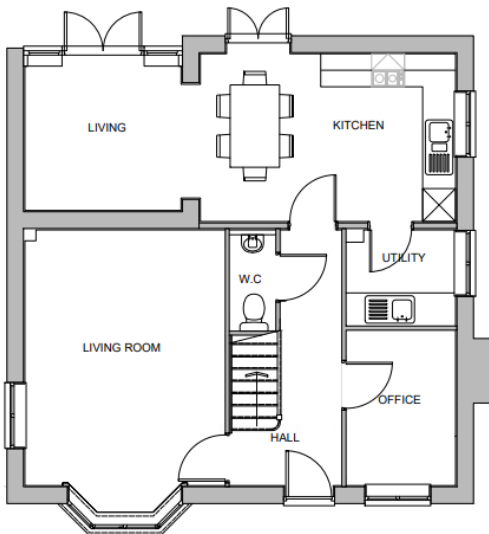


GROUND FLOOR PLAN

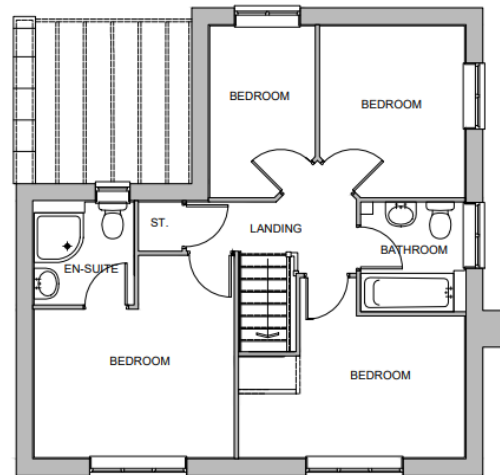


FIRST FLOOR PLAN

Proposed Floor Plans



GROUND FLOOR PLAN



FIRST FLOOR PLAN

This site is situated within the settlement boundary of Hugglescote. The site is located within the Limits to Development, as defined by the Policy Map to the adopted Local Plan and site should also be considered under the Hugglescote Neighbourhood Plan.

The proposed care home would be occupied by a maximum of 3 children aged between 11 - 18 years old. The agent initially advised that there would be 2 care staff present for the majority of the time, except for the staff handover time which the agent advised would take place between 2-4pm daily. At that time 4 carers may be on site whilst the handover takes place. The originally submitted details also advised that there will be no more than 2 carers working through the night.

The agent has now submitted updated information which has advised that whilst there would be 2 care staff present for the majority of the time, a manager would also be on site between the hours of 9:00am - 5:00pm. As such there would be 3 members of staff on site for the majority of the day. The agent has also now advised that the staff handover time would take place between 7:00 - 7:30am daily and during this time there would be a maximum of 4 members of staff on site whilst the handover takes place.

The applicant has advised that it is unlikely that the home will accommodate the maximum of 3 children all of the time. It is proposed that any spare bedrooms will be used to accommodate the 2 members of staff who will be present at night.

The County Highways Authority, Environmental Protection, Parish Council and neighbours have been reconsulted on this updated information and their updated responses have been considered in this report.

Precise details of the proposal are available to view on the submitted plans.

Relevant Planning History

There is no relevant planning history at the property.

2. Publicity

15 Neighbours have been notified.
Site Notice displayed 12 December 2024.

3. Summary of Consultations and Representations Received

The following summary of representations is provided. All responses from statutory consultees and third parties are available to view in full on the Council's website.

Hugglescote And Donington Le Heath Parish Council – Objects to the application on the following grounds:

Whilst the council acknowledge the need for care homes, Members have concerns about the type, location and effect on the neighbouring properties and residents and disagrees with both the developer's application and the Highways Authority's comments that parking arrangements are acceptable and offer minimal impact.

Could the applicant identify where "The Common" is in relation to the comment a bus stop is located at The Common in Hugglescote as the nearest bus stop is further than a 10 minute walk.

Members are of the opinion that the District Council should, instead, be working with the applicant to secure more appropriate accommodation in a suitable location.

