

Change of use from C3 dwelling to C2 residential children's care home

**Report Item No
A1**

27 Robin Road, Coalville, LE67 4LB

**Application Reference:
25/00422/FUL**

**Grid Reference (E) 443926
Grid Reference (N) 313731**

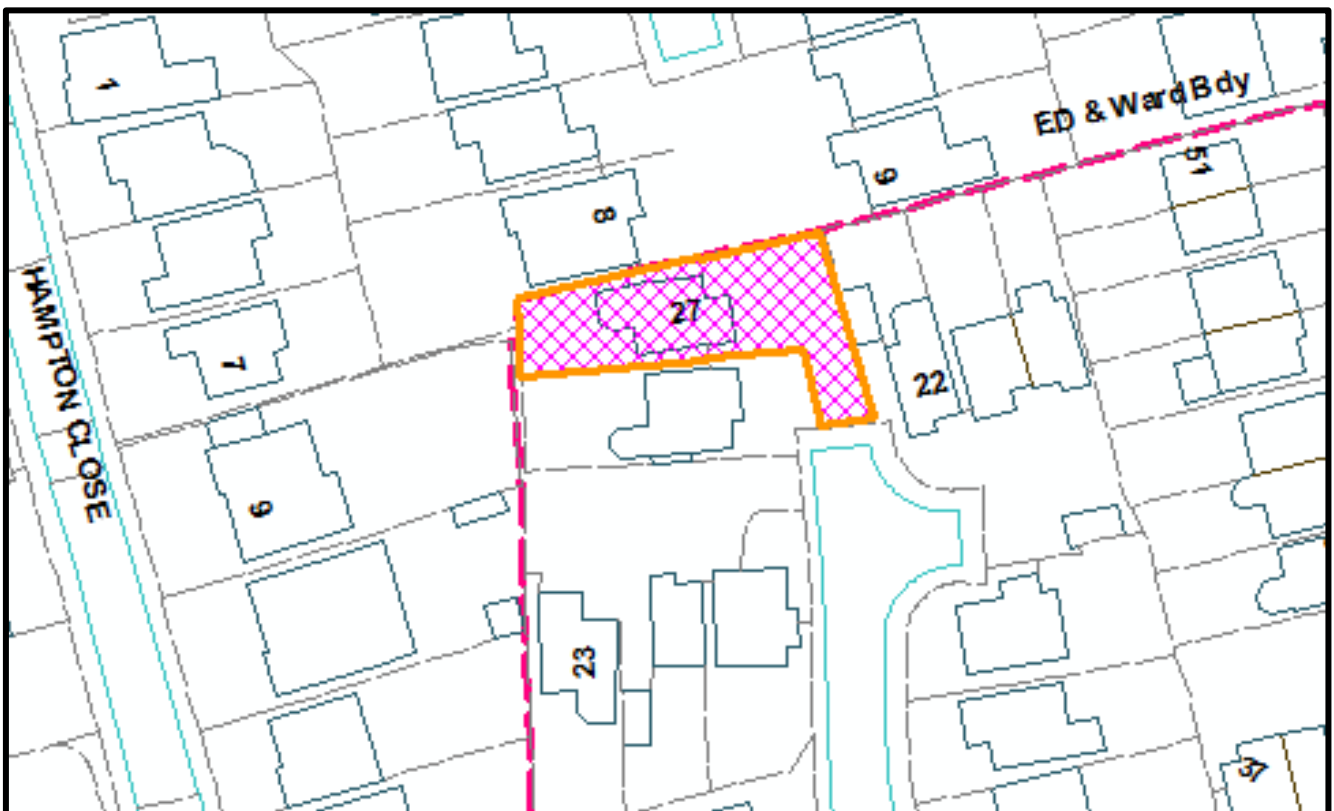
**Date Registered:
14 March 2025
Consultation Expiry:
14 April 2025
Determination Date:
9 May 2025
Extension of Time:
None Agreed**

**Applicant:
Mr James McCabe**

**Case Officer:
Sara Hullott**

**Recommendation:
PERMIT**

Site Location - Plan for indicative purposes only



Reasons the case is called to the Planning Committee

The application is brought to the Planning Committee at the request of Councillor Burke on the basis that the proposal would result in highway safety concerns, is in close proximity to other properties and that 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 1 child living on site at any given time.
5. Limit maximum number of three carers and two management staff being on site at any one time (except for handover periods)
6. Retention of existing parking spaces.

