

Committee Report

Planning Reference: 25/00643/FUL

Applicant(s): Mr Zunaid Akbar Anwar

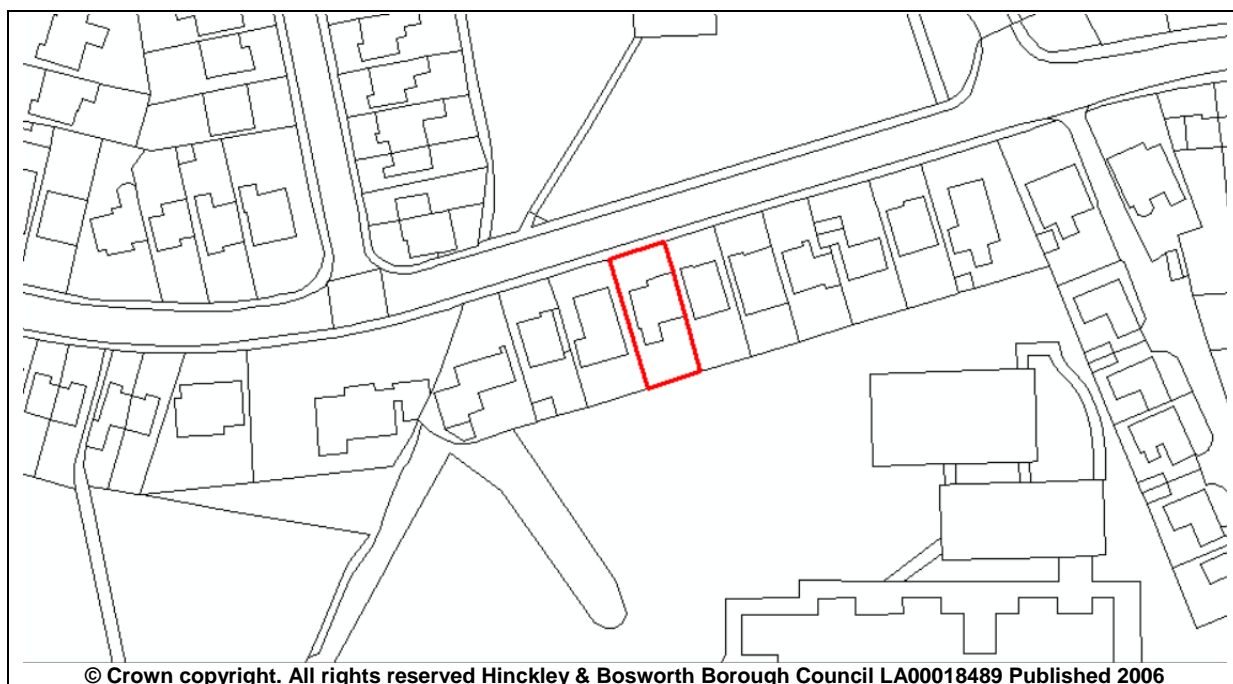
Ward: Barwell



**Hinckley & Bosworth
Borough Council**

Application Site: 141 Heath Lane, Earl Shilton, Leicester

Proposal: Proposed change of use of dwellinghouse (Use Class C3) to residential children's home (Use Class C2) for up to three children under the age of 18 years old and provision of bin store and cycle shelter



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions detailed at the end of this report.

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the change of use of a dwellinghouse (Use Class C3) to a residential children's home (Use Class C2) for up to three children at 141 Heath Lane, Earl Shilton. No external alterations are proposed to the existing property, but the scheme includes the provision of a bin store and a cycle shelter.
- 2.2. To facilitate this change of use, the scheme creates jobs for two full time and two part time members of staff, and an existing bedroom is converted into a staff room. Only

one member of staff shall be on site at any given time, and only two members of staff will be on site to accommodate the changeover of shifts. All visits to the site shall be by appointment only.

3. Description of the Site and the Surrounding Area

- 3.1. The 285sqm application site is to the west of Earl Shilton and comprises a two-storey residential property that is predominantly constructed in red brick. The site is situated on the southern side of Heath Lane, approximately 54m to the northeast of the junction of Heath Lane with The Drive. Heath Lane is an adopted but unclassified road that is subject to a 30mph speed limit.
- 3.2. The site is wholly surrounded by the residential built form within Earl Shilton to east and Barwell to the west, and Heath Lane Academy is located to the north of the site and Fusion Academy is adjacent to the southern boundary of the site. Due to the variety of styles and designs of buildings within the vicinity of the site, there is no discernible unique character to the street scene.

4. Relevant Planning History

- 4.1 There is no relevant planning history within this application site applicable to the current planning application.

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents. Five objections have been received from or on behalf of six separate addresses for reasons including child safety concerns, noise and disturbance, increased anti-social behaviour, harm to neighbouring residential amenity, off-street parking concerns, and flooding concerns. No further responses have been received.

6. Consultation

- 6.1 There have been no objections from Hinckley and Bosworth Borough Council's Drainage or Environmental Services Departments, or Leicestershire County Council as the Local Highway Authority, subject to planning conditions.
- 6.2 Earl Shilton Town Council and Barwell Parish Council did not comment on the planning application.