The Parish Council have been contacted by many residents objecting to this planning application and as a Council we are supporting residents with theirs and our objections.

No objections from:

NWLDC Environmental Protection

County Highway Authority

Third Party Representations

45 Neighbour objections have been received these can be summarised as follows:

Grounds of Objections	Description of Impact
Principle of Development and Sustainability	No nearby facilities / open space for children
	Unsuitable location for this development
	No bus stops on the estate / inadequate public transport
Highway Impacts	Car parking / insufficient spaces on site
	Parked cars on the road block visibility
	Problems parking in the road near a bend
	More parking spaces are required for this use than a dwelling to accommodate staff, change overs and visitors
	There have already been traffic incidents locally
	Traffic / congestion
	The site is located near a dangerous bend in the road Estate roads are narrow and congested
	Pedestrian safety
	Parking in the street can block emergency services
	There is only one entrance to the estate
	Impacts on neighbour's access to drive, could be blocked by staff parking
Residential Amenity	Impacts to neighbour's children who have health problems
	Concerns that staff / visitors of the site will walk on neighbours drive to exit their cars
	Overlooking of neighbouring property due to side

	window / invasion of privacy
	Increase in noise / disturbance
	The estate is a quiet area, concerns over impacts on this Impact on quality of life
Crime / Safety Concerns	Anti-social behaviour / crime
	Fear of crime
	No details of the company managing the home and whether they have experience / competencies
	Concerns over vandalism
Other Matters	Original house builders for the estate promised there wouldn't be any social housing
	Impact on community dynamics
	Devaluation of property prices
	All residents are liable for upkeeping the estate through management company and this proposal could result in charges for the whole estate.
	Further pressure from development on struggling local NHS resources / doctors / hospitals
	Local schools are already overpopulated
	The covenant of the property states that a business cannot be run from the property
	The estate management company are not aware of these changes

A petition has also been created which as of the date of this committee report has 96 signatures. The concerns raised by the petition are:

- Highway safety
- Parking
- Anti-social behaviour
- Devaluation of property prices

4. Relevant Planning Policy

National Planning Policy Framework (2024)

The following sections of the NPPF are considered relevant to the determination of this application:

Chapter 2. Achieving sustainable development
Chapter 4. Decision-making
Chapter 8. Promoting healthy and safe communities
Chapter 9. Promoting sustainable transport
Chapter 11. Making effective use of land
Chapter 12. Achieving well-designed places
Chapter 14. Meeting the challenge of climate change, flooding and coastal change
Chapter 15. Conserving and enhancing the natural environment

Adopted North West Leicestershire Local Plan (2021)

The North West Leicestershire Local Plan forms part of the development plan and the following policies of the Local Plan are relevant to the determination of the application:

S2 - Settlement Hierarchy
D1 - Design of New Development
D2 - Amenity
IF1 - Development and Infrastructure
IF4 - Transport Infrastructure and New Development
IF7 - Parking Provision and New Development
En1 - Nature Conservation
En3 - The National Forest
Cc2 - Water - Flood Risk
Cc3 - Sustainable Drainage Systems

Adopted Hugglescote and Donington le Heath Neighbourhood Plan (2021)

The Hugglescote and Donington le Heath Neighbourhood Plan forms part of the development plan and the following policies of the Neighbourhood Plan are relevant to the determination of the application:

G1 - Limits to Development
G3 - Design
H4 - Brownfield Sites
ENV2 Protection of Sites of Environmental Significance
ENV6 - Biodiversity and Habitat Connectivity
T2 - Residential and Public Parking

Other Policies and Guidance

National Design Guide (2021)
National Planning Practice Guidance
Leicestershire Highway Design Guidance
Good Design for North West Leicestershire SPD - April 2017

5. Assessment

Principle of Development

The starting point for the determination of this application is Section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that decisions are made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the development plan comprises the adopted North West Leicestershire Local Plan (2021) and the Hugglescote and Donington le Heath Neighbourhood Plan (2021).

