

Change of use and conversion of former residential care home to form three no. separate dwelling units to include two no. Houses in Multiple Occupancy (HMO) (Use Class C4) and one Large House in Multiple Occupancy (Use Class Sui Generis) with single storey side extension and associated works

**Report Item No
A3**

**Application Reference:
25/01392/FUL**

**Lyndhurst Lodge
87 Burton Road
Ashby De La Zouch
Leicestershire
LE65 2LG**

**Date Registered:
27 November 2025
Consultation Expiry:
26 January 2026
8 Week Date:
22 January 2026
Extension of Time:
None agreed**

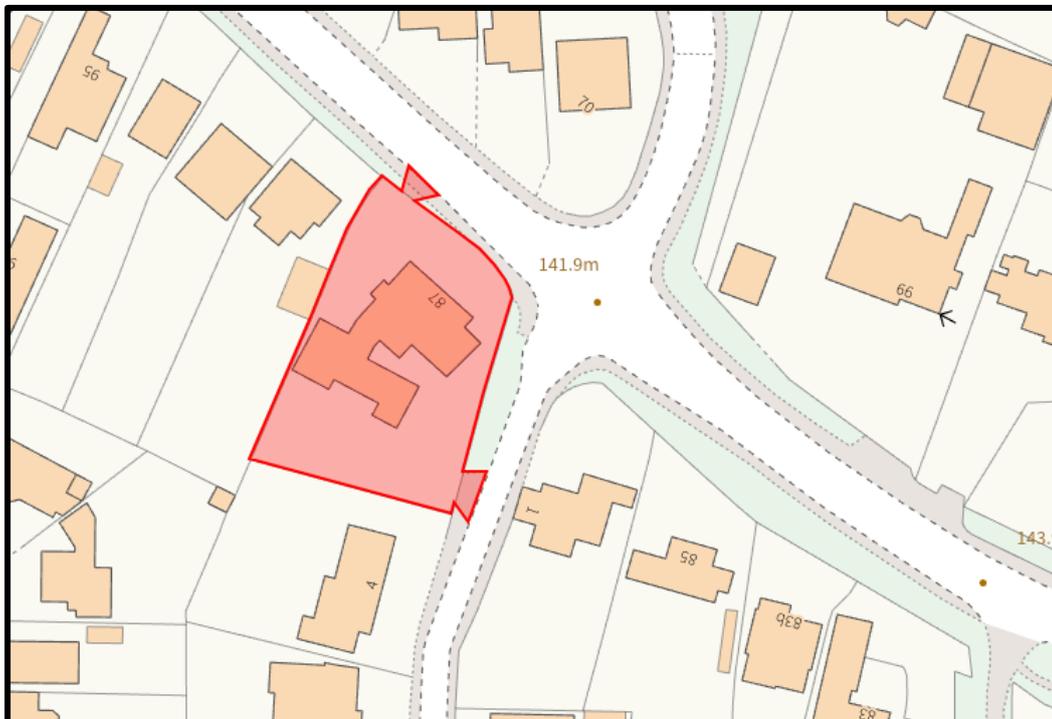
**Grid Reference (E) 435077
Grid Reference (N) 316921**

**Applicant:
Lyndhurst Ashby Ltd**

**Case Officer:
Karina Duncan**

**Recommendation:
PERMIT, subject to conditions**

Site Location - Plan for indicative purposes only



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Reason the case is called to the Planning Committee:

The application is referred to Planning Committee for determination at the request of Councillor Parle on the basis of the level of concern raised by residents in respect of highways issues, as there is insufficient provision for parking for the residents of the proposed HMO and Churchill Close is a narrow road where there are already problems with visitor parking and access for delivery drivers.

RECOMMENDATION – PERMIT, subject to the following conditions:

1. Time limit (commencement within 3 years)
2. Approved plans
3. Materials to match
4. Highway conditions - increased access widths (submission / approval and compliance with details prior to occupation) and pedestrian and vehicular visibility splays provided prior to occupation
5. Alternative car parking scheme (submission / approval and compliance with details prior to occupation)
6. Cycle car parking scheme, comprising a minimum of 17 cycle parking spaces which shall be under cover and secure (submission / approval and compliance with details prior to occupation)
7. All hard landscaping provided prior to occupation
8. Sustainable Urban Drainage System to be provided for all new areas of hardstanding proposed on site, prior to their provision
9. Tree protection measures (in accordance with submitted details prior to commencement)
10. Use of no-dig method within tree root protection areas in accordance with submitted details
11. Biodiversity net gain conditions
12. Alternative scheme for bin storage (submission / approval and compliance with details prior to commencement)
13. Removal of Permitted Development Rights for the small HMOs to remove their ability to change use to C3 dwellinghouses without express planning permission
14. The total number of occupants restricted to a maximum of 17 people
15. Gigabit broadband connection provision
16. Bird and bat boxes in accordance with submitted details

Mandatory Biodiversity Gain Plan Condition (as a note to applicant)

MAIN REPORT

1. Proposals and Background

This application seeks full planning permission for the change of use and conversion of a former residential care home 'Lyndhurst Lodge' to form three no. separate dwelling units. The application proposes the creation of two no. Houses in Multiple Occupancy (HMO) (Use Class C4) and one Large HMO (Sui Generis). A total of 17 bedrooms are proposed across the three dwelling units. The application also proposes a single storey side extension and other associated works.

The following schedule of accommodation is proposed:

House in Multiple Occupancy Number 1 (Sui Generis)

'Cluster 1' (as referred to on the submitted floor plans) would be spread across the ground floor and would provide five ensuite bedrooms and a shared kitchen and dining room. Three of the bedrooms are referred to on the submitted floor plans as 'ensuite rooms with food prep area' (sink, fridge and base unit – no hot cooking facilities). Two of the rooms are referred to as 'ensuite bedsits' (i.e. no food prep areas provided).

Large House in Multiple Occupancy (Use Class C4)

'Cluster 2' (Large HMO) would be spread across part of the ground and first floors of the building and would feature seven ensuite bedrooms, as well as a shared kitchen and dining room. Four ensuite bedsits are proposed at ground floor level, three ensuite rooms with food prep areas are proposed to the first floor level.

House in Multiple Occupancy Number 2 (Sui Generis)

Cluster 3 would be spread across part of the first floor and the entirety of the second floor of the building. All five proposed rooms are ensuite bedrooms. The accommodation would be provided with a kitchen and diner to the first floor of the building.

Other proposed facilities

A communal laundry room is proposed to the rear of the building that would be accessed externally.

A bin store is also proposed to one of the eastern side elevations of the building which would be located closest to Churchill Close.

Parking areas for five off-street car parking spaces would be provided to the north (front) of the site, accessed via Burton Road. 12 off-street car parking spaces would be provided to the south and east (side/rear) of the site, accessed via Churchill Close.

In terms of access into the building, Cluster 2 would benefit from two separate accesses into the building (one to the west and one to the east of the building). Clusters 1 and 3 would be accessed from the northern (front) elevation of the building.

Other proposed works

The associated works include the provision of a flat roofed extension to the western side elevation to house a 5m² boiler room, as well as the provision of additional paved areas on site to facilitate the provision of off-street car parking spaces. A paved pathway is also proposed to the eastern side and to the front of the site which would provide pedestrian access from the parking provision to the south of the site to one of the three entrances to the building.

Aerial Imagery of Site Location



Proposed Floor Plans

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Notes:
1. This drawing is a preliminary design and is subject to change without notice. It is not to be used for construction purposes.
2. The client is responsible for ensuring that the site is suitable for the proposed development and for obtaining all necessary planning and other approvals.
3. The architect is not responsible for the accuracy of the information provided by the client or for the accuracy of the data used in the design.
4. The architect is not responsible for the accuracy of the information provided by the client or for the accuracy of the data used in the design.
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10. The architect is not responsible for the accuracy of the information provided by the client or for the accuracy of the data used in the design.