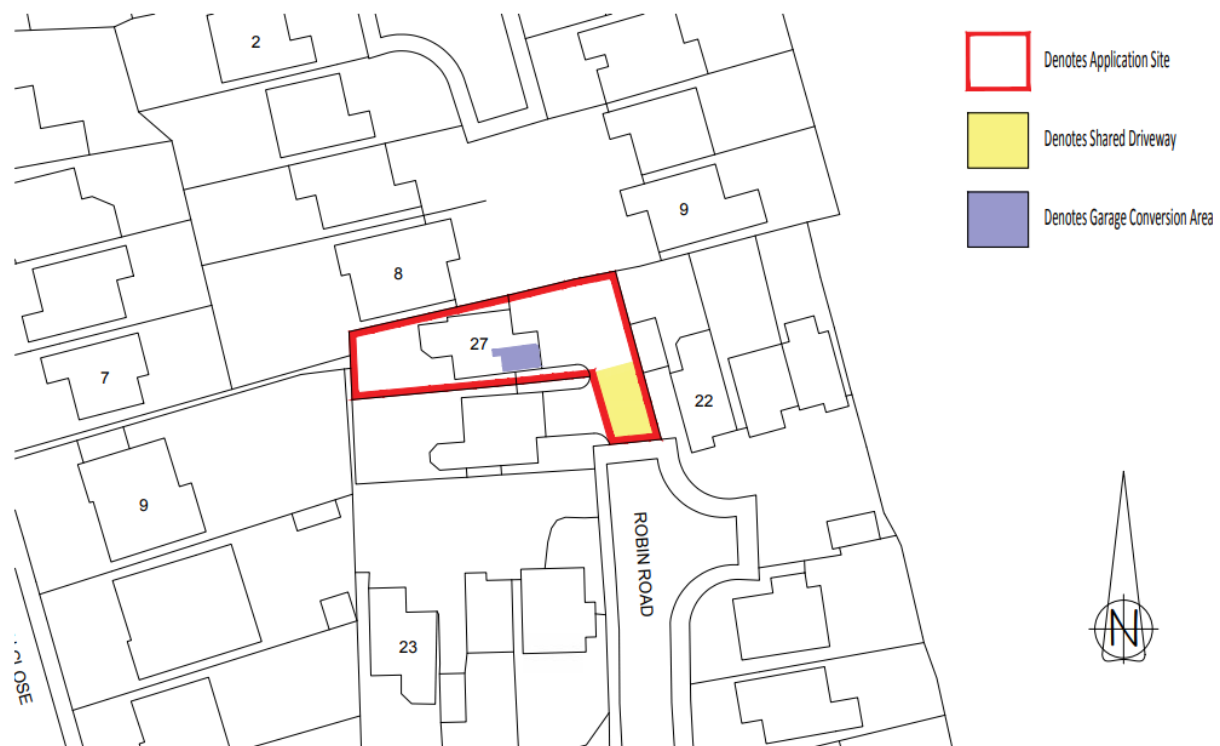
MAIN REPORT

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 27 Robin Road, Coalville (C3 use) to residential children's care home (C2 use) for one child . 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 3 upstairs bedrooms and this would remain unchanged. There are no external alterations to the property proposed in this application.

Existing Floor Plans



Proposed Floor Plans



This site is situated within Coalville and is located within the Limits to Development, as defined by the Policy Map to the adopted Local Plan.

The proposed care home would be occupied by a maximum of 1 child aged between 5 - 17 years old. The applicant has advised that there would be a maximum of 3 care staff present during the day, except for the staggered staff handover times which the agent advised would last a maximum of 30 minutes. At that time 4 carers may be on site whilst the handover takes place. There will be no more than 2 carers working through the night. The applicant has stated that most days the young person will be supported by 2 carers unless a 3rd carer is needed for more support. In addition, there would be up to 2 management staff on site during the day. 1 manager will be on site between 9am – 5pm Monday to Friday with a 2nd manager being present 2-3 times a week. Handovers of care staff will take place at 7:30am.

The application form states that there are four parking spaces on the site.

The County Highways Authority, Environmental Protection and neighbours have been consulted and their responses have been considered in this report.

Precise details of the proposal are available to view on the submitted plans on the Council's website.

Relevant Planning History

20/00729/FUL - Conversion of existing integral garage into habitable accommodation and insertion of a window in the rear elevation of the garage – Permitted 03.06.2020

2. Publicity

11 Neighbours have been notified.
Site Notice displayed 20 March 2025.

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.

No objections from:

NWLDC Environmental Protection
County Highway Authority

Third Party Representations

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

Grounds of Objections	Description of Impact
Principle of Development and Sustainability	Unsuitable location for this development
Highway Impacts	Car parking / insufficient spaces on site
	Shared access driveway
Residential Amenity	Potential overlooking
Crime / Safety Concerns	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

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).

The site is located within the Limits to Development, as defined by the adopted Local Plan, in the settlement of Coalville. Policy S2 of the adopted Local Plan identifies Coalville as 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.