The site is located within the Limits to Development, as defined by the adopted Local Plan, in the settlement of Hugglescote. Policy S2 of the adopted Local Plan identifies Hugglescote as forming part of the Coalville Urban Area, which is the primary settlement in the district that provides an extensive range of services and facilities including employment, leisure and shopping which are accessible by sustainable transport. Policy S2 also states that the largest amount of new development will be directed here.

The Hugglescote and Donington le Heath Neighbourhood Plan, adopted in November 2021, also forms part of the statutory development plan. This plan outlines the community's vision and objectives for guiding development in a sustainable manner. Policy G1 sets out that development proposals within the Limits to Development will be supported, provided they comply with other relevant policies and deliver high-quality design that respects the local context. As this site is located within the Limits to Development, the proposal accords with the principle of development requirements of the Neighbourhood Plan.

In addition, the National Planning Policy Framework (NPPF, 2023) promotes a presumption in favour of sustainable development. Paragraph 11 of the NPPF states that development proposals that accord with an up-to-date development plan should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole or where specific policies indicate development should be restricted.

The proposal seeks to change the existing use of the residential dwelling to a children's care home for no more than 3 children at 2 Frearson Road. No external changes are proposed.

Neighbours have raised concerns that the development is located far away from a bus stop thereby making the location unsustainable. The nearest bus stops appear to be located on Central Road in Hugglescote which is 1300m from the application site. This is over the recommended 800m recommended maximum walking distance. Notwithstanding this, this is an existing situation that the current occupants of the site would also experience whilst the property is occupied as a dwelling. It is considered that the proposed C2 use on this minor scale would be similar in nature to a C3 dwelling use and therefore the lack of nearby sustainable transport would be the same impact for both existing and proposed uses. It is not considered that this would be a reason that would justify a refusal of the planning application.

In addition to the above, there are shops within walking distance of the site. Whilst access to public transport is not ideal in this location, the site is still within limits to development as per policy S2 of the adopted Local Plan and as such the site is considered to be sustainable in planning policy terms. As such it is not considered that there would be justifiable reason to refuse the application on this basis.

Residents have also highlighted that there are restrictions on the property deeds which state that business uses would not be acceptable on this estate. Covenants and deeds are a civil matter

outside of the control of the Local Planning Authority and therefore are not a material planning consideration.


In this case, the site is located within the limits to development therefore, the principle of development is considered acceptable, subject to compliance with all other relevant policies in the Local Plan, the Hugglescote and Donington le Heath Neighbourhood Plan, and the NPPF.

Design, Character and Impact upon Street Scene

Policy D1 of the North West Leicestershire Local Plan (2021) requires that all developments are based on a thorough opportunities and constraints assessment and informed by a comprehensive site and contextual appraisal. Policy G1 of the Hugglescote and Donington le Heath Neighbourhood Plan (2021) emphasises that development proposals within the Limits to Development must respect the character and appearance of the area, with design that contributes positively to the local distinctiveness and enhances the visual amenity. Policy G3 of the Neighbourhood Plan reinforces this by requiring that all new development reflects the character and context of the surrounding built environment, encourages innovative design, and maintains a high standard of architectural quality. The proposal, therefore, must be assessed against these key design policies to ensure it integrates appropriately with the existing character of Hugglescote and Donington le Heath. In addition, new residential developments must also perform positively against the Council's adopted Good Design Supplementary Planning Document (SPD).

Existing and proposed Elevations



CLIENT ANISHA KAROLIA	
SITE 2 FRELARSON ROAD, HUGGLESCOTE, LEICESTERSHIRE, LE67 2DU.	
SHEET TITLE EXISTING & PROPOSED ELEVATIONS	
SCALE 1:100@A3	DWG No. 002
DATE NOV 2024	
 612 PROPERTIES LTD. Tel: 01530 888871 Email: sales@612properties.co.uk 100% SATISFACTION GUARANTEE	

No external alterations or extensions to the building would be required to accommodate the proposed change of use and as such there would no further impacts on design beyond the appearance of the existing building.

It is considered that the proposal would accord with Policies D1 and En3 of the adopted Local Plan, Policies G1 and G3 of the Hugglescote and Donington le Heath Neighbourhood Plan, the Council's Good Design SPD and advice contained in the NPPF.