- Ensuite Bed/Bath
- Ensuite
- Shared Kitchen/Dining
- Laundry
- Ensuite room with food prep area
*No hot cooking facilities provided (food prep area includes Sink, Fridge, Base Unit)
- Cluster 1 - 5 Units - 154m²
- Cluster 2 - 7 Units - 105m²
- Cluster 3 - 5 Units - 252m²
- Proposed Walls
- Indicative Layout



Rev	Updated/Revised/Added/Deleted	By	Checked	Date
01	Updated Plans and Cluster Allocation	AS	AS	20/03/2016

PLANNING

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Change of Use to Residential
Lyndhurst Lodge 87 Burton Road Ashby de la Zouche
Leicestershire LE12 5JH

Proposed Ground Floor Plan

Author	Drawn	Checked	Date
AS	AS	AS	20/03/2016

9392-03-0100

Amended Proposed Elevations



Further information submitted in respect of the application can be found on the Council's website.

Relevant Planning History

- 19/00382/FUL - Erection of two storey and single storey extensions to existing C2 care home - Permitted S106 Agreed – 12.07.2019
- 17/01607/FUL - Proposed two storey and single storey extensions to existing C2 Care Home - Refused – 14.06.2018; Appeal dismissed 13.11.2018.

Members are advised that the above application (ref: 17/01607/FUL) was recommended by Officers for approval but was overturned by the Council's Planning Committee on 9th May 2018 with a decision notice issued on 14th June 2018. The application was refused for two reasons, one being on grounds of residential amenity, and the other on highway safety grounds. The reasons for refusal read:

1. Policy IF4 of the adopted North West Leicestershire Local Plan (2017) outlines that the Council, working with the highway authorities, will ensure that development takes account of the impact upon the highway network with Policy IF7 of the adopted Local Plan (2017) specifying that development should incorporate adequate parking provision for vehicles in order to avoid highway safety impacts. It is considered that the overall scale of the extensions would result in an overdevelopment of the site which would result in the provision of insufficient off-street parking for the users of the facility (both staff and visitors) as well as inadequate parking for emergency vehicles. The ability for vehicles to manoeuvre within the site and exit in a forward direction would

also be compromised by the scale of the works proposed and consequently would lead to vehicles reversing into Burton Road and Churchill Close. An increase in on-street parking and the reversing of vehicles into the highway (in particular Burton Road) would result in severe detriment to pedestrian and highway safety and consequently to permit the proposal would be contrary to Policies IF4 and IF7 of the adopted Local Plan as well as Paragraphs 32 and 39 of the NPPF.

2. Policy D2 of the adopted North West Leicestershire Local Plan (2017) outlines that development proposals should be designed so as to minimise their impact on amenity and quiet enjoyment of both existing and future residents within the development and close to it. It is considered that the proposed position and scale of the extensions in relation to the boundary with no. 89 Burton Road would result in significantly adverse overbearing and overshadowing impacts to neighbouring amenities and as such to permit the proposal would be contrary to part (1) of Policy D2 of the adopted Local Plan.

The refusal was subject to an appeal (ref: APP/G2435/W/18/3207123) which was dismissed by the Planning Inspectorate on 13th November 2018, however neither the highway safety reason for refusal, nor the residential amenity refusal, were upheld. The Planning Inspectorate dismissed the appeal solely on grounds of adverse effects on the integrity of the River Mease Special Area of Conservation.

2. Publicity

20 neighbours were initially notified on the 2nd December 2025.
A site notice was displayed on the 5th December 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.

Objections from:

Ashby de la Zouch Town Council – Objects to the application on grounds of a lack of off-street car parking provision which would force occupiers and visitors to park on nearby roads which would result in congested and dangerous roads. The Town Council also state that there are already car parking issues on Churchill Close, with delivery drivers, carers and other visitors resorting to parking partly on pavements. It has also stated that whilst Churchill Close is a cul-de-sac, it leads to a park and play area so is heavily used by pedestrians. On these grounds, the Town Council considers the site to be unsuitable for a HMO.

No objection, subject to the impositions of conditions from:

Leicestershire County Council Highway Authority
Leicestershire County Council Ecologist

No objection from:

Leicestershire County Council Tree Officer
NWLDC Environmental Health Officer

Comments made by:

NWLDC Waste Services Team

Refers to standing advice:

Natural England

No representation made by:
 Severn Trent Water
 East Midlands Airport Safeguarding

Third Party Representations

35 representations from third parties have been received all objecting to and/or making neutral comments towards the proposal.

Grounds of Objections	Description of Impact
Principle matters	The proposal is entirely unsuitable, highly disruptive and poses a direct threat to the safety, character and liveability of this residential area and should not proceed under any circumstances.
	The proposal would leave residents exposed to significant uncertainty, potential disruption, increased noise, late night noise. The day to day movements would erode residents' safety, the peace and amenity of the area.
	Allowing this planning application would set a precedent within the area with more large residential properties being converted into HMOs which would alter the social fabric of Ashby.
	The proposal would result in long term irreversible impacts and parking, road safety, community feelings, and more importantly the character of Ashby, and the desire for living here. The proposal would result in no benefit to the community.
	The proposal could lead to a gradual erosion of the area's sense of community and result in a transient, short-term population rather than stable, long-term residents. The proposal would be a material difference in use and intensity.
	The two dwellings must be assessed as sui generis HMOs, meaning the application misclassifies the proposed use and materially understates its planning impacts. Concerns in relation to maximum occupancy and whether a condition to restrict occupancy would be enforceable having regard to caselaw. There is a failure to limit occupancy which would result in occupancy for up to 34 people.
	The use classes referred to in the description of development are not correct.
	The proposal would result in the loss of a care home which is needed in Ashby. There is no evidence of

	<p>redundancy. The proposal would conflict with the planning objectives of meeting housing needs for older people.</p>
	<p>The introduction of multiple large HMOs would materially skew the local housing mix and undermine the areas C3 family character. The proposal will have a different social function and will generate different activity patterns than conventional dwellings which runs counter to the objectives of the NP and Local Plan policies on housing mix and place making. There will be a higher turnover of residents, more regular arrivals/departures and intensified servicing compared to settled long stay tenants.</p>
<p>Parking and Highway Impacts</p>	<p>The street is narrow and only wide enough for a single car. Vehicle movements are restricted and difficult to manage safely. Visibility for pedestrians and drivers is already compromised.</p>
	<p>The proposal would increase traffic in the area which would be unsafe and unworkable.</p>
	<p>The proposal is unacceptable on grounds of highway safety, over-intensification of use, and inadequate parking for the number of future occupants (up to 34).</p>
	<p>The scale of occupation represents an over-intensification of the existing infrastructure. The proposal would not provide sufficient car parking for 17 bedrooms.</p>
	<p>The parking provision would not accommodate for partners, visitors & service vehicles which all will add to the parking requirements. Additional vehicles will ultimately park on Churchill Close and other surrounding roads and the added congestion will make the road even more dangerous and potentially block access to people's drives.</p>
	<p>There is no path along part of Churchill Close.</p>
	<p>The extra traffic will cause serious congestion and pose safety risks and danger for residents, pedestrians, (particularly those with mobility issues or a sight impairment) and emergency vehicle access. The number of accidents and near accidents is a problem at the roundabout on Burton Road.</p>
	<p>No swept-path or vehicle-tracking analysis has been provided, and the constrained arrangement means vehicles cannot safely enter and exit the site simultaneously at either access point.</p>

	Car parking bays are undersized and do not account for walls and fences etc.
	There is no cycle parking.
	There is no operator-controlled staffing model, no predictable visitor regime, and no mechanism by which car ownership or travel behaviour can be reliably limited. The highway comments are not consistent with the approach taken in the assessment of the 2017 application.
	Inadequate access widths and failure to accord with the Leicestershire Highway Design Guide in respect of car parking provision. Parking demand has not been properly assessed.
	Requests for the highway authority to review its comments and withdraw the no objection position. Clarifications are also requested on various highway matters.
	Local residents understand that a traffic counter was deployed on Churchill Close in November 2025. If the November 2025 survey data has informed the highway assessment, it is therefore likely to reflect an interim low-activity state. Clarification is requested to ascertain whether this traffic counter has been used to inform the application.
	Lack of clarity in relation to the NPPF 'severity' test and how the Local Highway Authority has determined that the application would not result in a severe impact.
	Highway safety and convenience harms from servicing/private hire churn.
	The Highway Authority's consultation comments do not reference the parking requirements of Table 28 of the Leicestershire Highway Design Guide.
	A proposal accommodating up to 34 unrelated adults across multiple HMOs is not characteristic of the surrounding area and would place unacceptable pressure on local infrastructure and residential streets. The proposal fails to accord with the Neighbourhood Plan. There is no policy justification for the scale or type of development proposed.
Bin Storage and Collection	Consideration needs to be given to waste storage and collection arrangements. There is no waste management strategy submitted.