In addition, the National Planning Policy Framework (NPPF) 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 NPPF also 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.

In the ministerial statement dated from 23 May 2023 the then Housing and Planning Minister set out the Government's commitment to support for the development of accommodation for looked after children, and its delivery through the planning system. The minister also stated that the

planning system should not be a barrier to providing homes for the most vulnerable children in society in the right places with access to schools and community support.

The statement went on to say that "Local planning authorities should give due weight to and be supportive of applications, where appropriate, for all types of accommodation for looked after children in their area that reflect local needs and all parties in the development process should work together closely to facilitate the timely delivery of such vital accommodation for children across the country."

In planning terms, the nature of the proposal is such that the property would remain in residential use within a residential area. There are no planning policies which restrict, in principle, such care homes from being provided within existing residential areas, subject to all material planning considerations. Nor is there any planning mechanism to locate care facilities away from existing residents who might be opposed to them or to control the number of care homes in one area. Each planning application is required to be considered on its own merits.

The proposal seeks to change the existing use of the residential dwelling to a children's care home for no more than 1 child at 27 Robin Road. No external changes are proposed.

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, 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. In addition, new residential developments must also perform positively against the Council's adopted Good Design Supplementary Planning Document (SPD).

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, 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 overlooking / loss of privacy concerns. These matters will be considered in this section below.

Policy 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 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.

This application seeks permission for a change of use from a dwelling to a small care home for 1 child aged between 5 - 17 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.

Staff will be supervising the home 24 hours a day, with up to 3 caregivers being present at any one time, apart from during the handover time period which is proposed to be staggered through the day to ensure that no more than 4 carers may be present during handover times. There will be no more than 2 caregivers overnight. In addition, up to 2 managers will be on site during the day. 1 manager will be on site between 9am – 5pm Monday to Friday with a 2nd manager being present 2-3 times a week. Handovers of care staff will take place at 7:30am so there is no build up of traffic and car parking.

The most immediate neighbouring property to the application site is No 25 Robin Road which shares an access driveway with the property. No. 8 Highgrove Close lies immediately north of the property, with No. 22 Robin Road to the east and Nos. 7 and 9 Hampton Close to the west.

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 proposal for one children living at the property with 3 carers being present on site with 4 in attendance for short periods of time for handovers and two managers being present during on weekday daytimes.

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 early in the morning or 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.

It is recognised that there could be a scenario where one three child living at the property could potentially cause noise and disturbance impacts. Whilst neighbouring properties are situated close together, noise and disturbance could be created by children living in a residential dwelling and so could be experienced by residents in any residential area.

Proposals for care homes are not an uncommon occurrence nationally and appeal decisions relating to similar proposals have concluded that it cannot be assumed that children living in care would be more likely to create levels of noise and disturbance over and above children living in a 'traditional' family unit. Appeal decisions also seem to take note that, in a care home, children would be cared for by specialist supervising staff and care workers who are able to deal with any situations that might arise.

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."

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.

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.

As such, it is considered the proposal would not result in unacceptable neighbour amenity impacts in terms of noise and disturbance or impacts on quality of life over this existing C3 use to warrant a refusal of planning permission on such grounds under Policy D2 of the adopted Local Plan.

As part of the planning process there is the need to consider the amenity of future occupiers in addition to existing residents. There would be four bedrooms within the property so that the child would have a private room and there would be bedrooms for the carers. There would also be living space available on the ground floor along with a private rear garden. As such in this regard the proposal is considered to comply with Policy D2 of the adopted Local 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.

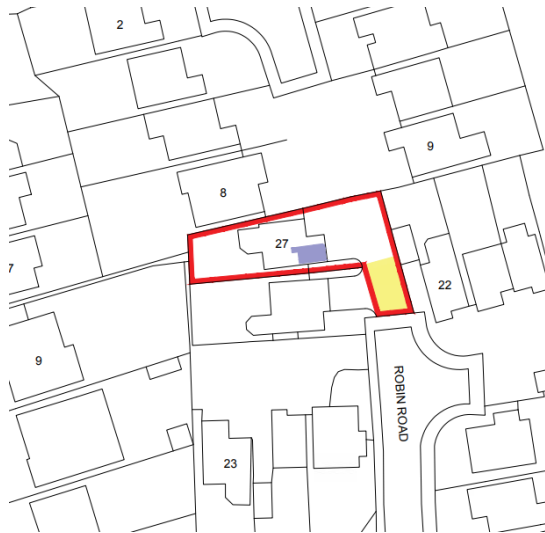
Access to the site is from Robin Road, which is an unclassified road subject to a 30mph speed limit. No alterations are proposed to the existing site access arrangements and private drive which presently serves the existing dwelling.