Residential Amenities

Neighbours have objected to the proposed development due to concerns regarding noise impacts, impact on quality of life and overlooking / loss or privacy concerns. These matters will be considered in this section below.

Policies D2 of the Local Plan (2021) requires that proposals for development should be designed to minimise their impact on the amenity and quiet enjoyment of both existing and future residents within the development and close to it.

The Hugglescote and Donington le Heath Neighbourhood Plan (2021) also supports the safeguarding of residential amenity through Policy G3: Design, which requires new developments to respect the privacy, outlook, and general living conditions of existing and future occupants.

This application seeks permission for a change of use from a dwelling to a small care home for 3 children aged between 11 - 18 years old. The proposal would not increase the number of bedrooms within the property which would remain as existing. Staff teams work on a shift basis that provides care 24 hours per day 7 days a week.

The originally submitted information stated that staff will be supervising the home 24 hours a day, with 2 caregivers being present at any one time, apart from during the handover time period which was proposed to occur between 2-4pm (where 4 carers may be present during that time), and that there will be no more than 2 carers working through the night.

The agent has now submitted updated information to state that, whilst there would be 2 care staff present for the majority of the time, there would also be a manager on site between the hours of 9:00am - 5:00pm on a daily basis. As such there would be a maximum of 3 members of staff present during the day. Furthermore, the new information advises that the staff handover time would take place between 7:00 - 7:30am daily and during this time there would be a maximum of 4 members of staff on site whilst the handover takes place.

The applicant has advised that it is unlikely that the home will accommodate the maximum of 3 children all the time. It is proposed that the spare bedrooms will be used to accommodate the 2 members of staff who will be present at night.

The most immediate neighbouring properties to the application site are No. 4 Frearson Road to the south and No' 8 and 10 Thomas Harley Close to the west (rear) of the site. Land to the north of the site consists of a landscaping strip separating the property from neighbouring dwellings to the north. There is also No. 1 Frearson Road and No.8 Jacks Walk opposite the site (to the east) which are separated from the application site by the intervening road.

The proposal does not include any external alterations to the existing property and as such it is not considered that the development would result in any overbearing or overshadowing impacts on neighbouring properties.

The adjacent neighbour has raised concerns that the proposal would result in an invasion of privacy and overlooking of No.4 Frearson Road because they have a ground floor window on their side elevation that faces the application site. The neighbour has stated that members of staff / visitors who park on the drive would be able to look into their window.

Site photo – Driveways



Whilst this may not be ideal, this is an existing situation and any current occupants of the No.2 Frearson Road would already have the opportunity to look through this window. It is not considered that the proposed development would intensify the use of the site to a scale that would be substantially different from the existing use. Given the above it is not considered that this development would exacerbate the existing situation to a harmful degree.

In terms of noise and disturbance from comings and goings, given the inevitable variation in work patterns and social activities of the occupiers, it would not be unusual for neighbouring residents to be aware of the comings and goings of their neighbours throughout the day. Having regard to the small scale of the proposal and the limited staff numbers associated with the proposal, it is considered that the likely movements associated with the use would not be disproportionately large or significantly greater than those which could reasonably be expected of a family carrying out their day-to-day activities. For the avoidance of doubt, these conclusions have been reached on the basis of the updated proposal for up to 3 members of staff being present on site.

Any permission granted could also be conditioned to ensure the use remained at a small scale as set out within the application including the number of children who would be housed at the site at any one time.

The Council's Environmental Protection Team were consulted on this application who confirmed they had no objections advising "The proposed use would not negatively impact on its environment by way of noise, light, odour or other disturbance." The Council's Environmental Protection Team have been reconsulted on the amended information provided by the applicant, which confirms that there would be a maximum of 3 members of staff on site (with exception of hand overtimes when it would be 4). The Council's Environmental Protection Officer has confirmed that they have no objections to the increased staff numbers in this application and they also have no objections to the hand over time taking place between 7:00am – 7:30am daily.