	Concerns regarding the Waste Services Team's consultation response to the application.
	Lack of clarity with regard to how bins will be collected.
	The proposal relies on a single waste storage provision to serve the development.
Biodiversity	The proposal shows a net loss in biodiversity, contrary to the Environment Act 2021 which requires a 10% gain.
	The widening of the existing accesses on site is likely to result in a further loss of biodiversity.
River Mease Special Area of Conservation (SAC)	The applicant has not demonstrated that there is no likely significant effect upon the River Mease SAC.
Design and Layout matters	The layout and density of the proposed development is out of proportion with neighbouring properties.
	Lack of details in relation to lighting, signage, hardstanding, bin stores and cycle enclosures and inability to assess in terms of landscape and visual impact.
Amenity Impacts	A 17-bed HMO is likely to generate increased noise, activity and disturbance, materially altering the quiet, residential character of Churchill Close and this part of Burton Road.
	The amount of building work needed to be carried out involving constructors, building supply vehicles, and the coming and going of vehicles is likely to be very significant and disruptive.
	Concerns in relation to light pollution.
	Lack of information submitted in relation to acoustic insulation between bedrooms and dwellings.
	Lack of Operational Management Plan, inadequate site management, security and servicing plans.
	The proposal would likely create tensions between residents of the HMOs and those in nearby properties, particularly concerning issues such as access, waste management, and overall living conditions.
Other matters	There is a community garden located adjacent to the entrance. The garden must be protected.
	Sui-generis uses would allow the building to change to other high-intensity uses without further scrutiny. It will

	bypass the usual requirement for separate planning consent and undermine Article 4 protections.
	The proposal conflicts with the Town and Country Planning Act 1990; the Planning and Compulsory Purchase Act 2004; the Use Classes Order; the Environment Act 2021; the Habitat Regulations 2017; National Planning Policy Framework; Local Plan Policies; the Leicestershire Highway Design Guide; the Ashby Neighbourhood Plan; and the 2023 Housing Needs Assessment.
	Concerns regarding inaccuracy in the submitted information.
	Planning history concludes that the site has consistently been subject to precautionary planning control; that parking, access and manoeuvring considerations have always been material to capacity and intensity; and departures from standards have only been accepted where supported by clear, site-specific evidence.
	Loss of outdoor space.
	Lack of designing out crime measures submitted to support the application.

4. Relevant Planning Policy

National Policies

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 5. Delivering a sufficient supply of homes;
- 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.

Local Policies

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:

- Policy S1 - Future Housing and Economic Development Needs;
- Policy S2 - Settlement Hierarchy;

Policy D1 - Design of New Development;
Policy D2 - Amenity;
Policy IF2 - Community and Cultural Facilities;
Policy IF4 - Transport Infrastructure and New Development;
Policy IF7 - Parking Provision and New Development;
Policy En1 - Nature Conservation;
Policy Cc2 - Water - Flood Risk;
Policy Cc3 - Water - Sustainable Drainage Systems.

Ashby de la Zouch Neighbourhood Plan (2025)

The Ashby de la Zouch Neighbourhood Development Plan (2025) forms part of the development plan and the following policies of the Neighbourhood Plan are relevant to the determination of the application:

Policy G1 - Limits to Development
Policy G2 - Design
Policy H2 - Windfall Sites
Policy H3 - Housing Mix
Policy ENV5 - Biodiversity and Habitat Connectivity
Policy ENV7 - Flood Risk Resilience
Policy E5 - Broadband Infrastructure
Policy T1 - Traffic Management
Policy CF6 – Infrastructure

Adopted Leicestershire Minerals and Waste Local Plan (September 2019)

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

Policy M11: Safeguarding of Mineral Resources
Policy W9: Safeguarding Waste Management Facilities

Other Policies and Guidance

National Planning Practice Guidance
Good Design for North West Leicestershire Supplementary Planning Document (April 2017).
National Design Guide
Leicestershire Highways Design Guide (Leicestershire County Council)
The Conservation of Habitats and Species Regulations 2017
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)

5. Assessment

Principle of Development

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of any application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2021) (“the Local Plan”, the Ashby de la Zouch Neighbourhood Plan (2025) (“the NP”), and the adopted Leicestershire Minerals and Waste Local Plan (2019).

The site is located within the Limits to Development, as defined by Policy S2 of the Local Plan and Figure 4 (Limits to Development) of the NP, where the principle of development is acceptable, subject to all other planning matters being addressed.

There are no specific policies within the Local Plan relating to proposed HMOs, however Policy S2 of the Local Plan advises that a significant amount of development will take place within Ashby de la Zouch. The proposal would accord with the principle aims of Policy G1 of the NP, however Policy G1 of the NP also states that development proposals will be viewed positively where they are in accordance with the other policies of the Neighbourhood Plan and relevant District and national planning policies and subject to accessibility, design and amenity considerations.

Given the above, whilst there is no objection to the principle of the proposed development, this is subject to all other planning matters being appropriately addressed.

Housing Mix

The application proposes the conversion of a building previously used as a residential care home to create three HMOs (two small HMOs of five bedrooms each and one large seven bedroom HMO). The development would provide accommodation for up to 17 unrelated individuals with the opportunity to reside in private bedrooms within shared accommodation

Policy H3 of the NP states that new development must have regard to local housing needs as identified in the Housing Needs Assessment (2023) (HNA) (Appendix 1 of the NP) (or later document updating these findings). It goes on to state that the provision of 1 bed dwellings and those of 4 or more bedrooms in any development proposal will need to be justified against the conclusions of the HNA. Policy H2 of the NP states that development proposals for windfall housing within the limits of development will be supported where they are in accordance with relevant policies in the Neighbourhood Plan especially G2 on design, and relevant national and District wide policies, and help to meet the identified housing mix for the Plan area.

The HNA states that Ashby's dwelling stock is characterised by larger detached and semi-detached homes (75% of stock). It goes on to state that Ashby's housing stock is dominated by 3 bedroom homes (39%) followed by larger 4 bedroom plus homes (34%). Smaller homes (1-2 bedrooms) form about 27% of the total. The HNA also states that the 2021 stock distribution is somewhat less balanced than that in 2011, showing growth in larger homes (grew from 25% to 34% in the intercensal period) and proportional declines across smaller dwelling sizes. The HNA confirms that this trend towards larger homes confirms the observations reported by the Neighbourhood Plan Steering Group and is likely to worsen affordability issues identified in the HNA.

Notwithstanding the above, the HNA does not take into account the need for HMO accommodation within the Neighbourhood Plan area over the plan period nor assess the amount of accommodation provided within HMOs. There is also no evidence to demonstrate that the proposal would contribute to an imbalance in the local housing mix.

There are also no policies within the Local Plan or the NP relating to Houses in Multiple Occupation nor any policies which would restrict the ability for the existing building to be converted into a cluster of three HMOs.

Loss of the existing residential care home facility

Paragraph 61 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed. It states that the overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.

NPPF states that within the context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. Policy H6 of the Local Plan sets a mix of housing types, size and tenures in new

housing developments of 10 or more dwellings and of 50 or more dwellings and is therefore not relevant to the assessment of this application for three dwelling units.