7. Policy

- 7.1 Core Strategy (2009):
- Policy 2: Development in Earl Shilton
 - Policy 3: Development in Barwell
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7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 Earl Shilton and Barwell Area Action Plan (ESBAAP) (2014):

- Policy 22: Development and Design

7.4 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- National Design Guide (2019)
- Planning Practice Guidance (PPG)

7.5 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2024)
- Technical Housing Standards – Nationally Described Space Standards (2015)

8. Appraisal

8.1. The application site is within a sustainable location in the identified settlement boundary of Earl Shilton. Therefore, the development of a Use Class C use in this location is acceptable in principle, subject to the assessment of all other material considerations. The key issues in respect of this application are therefore:

- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety

Design and Impact upon the Character of the Area

8.2 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

8.3 Policy 22 of the ESBAAP requires development to ensure that it does not result in detriment to the character of appearance of the host building or the surrounding area. Furthermore, Policy 22 requires development to respect the local distinctiveness of existing buildings and landscape settings, and its design should respect the scale,

proportions, and heights of existing buildings, neighbouring structures, and the overall street scene.

- 8.4 Under the Town and Country Planning (Use Classes) 1987 (as amended), a Use Class C3 dwelling can include up to six residents living together as a single household where care is provided for residents. This current proposal includes three children and a minimum of one member of staff on site, which is less than the limitations of a Use Class C3 residential property. As children cannot live as a single household on their own, the proposal is considered to represent a change of use to a C2 use, which is defined as the provision of residential accommodation and care to people in need of care.
- 8.5 However, this does not necessarily mean that a material change of use has occurred within the site for which planning permission is required. Planning permission is only required where the C2 use is materially different from the C3 use.
- 8.6 There are no external alterations proposed to the existing building, the cycle storage is located within the existing property, and the bin storage area is to the rear of the property. Therefore, it is not considered that the scheme results in any material impact on the appearance of the site.
- 8.7 By virtue of these factors, the proposal respects the character of surrounding area in accordance with Policy DM10 of the SADMP and Policy 22 of the ESBAAP.

Impact upon Residential Amenity

- 8.8 Policy DM10(a) and (b) of the SADMP states development will be permitted if it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.9. Policy 22 of the ESBAAP requires development to not adversely affect the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration and visual intrusion. Policy 22 of the ESBAAP also states that the amenity of occupiers of the proposed development should not be adversely affected by activities in the vicinity of the site.
- 8.10. No external amendments are made to the property, and the proposal has no material impact on the size of the existing bedroom or the property's private outdoor amenity space. The Planning Statement confirms that the scheme shall only be utilised by three children and a minimum one member of staff at any given time. Therefore, the capacity of the proposed scheme is considered to be less than what the existing Use Class C3 use of the site is capable of without the benefit of any form of planning permission. No concerns or objections have been raised by the Council's Environmental Services Department in relation to the scheme's impact on neighbouring residential amenity.
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- 8.11. By virtue of these factors, the scheme is not considered to result in any significant adverse impacts to the residential amenity of neighbouring properties or the future occupants of the scheme in comparison to the existing use of the site and is therefore in accordance with Policy DM10 of the SADMP and Policy 22 of the ESBAAP.

Impact upon Parking Provision and Highway Safety

- 8.12. Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe.
- 8.13. Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision. Any reduction below minimum standards will require robust justification.
- 8.14. Leicestershire County Council as the Local Highway Authority (LHA) has reviewed its Personal Injury Collision (PIC) database and identified one PIC within 500m of either side of the site's access onto Heath Lane. A single PIC is not considered to be representative of a trend or pattern, and therefore the PIC is regarded by the LHA as an 'isolated incident.' As a result, it is not considered that there are any existing highway safety issues that would be exacerbated by the current development proposals.
- 8.15. The scheme utilises an existing and unamended access onto Heath Lane. As this is an existing situation, the LHA have not sought any further access details.
- 8.16. The existing dwelling within the site has four bedrooms and the current proposal reduces this capacity to three bedrooms, which shall be occupied by children, and converts one of the existing bedrooms into a staff room. The Planning Statement states that only one member of staff shall be on site at any given time, and only two members of staff will be on site to accommodate the changeover of shifts. All visits to the site shall be by appointment only.
- 8.17. The site accommodates three off-street vehicle parking spaces, one of which is within the integrated garage at the site. The scheme also provides under coverage storage for five cycles, which is welcomed by the LHA.
- 8.18. Although the garage does not confirm to the current minimum dimension guidelines for a garage within the Leicestershire Highway Design Guide, as this is an existing situation, the LHA are satisfied that this is acceptable in these site-specific circumstances and that there is adequate off-street parking for the proposed use.
- 8.19. Given the above, it is considered that there is sufficient off-street parking for the property and that the proposal does not create an unacceptable impact on highway safety or the road network. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP.
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9. Equality Implications

9.1 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.

9.2 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.

9.3 There are no known equality implications arising directly from this development.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

10.1 In conclusion, it is not considered that the proposal intensifies the use of the site to the extent that it represents a material change of use. Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

11. Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions detailed at the end of this report.

11.2 **Conditions and Reasons**

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1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details received by the Local Planning Authority as follows:

- Existing and Proposed Layout and Elevations (submitted: 01.07.2025)
- Location Plan (submitted: 01.07.2025)

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Proposed Block Plan, drawing number 002. Thereafter the onsite parking (and turning) provision shall be kept available for such uses in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2024).

4. The dwelling shall not be occupied by more than three children at any one time.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.
 2. It is an offence under Section 184 of the Highways Act 1980, to cross a kerb, verge or footway in a motor vehicle except at a crossing point that has been approved by Leicestershire County Council (LCC). The Applicant therefore needs to apply to the Local Highway Authority for a Vehicle Access (Dropped Kerb) Permit before undertaking any works. The Applicant should note that the approval of planning permission does not guarantee permission for the required permit. Further details of the requirements can be found at:
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<https://www.leicestershire.gov.uk/roads-and-travel/cars-and-parking/vehicle-access-dropped-kerbs>.

3. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway, the Applicant must ensure all necessary licences/ permits/ agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.