While it is accepted that on occasion this use may generate a level of noise and disturbance from car engines, doors and general conversation, it is considered that similar impacts could be achieved from occupants of a residential dwelling that work night shifts and commute late in the evening. It is considered that the general noise and disturbance would not be above and beyond what could be achieved at a residential dwelling and therefore does not warrant refusal of planning permission.

Furthermore, if the proposal did subsequently result in creating an excessive noise nuisance, then separate legislation exists under Environmental Protection Act, which could be investigated separately by the Council's Environmental Protection team if necessary.

One of the adjacent neighbours has also raised concerns that staff or visitors of the site will need to walk on the neighbours drive to exit their cars. Access on to neighbouring properties would be a civil matter for the two parties to resolve.

As such, it is considered the proposal would not result in unacceptable neighbour amenity impacts in terms of noise and disturbance over this existing C3 use to warrant a refusal of planning permission on such grounds. On this basis it is not considered that the proposal would be detrimental to the quality of life of neighbour properties or the wider community.

As a result of the proposed change of use, the number of bedrooms at the property would remain unaltered and is therefore considered that the number of permanent occupants at the property is unlikely to increase and result in a significantly detrimental impact on the neighbouring properties amenities. Furthermore, the application confirms that no more than three children would be permanent residents of the property at any given time and that it is unlikely that the home will accommodate the maximum of 3 children all of the time.

Overall, subject to an appropriately worded condition to ensure the use of the site would operate within the parameters of the submitted application, it is considered that the proposal would not be detrimental to the amenities of the occupiers of the neighbouring residential dwellings and therefore the proposal would accord with Policy D2 of the adopted Local Plan and the Council's Good Design SPD.

Taking the above into account, the proposed development complies with Policy D2 of the North West Leicestershire Local Plan, the NWLDC Design SPG, and Policy G3 of the Hugglescote and Donington le Heath Neighbourhood Plan.

Highway Considerations

Neighbour concerns have been raised with regard to highway safety, traffic congestion, pedestrian safety and parking problems. These concerns will be considered in the section below.

Policy IF4 of the North West Leicestershire Local Plan (2021) requires that development proposals consider the impact on the highway network and environment, including climate change. It also requires the incorporation of safe and accessible connections to the transport network, enabling travel choices for residents, businesses, and employees, particularly by non-car modes. Policy IF7 stipulates that development must provide adequate parking for vehicles and cycles to avoid highway safety issues and to minimise the impact on the local environment.

The Hugglescote and Donington le Heath Neighbourhood Plan also contains relevant policies, particularly Policy T2 and G3, which supports sustainable travel and encourages the provision of sufficient parking, safe walking routes, and access to public transport. This policy aligns with the Local Plan's emphasis on promoting sustainable transport solutions and reducing reliance on

private vehicles.

Access to the site is from Frearson Road, which is an unclassified road subject to a 30mph speed limit. No alterations are proposed to the existing site access arrangements which presently serves the existing dwelling.

The County Council Highway Authority (CHA) has been consulted on this application and have raised no objections.

Neighbours have commented that there have been some reports of traffic incidents in the local area. The CHA note that two Personal Injury Collisions (PICs) have been recorded within 500 metres in either direction of the site access. One was classified as 'serious' in severity which occurred in August 2020, and one was classified as 'slight' in severity which occurred in June 2024. The CHA has considered the circumstances of the above PICs and given that no recurring pattern or cluster has been identified, the CHA is therefore satisfied that the development proposal would not exacerbate the likelihood of further such incidents occurring.

Residents have raised concerns that the existing parking spaces on site are tandem spaces that would naturally encourage on street parking to prevent staff blocking each other in at times of change over. Residents have also raised concerns that the site is located near a bend in the road and they state that when cars park in this location it blocks visibility for other road users and pedestrians. Residents also have concerns regarding impacts to existing traffic and congestion.