A number of objections have been received raising concerns relating to the loss of the existing residential care home which is a needed form of housing for older people. There are no development plan policies within the Local Plan or the NP which would restrict the loss of the existing Use Class C2 residential care home. Consideration has however been given to the HNA given the requirements of Policy H3 (Housing Mix) of the NP.

The HNA identified a total of 102 bed spaces across the three residential care homes identified in the plan area at the time of carrying out the assessment. Two of the three identified residential care homes, Ashby Court Care Home and Fernleigh Care Home, are both still in operation. The proposal would therefore result in a loss of 19 of those 102 bed spaces, resulting in a provision of 83 bed spaces in the Neighbourhood Area. Appendix E (Specialist housing for older people) of the HNA states that Ashby is forecast to see an increase of 1,118 individuals aged 75+ by the end of the Plan period. This increase has translated to a need for conventional sheltered housing to rent, leasehold sheltered housing, enhanced sheltered housing, extra care housing for sale, and housing based provision for dementia. The HNA does not state that there is a further need for residential care home bed spaces in the Neighbourhood Area over the Plan period. In fact, paragraph 30 of the HNA states that when applying the HLIN Strategic Housing for Older People toolkit rates for residential/ nursing homes for older people (75+), the tool gives an estimated need of 73 care home beds in the Neighbourhood Area, 29 below the provision identified at the time of preparing the HNA. As such, a loss of 19 bedspaces as a result of this proposal would still result in a provision of bed spaces in the Neighbourhood Area which would exceed the estimated need by 10 bedspaces. It is therefore not considered that the proposal would fail to accord with the housing needs set out within the NP.

Summary of Housing Mix

The proposal is in a residential area with a cluster of HMOs also comprising a residential use. There is no evidence to demonstrate that the proposal would contribute to an imbalance in the local housing mix. There are also no policies in the development plan specifically relating to the creation of HMOs, and there are no policies which would restrict the loss of the existing residential care home use. It also cannot be said that the proposal would fail to accord with the housing needs set out within the NP. Overall, no conflict has been identified with Policies H2 or H3 of the NP.

Design and Visual Impacts

Policy D1 of the Local Plan states that the Council will support proposed developments that are well designed and as a minimum offer a good standard of design. Policy D1(1) of the Local Plan states that all developments must be based upon a robust opportunities and constraints assessment and be informed by a comprehensive site and contextual appraisal.

Policy G2 of the NP states that new development must retain and incorporate important existing features into the development and respect surrounding buildings in terms of scale, height, form and massing.

An objection has been received stating that there is a lack of detail in the application relating to lighting, signage, hardstanding, bin stores and cycle enclosures and that there is an inability to assess these matters in terms of landscape and visual impact. An assessment of their impacts is set out below.

Lyndhurst Lodge is a property which, when viewed from Burton Road, is considered to make a positive contribution to the character and visual amenities of the streetscape due to its traditional design and appearance. It is, however, the case that the building has been

somewhat crudely extended in the past and consequently when viewed from Churchill Close the positive qualities of the overall building have been reduced.

The application proposes various changes to the existing building. These include the permanent removal of the existing external staircase to the east of the building which would result in a visual betterment, as well as the erection of a proposed single storey flat roofed extension to the western side elevation. The extension, whilst it would be visible through the existing access from Burton Road, would not be particularly prominent when viewed from the streetscene in particular given its small scale. The extension would not appear out of keeping with the existing building, particularly when considering the design and form of other additions which have taken place to the rear of the building. The extension would be constructed of materials to match that of the existing building which is considered to be acceptable.

The application also proposes the insertion of a number of additional windows, the blocking up of a number of existing windows with brickwork and replacing existing doors with windows or infilled areas of brick. The proposed alterations to existing fenestration would introduce windows of a suitable design, some of which would feature traditional cills and arched heads. The application form sets out that the windows would be a mixture of timber and upvc which is acceptable when having regard to the mixture of materials the existing building already features.

The waste storage and collection section of this report addresses matters relating to the proposed bin store to the east of the building, and, for the reasons set out later in this report, it is recommended that a condition be imposed to secure an alternative scheme for bin storage. In the event that the application is granted planning permission, the visual impact of the proposed bin store would be assessed when an application is submitted to discharge that condition.

Similarly, no details of the proposed cycle parking provision have been submitted as part of the application. It is recommended that a condition be imposed to secure a scheme for cycle parking which would need to be under cover and secure. In the event the application is granted planning permission, the visual impact of the proposed cycle parking would also be assessed when an application is submitted to discharge that condition.

The application does not propose the installation of lighting, and any signage which may be required, depending on the precise nature of the signage required, may be subject to a further application seeking advertisement consent.

Overall, subject to the imposition of planning conditions, the proposal is considered to be acceptable when having regard to design and visual impacts and would accord with Policy D1 of the Local Plan and Policy G2 of the NP.

Residential Amenity and Living Conditions of Future Occupiers

Policy D2 of the Local Plan 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. Policy D1(4) of the Local Plan states that existing neighbour amenity should be safeguarded in accordance with Policy D2.

Policy G1 of the NP states that within the Limits to Development, development proposals will be viewed positively where they are in accordance with the other policies of this Neighbourhood Plan and relevant District and national planning policies and subject to accessibility, design and amenity considerations. Policy H2(e) of the NP states that development proposals for windfall housing within the limits of development will be supported where they do not result in an unacceptable loss of amenity for neighbouring occupiers by reason of loss of privacy, loss of daylight, visual intrusion or noise.

Paragraph 135(f) of the NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Overlooking, overbearing, overshadowing and privacy impacts

The application proposes an extension to the western side elevation of the building. The extension would measure 1.7 metres high and would have a small footprint of around 5sqm. It would be set off the side boundary shared with No.89 to the west, and owing to its position on site, together with its limited overall scale and footprint, the proposed extension is not considered to result in any unacceptable residential amenity impacts by way of overbearing or overshadowing impacts. The extension would house a boiler room and therefore no impacts in respect of overlooking would arise.

The alterations to existing fenestration would mainly take place at ground floor level where no adverse overlooking or loss of privacy impacts would arise. The only alteration to existing openings to take place at first floor level is the partial bricking up of an existing glazed upvc door which was inserted at first floor level to provide access via the external staircase which would be removed. The lower proportion of the opening would be filled with brickwork, whilst the upper proportion would be replaced with a top hung window. This alteration would not introduce any additional privacy impacts over and above that of the existing arrangement.

Noise, anti-social behaviour, safety and wellbeing

Objections have been received setting out detailed comments and concerns relating to potential noise, disturbances, anti-social behaviour, well-being and safety (amongst other issues) which could directly affect the living conditions of nearby residents.

The proposed development would not result in an increase in the number of occupiers of the property as the existing residential care home contains 19 bedrooms, whereas the proposed HMOs would equate to a total occupancy of up to 17 individuals, with no need for staff members on site. However, owing to the distinct differences between the two uses whereby the occupiers of a residential home are less likely to be coming and going from the site multiple times a day (although the comings and goings associated with staff, deliveries, visitors and healthcare workers is also noted), the proposal would result in an increase of comings and goings to and from the building. However, the level of activity involved and the likely trip patterns of individuals occupying the HMOs is considered to be capable of being accommodated on the proposed site, given its overall size, the availability of the two existing accesses, and the detached nature of the building. Any increase in noise from the proposal would therefore be unlikely to result in noise and disturbance to a degree that would be harmful to nearby occupiers' living conditions.

In respect of HMO uses generally, they are not known to be the cause of antisocial behaviour or community safety issues providing that such uses are well-managed by landlords through robust tenancy agreements. There is also no evidence that the proposal would result in any adverse impacts upon the well-being and safety of nearby residents.

It is also not considered that the proposal in this location would give rise to unacceptable impacts on the community in respect of the mix and balance of the local community, community cohesion, anti-social behaviour or noise that would justify a refusal of planning permission.