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

The CHA note that no Personal Injury Collisions (PICs) have been recorded within 500 metres in either direction of the site access.

Residents have raised concerns that there are insufficient existing parking spaces on site which would naturally encourage on street parking to prevent staff blocking each other in at times of change over.

The submitted details state that the existing parking provision consists of a minimum of 3 parking spaces, with the applicant stating that there is sufficient parking for 4 vehicles which appears to be three spaces on the drive and one within the integral garage.



The submitted information states that there would be a maximum of 3 care staff and 2 managers on site at any one time, except during the hand over period.

The CHA have stated that, given the site-specific location, the availability of on-street parking and accessibility of public transport, the LHA would not be able to demonstrate the proposals would have a severe impact on the public highway contrary to Paragraph 116 of the National Planning Policy Framework (NPPF) 2024, as such, the LHA seek no reason to resist the application.

It is recommended to condition that at least 3 parking spaces remain available on site in perpetuity to ensure the existing parking is retained.

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.

The CHA has also not raised concerns or objections in respect of access for emergency service vehicles.

As such it could not be justified that the application could be refused on highway safety grounds under Policies IF4 and IF7 of the North West Leicestershire Local Plan and 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, the aims of Paragraph 187 and 193 of the NPPF (2024), and the Planning Practice Guidance.

Safety and Fear of Anti-Social Behaviour/Crime

Whilst it has been held that fear of anti-social behaviour and crime are material considerations, 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. There haven't been any objections in respect of these matters.

The premises would provide care for a maximum of one child 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 anti-social/criminal behaviour.

The success of the residents and their successful integration with the community and level of cohesion would largely depend on who the child is at the time and the effective management of the home, which as noted below, are matters for regulation by Ofsted.

Proposals for care homes are not an uncommon occurrence nationally and appeal decisions relating to similar proposals have concluded that it cannot be assumed that children living in care would be more likely to behave anti-socially over and above children living in a 'traditional' family unit. Appeal decisions also seem to take note that, in a care home, children would be cared for by specialist supervising staff and care workers who are able to deal with any situations that might arise.

It is recognised that there could be a scenario where a child living at the property could potentially undertake anti-social behaviour or criminal activity, which could in turn impact on public safety. However this could also potentially result from children living in a typical residential dwelling and so could be experienced by residents in any residential area.

It is therefore considered that the proposal is not likely to result in any additional anti-social behaviour or criminal activity 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. Children's care homes are also regulated by Ofsted.

Whilst fear of anti-social behaviour and crime and impacts on public safety are material planning consideration, there are no planning grounds on which to refuse the application on this basis as similar issues could arise if the property was a residential dwelling. Although the NPPF states that planning decisions should not undermine quality of life or community cohesion, the unknown

behaviours of the occupant is not a material reason on which to identify conflict with the NPPF in this regard.

Equality Implications

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.

The equality implications arising from this application relate to the protected characteristics of age and disability, given that a children's care home is proposed, and a child living there may have a disability.

Any risks to the safety of the child living in the home are unlikely to be different to the risks of children living there in a typical residential dwelling. Children's care homes are also inspected by Ofsted, as well as by the CQC if any kind of healthcare is delivered that is a CQC-regulated activity.

It is also not appropriate or reasonable to stereotype the child through the planning application process or to judge how they might behave as a result of their background, upbringing or any past trauma, and to do so would be discriminatory.

The proposal also provides a benefit by advancing equality of opportunity by providing residential care for looked-after children in need of care and support.

There would be one child living at the property along with carers who would always be at the home, which would not be dissimilar to the number of people that could live at the property as a family home. It is considered above that reason for refusals could not be justified in respect of noise and disturbance nor in respect of fear of anti-social behaviour or crime in particular as such impacts could result from a similar number of children living in a residential dwelling.

It is also not considered that any neighbouring residents with disabilities or health concerns would be detrimentally affected by this proposal given its minor scale and its use being similar in its function to that of a dwelling.

Other Matters

Children's care homes are regulated by Ofsted, as well as by the CQC if any kind of healthcare is delivered that is a CQC-regulated activity. How the care home would function is a process that would need to be agreed as part of the registration process and these other regimes exist to ensure the appropriate care and management of children. As this is controlled by other legislation; it is not within the remit of the planning system to seek to control the day-to-day functioning of the

care home. This is therefore not a material planning consideration and cannot be taken into account in the determination of the application.

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

Neighbours have also raised concerns that staff or visitors of the site will be accessing the site using the shared access driveway. Access and maintenance to the shared access driveway would be a civil matter for the two parties to resolve and is not a material planning consideration.

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).

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 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. Reasons for refusal could not be justified in respect of impacts on highway safety and residential amenities nor in respect of fear of anti-social behaviour or crime. 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 and the NPPF (2024).

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