The submitted details show that the existing parking provision, consisting of two tandem spaces and a garage. Whilst the originally submitted information stated that there would be 2 members of staff on site for the majority of the time, they have provided new information that confirms there would also be a manager present on site between the hours of 9:00am – 5:00pm. As such there would be a maximum of 3 members of staff on site at any one time, except during the hand over period where there would be 4. The CHA has been made aware of this new information and they have advised that this proposal for a maximum of 3 members of staff (except for handover periods) would not result in a severer impact on highway safety. The CHA has also stated that notwithstanding the increase in staffing, the parking available remains in line with guidance set out in the Leicestershire Highway Design Guide (LHDG). As such the CHA do not consider that a reason for refusal could be justified on this basis.

The originally submitted information advised that the handover time would take place between the hours of 2:00pm - 4:00pm daily. New information has now been provided by the agent that confirms that the handover time will take place between 7:00am -7:30am.

The CHA note that four staff members will be present during the changeover period, it is also taken into account that due to the tandem spaces there may be times when cars are parked in the street. The CHA have taken account of residents highways safety concerns. However, the CHA have advise that given the availability of on-street parking, the site-specific location and that the changeover will occur outside of peak hours the CHA is satisfied this will not cause an unacceptable impact on highway safety. It is recommended to condition that at least 2 parking spaces remain available on site in perpetuity to ensure the existing parking is retained.

One of the adjacent neighbours has raised concerns that staff or visitors of the site will need to walk on the neighbours drive to exit their cars. The neighbour has also mentioned that if a new boundary fence was to be erected between the driveways then it would not be possible for anyone parking on the site to exit their vehicle, which would make the parking spaces unusable. This has been discussed with the CHA who have advised that as this situation could arise on site now it

would be an existing problem with the current parking arrangements. Therefore, this would not be a justifiable reason to refuse the current application.

With regard to any unauthorised use of the neighbour's driveway this would be a civil matter between the neighbours and the site owner.

Some residents have advised that sometimes on-street parking can block emergency service vehicles from gaining access to the estate. If that is the case, then the police have powers to move vehicles that cause obstructions and the County Highway Authority have powers to consider whether yellow lines should be implemented.

Furthermore, it is noted that the existing property is also likely to already have visitors who would also need to park in the street when visiting the existing dwelling. As such it could not be justified that the application could be refused on highway safety grounds.

Neighbours' concerns have been raised with the CHA who advise that they have no objections to these matters. The CHA has advised that they do not consider this development to result in any severe highway safety impacts as per paragraph 116 of the NPPF (2024).

Taking the above into account the proposal is not considered to result in an unacceptable impact on highway safety or the wider highway network. This would therefore comply with Policies IF4 and IF7 of the North West Leicestershire Local Plan, Policy T2 of the Hugglescote and Donington le Heath Neighbourhood Plan, the relevant paragraphs of the NPPF as well as the Leicestershire Highway Design Guide.

Biodiversity Net Gain

Policy En1 of the adopted Local Plan states that proposals for development would be supported which conserve, restore or enhance the biodiversity in the District. This is supported by Paragraph 186 of the NPPF which states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

The mandatory requirement for 10% Biodiversity Net Gain (BNG) for small sites as required by the Environment Act came into force on 2 April 2024. However, the proposal relates to an application for change of use only with no external alterations to the building or site generally. The biodiversity gain requirement does not apply to development subject to the de minimis exemption which is development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of onsite habitat, or 5 metres of linear habitats such as hedgerows. Based on the information submitted under this application, the Planning Authority considers that biodiversity net gain does not apply in this case and therefore, the proposed development would not be required to demonstrate 10% BNG.

Given the above, the development would accord with Policy En1 of the Local Plan, Policy ENV2 of the Hugglescote and Donington le Heath Neighbourhood Plan, the aims of Paragraph 187 and 193 of the NPPF (2024), the Planning Practice Guidance.

Safety and Fear of Crime

Numerous residents have objected to the application on the grounds of safety, antisocial behaviour, vandalism and fear of crime potentially occurring due to the proposed residents and it is clear from the representations received that there is a public perception of fear surrounding the nature of this proposal in terms of its potential impact on residential amenity and the safety and well-being of surrounding residents, pets and the existing children within the locality.