Internal noise environment

One objection raises concern relating to the lack of detail submitted in respect of internal noise insulation and acoustic measures. No comments or objections have been raised by the

Council's Environmental Protection team in respect of this matter. The provision of acoustic insulation is also a matter to be addressed under the Building Regulations.

Bin storage

With regard to the storage of waste and recycling, there is no evidence to substantiate that HMO uses causes undue litter or odours. No comments or objections have been raised by the Council's Environmental Protection team in respect of this matter. The bin storage area is capable of being located a sufficient distant from other nearby properties and is recommended to be controlled by a suitably worded planning condition.

Internal Layout

The Council's Good Design for North West Leicestershire Supplementary Planning Document (SPD) (2017) sets out that buildings should be designed internally to ensure that spaces are fit for their intended purpose with adequate internal space for that purpose. The nature of HMO accommodation is that occupants live more independently than in a shared house or family home. This entails keeping most belongings within the room and using it as a space not only to sleep, but to study, work, relax and often to eat meals. Hence, the overall quality of that space, beyond its basic size, is an important consideration.

The proposed bedrooms would range in size from 12.6m² to 23.3m². These would meet with the minimum bedroom size required to obtain an HMO licence. Policy D2 of the Local Plan does not refer to the Technical housing standards – nationally described space standard (March 2015) (the NDSS); however, as a well-established expression of national housing standards, it provides a reasonable guide to appropriate room sizes. All 17 of the proposed bedrooms would meet the NDSS minimum standard for the size of a double bedroom of 11.5m².

All of the 17 proposed bedrooms would also be provided with adequate natural light and positive outlook.

Internal Communal Space

None of the three proposed HMO clusters would be provided with a shared living space, instead each of the clusters would be provided with one shared kitchen/dining room. There is no planning policy or planning guidance setting out a minimum size requirement for kitchen/dining rooms within HMOs, nor any which set a requirement that each HMO must be provided with a shared living space.

All of the bedrooms proposed would, on the basis of the internal layout drawings submitted, be provided with seating areas within the bedrooms themselves, whether that be in the form of a desk with chair, or a sofa, or in some cases both.

Furthermore, the Council's HMO licencing regime allows HMOs where no separate living room is proposed, provided the bedroom sizes meet a minimum size requirement, which in the case of a one person bedroom, would be 10m². The sizes of all of the proposed 17 bedrooms meet this minimum licencing requirement.

The Council's HMO licencing regime requires combined kitchen/dining rooms to measure 19.5m². None of the three proposed shared kitchen/dining rooms would meet this minimum space requirement (they would measure 15m², 16.3m² and 18.2m²), however a separate communal laundry area measuring 6.2m² is proposed in addition to the shared kitchen and dining areas. This extra provision would reduce the amount of space required for washing machines within each of the proposed kitchen/dining rooms. In addition, six out of the 17 proposed bedrooms would also feature private food prep areas within the bedrooms themselves which would in some way reduce the demand on the shared kitchen/dining rooms compared to if all 17 proposed bedrooms were not provided with food prep facilities. The

proposed kitchen/dining provision is considered to be acceptable from a planning perspective, and any failure to meet the Council's HMO licencing requirements would be a matter addressed under separate legislation.

Outdoor space

The external areas of the building comprise mainly of hardstanding for the purposes of car parking/turning and small sections of soft landscaping set alongside or behind proposed car parking provision. A very small section of grass is proposed to be retained to the front of the building; however this area is limited in size and would not be particularly useable by future occupiers for recreational purposes. Whilst outdoor areas are unlikely to be used by all occupiers of the building at the same time, the outdoor space afforded to the HMOs would be extremely limited in size, even for use by a small number of future occupiers.

The Council's Good Design SPD refers to rear private garden spaces being at least equal to the footprint of the property as a minimum standard. The proposal would fail to meet this minimum standard. The SPD also sets a minimum requirement for semi-private amenity space in the form of balconies or ground floor amenity space of 2.0m x 1.5m for each apartment. Whilst the proposal is not for apartments, the need for outdoor space for those occupying rooms within a HMO is considered to be similar to that of those occupying apartments, and the proposal would neither meet the SPD requirement for garden space for dwellings, nor the requirement for balcony/outdoor space set out for apartments.

The areas to the front, side and rear of the site offer little functional space beyond possible areas for drying clothes. The proposal results in the loss of existing grassed areas of the site to create off-street car parking and this car parking is a requirement associated with the number of bedrooms the applicant is proposing across all three clusters.

Overall, it is considered that the quantum of outdoor space provided on site would fail to provide suitable provision to facilitate opportunities for on-site recreation for future occupiers. Whilst the lack of outdoor space counts against the scheme and is considered to undermine the overall quality of the living environment proposed to be provided for future occupiers, it is considered that given the tendency for HMO occupants to live more independently, a larger external space is likely to be of less importance compared to a dwelling intended for family occupation where a garden provides an area for children to play and family units to socialise. In this case, it is also acknowledged that the site is located within the built-up area of Ashby de la Zouch and is accessible to areas of public open space which future occupiers would be capable of accessing for the purposes of recreation. On balance, the lack of useable outdoor space is not considered to warrant a refusal of planning permission in this particular case.

Other Matters

Objections have been received raising concerns that no Operational Management Plan, or other similar plans to include service plans and details on staffing, have been submitted to support the application.

As each of the HMOs would be occupied by 5 or more people who would not form a single household, each of the three proposed HMOs would require a licence from the Council which is dealt with under separate legislation outside the planning system. The licencing regime would address matters such as the facilities and sizes of shared kitchens, shared dining areas, shared living areas, and bedrooms. It would also address matters such as outside areas and the accessibility of bin storage areas.

Residential Amenity and Living Conditions of Future Occupiers Summary

Overall, subject to the imposition of planning conditions, the proposal would be acceptable in respect of impacts upon neighbouring amenity and the living conditions of future occupiers.

The application therefore accords with Policies D1(4) and D2(1) of the Local Plan, Policies G1 and H2(e) of the NP and the advice set out at paragraph 135(f) of the NPPF.

Highway Safety and Parking

Policy IF4 of the Local Plan states that the Council, working with the highway authorities, will ensure that development takes account of the impact upon the highway network and the environment, including climate change, and incorporates safe and accessible connections to the transport network to enable travel choice, including by non-car modes, for residents, businesses and employees.

Policy T1 (Traffic Management) of the NP states that with particular regard to the highway network of the Plan Area and the need to minimise any increase in vehicular traffic all development must:

- a) Be designed to minimise additional traffic generation and movement through the town; and
- b) Incorporate sufficient off-road parking; and
- c) Provide any necessary improvements to site access, communal parking and the highway network either directly or by financial contributions; and
- d) Where practicable, improve and create footpaths and cycle ways to improve access to key services and the countryside.

Policy H2(d) (Windfall Sites) of the NP states that development proposals for windfall housing within the limits of development will be supported where they are in accordance with relevant policies in the Neighbourhood Plan, especially G2 on design, and relevant national and District wide policies and provide for a safe vehicular, cyclist and pedestrian access to the site and that traffic generation and parking impact including mitigation measures does not result in an unacceptable impact on its own, or in combination with other development proposals, on congestion, or road and pedestrian safety.

Policy IF7 of the Local Plan states that development should incorporate adequate parking provision for vehicles and cycles in order to avoid highway safety problems and to minimise the impact upon the local environment.

Paragraph 115(b) of the NPPF states that in assessing specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users.

Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

Access and visibility splays

A number of objections have raised concerns in respect of the proposed access arrangements and that the use of the accesses would be dangerous and not practical, particularly the access on Churchill Close. The application proposes to utilise the existing site accesses on Burton Road and Churchill Close. Burton Road is a classified 'C' road whereas Churchill Close is an adopted unclassified road with both subject to 30mph speed limits.

The County Highway Authority (CHA) has been consulted on the application and has advised that typically, the accesses should be designed to accommodate two-way flows. Based on Figure 7.1 of Manual for Streets (MfS), a minimum width of 4.1m should be provided to accommodate two-way flows. The CHA conducted a site visit on 12th December 2025 and measured the accesses to be 4.0m (Churchill Close) and 3.8m (Burton Road) respectively. Whilst the access widths would be considered sub-standard, the CHA note the red line boundary and land within the applicant's control and consider that a minimum width of 4.1m

could be provided at each of the accesses. A planning condition is therefore recommended to be imposed to secure the required access widths.

Vehicular visibility splays should be provided in accordance with Table 6 of the Leicestershire Highway Design Guide (LHDG). Based on their site visit, the CHA consider that suitable visibility can be achieved in either direction to accord with Table 6 of the LHDG and have recommended the imposition of a planning condition to secure visibility splays. A planning condition is also recommended to secure pedestrian visibility splays measuring 1.0m x 1.0m on either side of the accesses.

Highway Safety

A number of objections have raised concerns in respect of highway safety and that the proposal will increase dangers to pedestrians and road users. The CHA has advised that there has been three Personal Injury Collisions (PICs) that have been recorded within 500m in either direction of the site within the most recent five-year period. One of the PICs was recorded as 'slight' in severity, one as 'serious' and one as 'fatal'. The CHA has advised that the low number of collisions means that there are no discernible trends or patterns within the collision data.

Trip Generation

A number of objections have raised concerns in respect of trips to and from the site and an intensification of the use of the existing accesses. The CHA considers that the proposed change of use will likely result in an increase in two-way trips compared to the building's existing lawful use as a care home, however the CHA has advised that the increase is not considered likely to result in a severe impact upon the highway and therefore the CHA considers that no further assessment is required in this respect.

Internal Layout

A number of objections have raised concerns in respect of insufficient car parking and insufficient turning for vehicles. The objections state that more than 17 occupants would occupy the site and that the proposal does not accommodate for visitor car parking, or parking for delivery vehicles.

Many of the objections also reference car parking issues on Churchill Close, with delivery drivers, carers and other visitors resorting to parking partly on pavements. It has also stated that whilst Churchill Close is a cul-de-sac, it leads to a park and play area so is heavily used by pedestrians.

Table 28 (Residential Parking Standards) of the LHDG requires a minimum of 3 car parking spaces per C4 HMO where planning permission is required, it states that 'up to 6 is desired'. For Sui Generis HMOs (more than 6 residents), Table 28 requires a minimum of 1 car parking space per resident. As such, the proposal requires 3 car parking spaces for each of the two proposed C4 HMOs and 7 car parking spaces for the larger Sui Generis HMO, totalling a minimum requirement of 13 car parking spaces. The LHDG does not require any visitor car parking for the HMOs proposed, nor does it require car parking or available off-highway space for servicing, delivery or emergency vehicles.

17 car parking spaces would be provided as part of the proposed development which accords with the minimum car parking requirements set out within the LHDG. The proposal provides four additional spaces above that of the minimum requirement. The CHA has also reviewed the submitted Proposed Site Layout Plan and are satisfied that sufficient parking and turning can be provided to serve the development. The dimensions of each car parking space have been measured by the Local Planning Authority, each space measures 2.5m x 5.0 metres which is suitable for a standard space, however two of the spaces (the space closest to the western side boundary when accessed from Burton Road, and the space abutting the rear elevation of the building) do not account for the additional 0.5m width required when a space

is bound at one side by a fence, wall or other form of enclosure. As such, it is recommended that an alternative scheme for off-street car parking is submitted for approval. It is also recommended that the approved car parking scheme be properly demarcated on site.

It should be noted that the existing care home, when assessed against the current car parking requirements of the LHDG, would require a minimum car parking requirement of 1 car parking space per three bedrooms, in addition to 1 car parking space for each staff member, plus at least one ambulance space, at least one mini-bus space, and available space off-highway for servicing/delivery vehicles. It is therefore extremely unlikely that the existing parking provision on the site for the care home meets the minimum parking requirements set out within the LHDG.

Whilst a number of objections have raised concerns stating that the proposal could be occupied by up to 34 residents, the application proposes three HMOs which, when combined, can only be occupied by up to 17 unrelated individuals. A planning condition to limit the occupancy of each of the HMOs (so that the total number of occupants is restricted to a maximum of 17 people) is recommended to be imposed upon any permission granted. This condition is considered to meet the tests for imposing planning conditions set out in paragraph 57 of the NPPF, namely that the condition is considered to be necessary, relevant to planning and to the development proposed, enforceable, precise and reasonable in all other respects.

Cycle Parking

Whilst the CHA's comments do not cover cycle parking requirements, Table 27 (Minimum Provisions for Cycle Parking) of the LHDG requires one cycle parking space per resident of each HMO. As such, the proposal is required to provide 17 cycle parking spaces which would need to be under cover and secure to accord with the LHDG. A planning condition to secure a scheme for cycle parking is recommended to be imposed upon any permission granted.

Emergency Services

A number of objections have also raised concern with regard to access by emergency vehicles, in particular that the extra traffic generated by the development would pose safety risks and danger for emergency vehicle access.

It should be noted that access for fire tenders is dealt with under Approved Document B of the Building Regulations. With regard to access for other emergency services, the CHA has not objected to the proposal on the basis of impacts on access by the emergency services or parking provision for their vehicles. As set out earlier in the report, the LHDG does not require car parking or available off-highway space for emergency vehicles for HMOs. As noted above, a planning condition is recommended to increase the width of the two accesses to the site which would improve access for emergency vehicles to the site compared to the care home use. It is therefore considered that a reason for refusal on the basis of impact on access for the emergency services could not be justified in this case.

Other Matters

A number of letters of objection have expressed concern in relation to the consultation comments made by the CHA. The comments raise concern in respect to the approach taken in the consultation comments provided in the assessment of this application when compared to the approach taken by the CHA in the assessment of the 2017 application (ref: 17/01607/FUL) which was previously submitted.

It should however be noted that each application is assessed by the CHA on its own merits and previous proposals for extensions to the care home are not comparable to the application now under consideration.

However, members are nevertheless advised that the 2017 application (ref: 17/01607/FUL) for a proposed two storey and single storey extensions to an existing C2 Care Home was recommended by Officers for approval but was overturned by the Council's Planning Committee on 9th May 2018 with a decision notice issued on 14th June 2018. The application was refused for two reasons, one being on grounds of residential amenity, and the other on highway safety grounds. The highway reason for refusal reads:

1. Policy IF4 of the adopted North West Leicestershire Local Plan (2017) outlines that the Council, working with the highway authorities, will ensure that development takes account of the impact upon the highway network with Policy IF7 of the adopted Local Plan (2017) specifying that development should incorporate adequate parking provision for vehicles in order to avoid highway safety impacts. It is considered that the overall scale of the extensions would result in an overdevelopment of the site which would result in the provision of insufficient off-street parking for the users of the facility (both staff and visitors) as well as inadequate parking for emergency vehicles. The ability for vehicles to manoeuvre within the site and exit in a forward direction would also be compromised by the scale of the works proposed and consequently would lead to vehicles reversing into Burton Road and Churchill Close. An increase in on-street parking and the reversing of vehicles into the highway (in particular Burton Road) would result in severe detriment to pedestrian and highway safety and consequently to permit the proposal would be contrary to Policies IF4 and IF7 of the adopted Local Plan as well as Paragraphs 32 and 39 of the NPPF.

The refusal was subject to an appeal (ref: APP/G2435/W/18/3207123) which was dismissed by the Planning Inspectorate on 13th November 2018, however neither the highway safety reason for refusal, nor the residential amenity refusal, were upheld.

The Planning Inspectorate dismissed the appeal solely on the grounds of adverse effects on the integrity of the River Mease Special Area of Conservation.