Whilst it has been held that fear of crime is a material consideration, in order to attract any significant weight, there must be some reasonable evidential basis for that fear. Planning case law has established that unfounded fear in itself would not be a reason to justify the refusal of planning permission. Therefore, it is important to consider the evidence when attributing weight to the fears raised in objections.

The premises would provide care for a maximum of three children and it is noted that children are placed into care for a wide variety of reasons including having disabilities requiring specialist care, being unaccompanied asylum-seeking children and overwhelmingly children are living within a care setting due to statutory bodies considering the child to be at risk of harm from others. The site would be staffed 24 hours a day, 7 days a week, which would restrict opportunities for criminal/anti-social behaviour by residents. Despite the potential emotional and behavioural needs of the children, there is no evidence to demonstrate that a small and managed children's care home as proposed would give rise to anti-social behaviour or criminal activity and it is considered that limited weight can be attached to this issue in the determination of the application.

In addition to the above, individuals such as those who would occupy the proposed care home could potentially already reside in any typical residential dwelling and it is therefore considered that the proposal is not likely to result in any additional anti-social behaviour than which could be generated by the existing residential dwelling. Moreover, as previously stated, the children's care home is proposed to have staff at the property at all times.

The NPPF (2024) specifically states that it is important that the needs of different groups in the community with specific housing requirements are addressed (Paragraphs 61 and 63) and the proposal would help to meet the requirements of children identified as needing care, which is afforded positive weight.

Equality Implications

Some neighbour concerns relate to impacts on neighbouring residents who either have disabilities or other health concerns. Given the above assessments it is not considered that any of these neighbouring residents would be detrimentally affected by this proposal given its minor scale and its use being similar in its function to that of a dwelling.

It is important to highlight that Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

Other Matters

Neighbours have stated that the original house builders for the estate promised there wouldn't be any social housing. There are no planning policies that prevent social housing in this area. Furthermore, this development would be classed as a care facility which would not fall under social housing and therefore this matter is not relevant. Any concerns regarding the original

commitment given by the house builders would also be a civil matter between residents and the house builder.

During the course of the application, concerns were raised in relation to the operators of the care home and whether they would manage the site well. There are no policies at local or at national level that require planning decisions to consider the competencies of the site owners, they would be accountable under separate legalisation and professional bodies such as Ofsted that regulate the standard of care. In addition, the applicant has provided a detailed document that outlines how the children will be supported by the care staff.

Neighbour concerns have been raised with regard to devaluation of property prices, this is a not a material planning consideration and cannot be considered in this application.

Residents have concerns that they are liable for upkeeping the estate and they would be responsible for paying for any damages to the estate that might be caused by the occupants of the proposed care home. As this is civil matter it is not a material planning consideration.

Concerns have been raised regarding impacts on local schools and NHS resources. The existing property is a four bedroom dwelling in which there could potentially be several children living there or people with health needs. Taking into account the existing and proposed uses of the site, and the minor scale of development, it is not considered that this development would be substantially different from the existing dwelling use. As such it could not be reasonably justified that this proposal in particular would result in any detrimental impacts on schools or the NHS beyond the use of the existing dwelling.

Conclusion

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of this application is the development plan, which in this instance includes the adopted North West Leicestershire Local Plan (2021) and the Hugglescote and Donington le Heath Neighbourhood Plan (2021).

The application site is situated within the defined Limits to Development, where the principle of development is supported, if it complies with relevant policies of the Local Plan. Policy S2 of the Local Plan and Policy G1 of the Neighbourhood Plan supports sustainable development within Limits to Development, and the proposed development is considered to align with the overall spatial strategy for the district.

In addition to the above, no external alterations are proposed as a result of the development. The proposal is considered to be acceptable in terms of highway safety. The proposed change of use is not considered to result in significantly detrimental impacts on neighbouring amenity. There are no other relevant material planning considerations that indicate planning permission should not be granted.

In view of the above, it is considered that the proposed development complies with the relevant policies of the North West Leicestershire Local Plan, the Hugglescote and Donington le Heath Neighbourhood Plan, and the NPPF (2024).

Subject to the imposition of conditions the proposed development represents sustainable development, and approval is therefore recommended.