With regard to highway and parking impacts, the Inspector concluded that the proposed development would not result in an increase in on road parking or vehicles reversing onto the highway that would cause material harm to highway safety. The Inspector therefore concluded that the development complied with Policies IF4 and IF7 of the Local Plan which seeks to prevent such harm and the provision of adequate on-site parking.

Highway Safety and Parking Summary

The CHA has no objection to the proposal. The application would provide a suitable number of off-street car parking spaces and turning space for the proposed development and, subject to a planning condition to secure the widening of both existing accesses, vehicular and pedestrian visibility splays, as well as off-street cycle parking for a minimum of 17 bicycles, the application would be acceptable in respect of highway safety and parking. The application would therefore accord with Policies IF4 and IF7 of the Local Plan, Policy H2(d) of the NP, paragraph 115 of the National Planning Policy Framework and the Leicestershire Highway Design Guide.

Ecology and Biodiversity Net Gain

Policy En1 of the 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 187 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.

Policy ENV 5 of the NP states that all new development proposals will be expected to safeguard habitats and species across the Neighbourhood Area, including those of local significance, and to deliver biodiversity net gain.

Ecology

The site comprises habitats of low ecological value which consist of urban garden with trees, modified grassland, developed land/sealed surface and hedgerows. The application has been supported by the submission of a Technical Note (TN) which the County Council's Ecologist considers to be satisfactory. The TN confirms that the site is considered to be of low ecological value and therefore no further surveys are required. The TN also states that the building has limited potential for bats and therefore if any works are required to the roof, then a further survey by a suitably licenced ecologist would be required. This matter is recommended to be dealt with through the imposition of an informative.

The vegetation on site does provide suitable nesting habitat for birds and therefore the County Council's Ecologist has recommended that an informative relating to the removal of vegetation and the bird nesting season be attached to any permission granted.

The County Council's Ecologist has also advised that 'wall cotoneaster' (*Cotoneaster horizontalis*) were observed on site and that this species is listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) as plants that may not be planted or otherwise caused to grow in the wild. An informative is recommended to be attached to any permission granted to advise the applicant that if removal of this plant is required, Schedule 9 invasive plants are classified as controlled waste and should be handled and disposed of accordingly at a licenced waste facility.

The application also proposes a series of bat and swift boxes to be installed within the application site. The submitted proposed elevations indicate the makes, number and location of the boxes which is considered to be acceptable.

Biodiversity Net Gain

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. Policy ENV 5 of the NP states that all new development proposals will be expected to safeguard habitats and species across the Neighbourhood Area, including those of local significance, and to deliver biodiversity net gain. It goes on to state that if significant harm to biodiversity cannot be avoided (through relocating to an alternative site with less harmful impacts), adequately mitigated, or, in addition, dealt with through onsite or offsite enhancement (via biodiversity net gain at 10%) or compensation, planning permission should be refused, in conformity with paragraph 193(a) of the NPPF.

The submitted TN confirms that the 10% Biodiversity Net Gain is not achievable on site with a -16.93% decrease in Habitat Units and a 0.00% increase in Hedgerow Units. The County Council's Ecologist has reviewed the submission and agrees with the baseline biodiversity values of the existing site. The TN also indicates that the BNG uplift will be sought off-site from a third-party habitat bank and this would be a matter for the applicant to address through discharge of the Biodiversity Gain Plan condition.

An objection has been received which raises concern in relation to further vegetation removal which would be required to widen both existing access points and that this vegetation removal would increase the biodiversity impact of the development above the losses already expressed in the submitted information. It should be noted that any losses arising as a result of the proposed development, including those over and above those set out within the submitted metric, would be addressed via discharge of the Biodiversity Gain Plan condition.

In this case, the applicant does not propose to achieve the 10% net gain on the application site, and therefore a condition requiring the submission of a Habitat Management and Monitoring Plan is not required, nor is there any requirement to secure any on-site BNG for a period of at least 30 years.

Overall, subject to the imposition of conditions and informatives, the application is considered to be acceptable in respect of ecology and biodiversity net gain and accords with Policy En1 of the Local Plan and Policy ENV 5 of the NP.

Arboricultural Impacts

Policy En1 of the Local Plan states that new development will be expected to maintain existing ecological networks, hotspots and landscape features, including trees.

Policy H2(c) of the NP states that development proposals for windfall housing within the limits of development will be supported where they retain existing important natural boundaries such as trees, hedges and streams. Policy ENV 5 of the same plan states that new development should be designed to retain such trees and hedges wherever possible. It goes on to state that where destruction cannot be avoided, developers will be required to plant replacement trees and/or hedges on site or to provide compensatory planting elsewhere in the Neighbourhood Area.

The application has been supported by a Tree Survey, Arboricultural Impact Assessment (AIA), Method Statement and Tree Protection Plan, in accordance with BS5837:2012 – Trees in Relation to Design, Demolition, and Construction. To facilitate the development, it would be necessary to remove G1 (mixed Shrubs), T6 (Holly) & H9 (Leyland cypress). The County Council's Tree Officer has been consulted on the application and has advised that the removal of these trees will have minimal impact upon the character of the site and all other trees recorded within the survey would be retained. The AIA demonstrates that all arboricultural impacts have been adequately considered and appropriate tree protection methodologies are applied to retained trees where necessary. A planning condition is recommended to be imposed upon any permission granted to secure the protective fencing and working methods to include the use of 'no-dig' geocell construction within the RPA of trees where required.

Whilst the requirements of Policy ENV 5 of the NP are noted, G1 (mixed Shrubs), T6 (Holly) & H9 (Leyland cypress) are not protected trees, and therefore these trees and shrubs could be removed from the site without the need to obtain any consent from the Local Planning Authority. As such, a refusal of the application on grounds that the application would not secure replacement trees and/or hedges elsewhere in the Neighbourhood Area could not be sustained in this case.

Overall, the arboricultural impacts of the application are considered to be acceptable and the application accords with Policies En1(3) of the Local Plan and Policy H2(c) of the NP. The identified conflict with Policy ENV 5 (Biodiversity and Habitat Connectivity) of the NP is not considered to warrant a refusal of planning permission.

River Mease Special Area of Conservation/SSSI - Habitats Regulations Assessment

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC).

Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Surface water flows can also adversely impact on the SAC.

As a result of the proposed development there could be an impact on the River Mease SAC, which may undermine its conservation objectives, from an increase in foul and surface water drainage discharge.

As the site is currently a residential care home, consideration must be given to whether the proposed change of use would result in an increase in occupancy overall, and an associated increase in foul drainage discharge. Additional foul drainage discharge from the site would adversely impact on the SAC as it would pass through the sewage treatment works within the catchment area of the River Mease SAC and contribute to the raised phosphate levels in the river.

Discharge into the river from surface water disposal via a sustainable drainage system or via the mains sewer system can also result in an adverse impact on the SAC, including in relation to water quality and flow levels.

Foul Drainage

The River Mease Developer Contribution Scheme First and Second Development Windows (DCS1 and 2) have been produced to meet one of the actions of the River Mease Water Quality Management Plan (WQMP). Both DCS1 and DCS2 are considered to meet the three tests of the 2010 CIL Regulations and paragraph 194 of the NPPF. DCS1 was adopted in November 2012 and DCS2 was adopted in September 2016. There is no capacity available under DCS1/DCS2.

In March 2022 Natural England published advice in respect of the nutrient neutrality methodology which can be used to mitigate against the impacts of additional phosphate entering the SAC from foul drainage associated with new development. The River Mease DCS is a mitigation scheme to mitigate against additional phosphate entering the SAC but there is not capacity for the proposed development within the DCS for the proposed development. In relation to nutrient pollution, Natural England's nutrient neutrality advice relates to new development with the potential to affect water quality, resulting in adverse impacts on habitat sites. It advises that excessive levels of nutrients can lead to a loss of biodiversity. The River Mease is identified as being in an unfavourable condition, where nutrient neutrality is a potential solution to enable development to proceed.

The application proposes the change of use of an existing 19 bedroom residential care home to a cluster of three HMOs which would provide 17 bedrooms in total. Both the existing and proposed uses would involve overnight accommodation, however the occupancy of the three HMOs would be for up to 17 unrelated individuals, as opposed to the up to 19 residents which could accommodate the existing residential home. Furthermore, the existing residential home relies on staff to be on site throughout the day and night, which adds to the foul waste discharge from the existing site. In contrast, the proposed cluster of three HMOs would not include any staff on site throughout the day and night. Whilst the existing residential home would presumably accommodate for visitors for its residents, so too would a HMO use, and therefore the impact in terms of visitors is considered to be similar across the existing and proposed uses. Consequently, there is no substantive evidence to indicate that the proposed change of use would result in an increase in foul drainage discharge from the site.

Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) as the competent authority, it is necessary to undertake an appropriate assessment in relation to the likely significant effects of the proposed development, alone or in combination with other plans or projects, on the integrity of these sites.

On the basis that the proposed change of use would result in a reduced occupancy level, and therefore a reduced level of foul waste discharge from the site when compared to the existing

lawful use, it is considered that the proposal would achieve nutrient neutrality and no mitigation measures are required.

Surface Water Drainage

The submitted details indicate that surface water would discharge to the mains sewer. It is recognised that the existing building may already discharge surface water to the mains sewer and this application cannot be used to remedy that existing situation. However, it is recommended that the increased surface water arising from additional hardsurfacing now proposed across the site be discharged via a sustainable drainage system. This is recommended to be secured through the use of a planning condition.

Impact on the Watercourse

The application site is not located close to the River Mease or any tributary of the River Mease.

Conclusion

On the basis of the information submitted, the application would not adversely impact on the integrity of the River Mease SAC and SSSI. Subject to the imposition of a planning condition to secure a sustainable form of surface water drainage disposal, it is considered that the proposal will, either alone or in combination with other plans or projects, have no adverse effect on the integrity of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI. The application therefore complies with the Habitat Regulations 2017, the NPPF and Policies En1 and En2 of the Local Plan.

Flood Risk

Policies Cc2 and Cc3 of the Local Plan relate to Flood Risk and Sustainable Drainage Systems. Policy ENV 7 of the NP relates to flood risk resilience.

The site lies within Flood Zone 1 and is therefore in an area at the lowest risk of fluvial flooding. The site is also not within an area impacted by surface water flooding as defined by the Environment Agency's Surface Water Flood Maps.

As such the proposal is unlikely to result in a significant impact on flood risk and would comply with Policies Cc2 and Cc3 of the Local Plan and Policy ENV 7 of the NP.

Waste Storage and Collection

Criterion (I) of Policy G2 of the NP states that development proposals should make sufficient provision for sustainable waste management (including facilities for kerbside collection, waste separation, and minimisation where appropriate) without adverse impact on the street scene, the local landscape or the amenities of neighbours.

A number of objections have been received on the basis that insufficient details have been submitted in relation to bin storage and collection arrangements, including whether the Council's Waste Collection Crews would be able to service the site from Churchill Close.

Three bin stores are proposed to the eastern side elevation close to the access on Churchill Close, as shown on the proposed block plan. Each would measure 1.6m (w) x 0.90 (d) (measured externally). A detailed plan of the bin stores has not been provided to enable the Local Planning Authority to measure whether the inside of each of the bin stores would be large enough to store all of the bins that would be provided by the Council (1 x 1100 litre bin, 2 x 360 litre bins and 2 x 140 litres bins), however it is clear that the bin stores would not be deep enough to house the 1100 litre bin which would be 1070mm in depth, larger than the depth of the proposed bin stores. Additionally, no proposed elevations of each of the bin stores have been provided.

The site is of a sufficient size to accommodate bin storage without impeding any parking, access or turning facilities. As such, it is recommended that a planning condition be imposed in order to secure full details of an alternative bin storage arrangement which would need to be submitted to and approved in writing by the Local Planning Authority.

Part H6 of the Building Regulations 2010 states that residents should not be expected to carry their refuse more than 30 metres to a storage point, and that the storage point itself should not be more than 25 metres from the collection point specified by NWLDC. The proposal would rely on future occupiers carrying their waste to the dedicated bin storage area. In some cases, this distance would exceed 30 metres, however as the proposal relates to a conversion scheme where the individual bedrooms in three separate dwelling units spread across three floors of a building, this situation is considered to be inevitable.

It is considered possible to locate a sufficiently sized bin store on site which would be within 25 metres from the collection point which would be close to the edge of the adopted highway. The Council's Waste Collection Crews would be capable of servicing the site from the adopted highway, as per the existing arrangement for properties already located on Churchill Close. No objections have been raised by the Council's Waste Services team.

Overall, subject to the imposition of a condition, the application would provide sufficient provision for sustainable waste management and the application would accord with criterion (l) of Policy G2 of the NP.

Other Matters

Use Classes

A number of objections have raised concern with regard to the Use Classes referred to within the description of development, advising that they are incorrect and would allow the dwelling units to change use to other uses without the requirement to obtain express planning permission. For clarity, the Use Classes referred to in the description are correct. Sui Generis uses do not benefit from any Permitted Development Rights to change to other uses, and the large HMO would therefore not be capable of changing to any other use without express planning permission having first been obtained. In respect of the two small HMOs, these would benefit from Permitted Development Rights to change to dwellinghouses without express planning permission under Class L (small HMOs to dwellinghouses and vice versa) of Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

In this case, given that three separate dwelling units are proposed within the same building, it is recommended that the Permitted Development Rights referenced above are removed in the interests of amenity. This would ensure that the small HMOs would not be capable of being changed into C3 dwellinghouses without express planning permission having first been obtained.

Broadband

Policy E5 of the NP states that every individual dwelling should have the necessary ducting and infrastructure within the site and building(s) so as to be able to provide gigabit broadband connections. Given the application proposes the creation of additional dwelling units, a condition is recommended to be imposed upon any permission granted to secure such connections.

Conclusion and Planning Balance

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

made Ashby de la Zouch Neighbourhood Plan (2025) and the Leicestershire Minerals and Waste Local Plan (2019).

The provision of residential development within the Limits to Development in a Key Service Centre is considered to be acceptable in principle and would accord with Policy S2 of the Local Plan and Policy G1 of the NP.

The proposal is in a residential area with a cluster of HMOs also comprising a residential use. There is no evidence to demonstrate that the proposal would contribute to an imbalance in the local housing mix. There are also no policies which would restrict the loss of the existing residential care home use, and the proposal would not fail to accord with the housing needs set out within the NP. No conflict has been identified with Policies H2 or H3 of the NP.

The arboricultural impacts of the application are considered to be acceptable and the application accords with Policies En1(3) of the Local Plan and Policy H2(c) of the NP. The identified conflict with Policy EV 5 of the NP is not considered to warrant a refusal of planning permission.

Subject to the imposition of planning conditions, the proposal would also be acceptable with regard to ecology, biodiversity net gain, highway safety and parking, waste storage and collection and design impacts. There are no concerns in respect of residential amenity.

Furthermore, subject to the imposition of a planning condition to secure a sustainable form of surface water drainage disposal, it is considered that the proposal will, either alone or in combination with other plans or projects, have no adverse effect on the integrity of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI. The application therefore complies with the Habitat Regulations 2017, the NPPF and Policies En1 and En2 of the Local Plan.

The provision of three HMO clusters would deliver social benefits in providing lower cost accommodation for more occupants in an accessible location, in line with the NPPF's support for housing generally and meeting the housing needs of different groups. This benefit would however carry only limited weight considering that there would still be social and economic benefits in having the building remain in its prior use as a residential care home. Other economic benefits would arise from the additional residents spending money in the local area; however, these would be similarly limited in scale.

The harms arising from the proposal are limited to the lack of useable outdoor space for future occupiers and replacement trees and/or hedges not being secured however, on balance, these are not considered to warrant a refusal of planning permission in this particular case.

There are no other material considerations that indicate that planning permission should not be granted. The application is therefore recommended for approval.