

Planning Committee

4 April 2024

Report of: Assistant Director for Planning

Reference number: 23/00633/FUL

Proposal: Flexible change of use in accordance with Schedule 2, Part 3, Class V of the Town and Country Planning (General Permitted Development) Order 2015 from Use Class C3 (dwelling) to Use Class C2 (Childrens Care Home)

Address: The Chestnuts, 12 Belvoir Road, Redmile, Leicestershire, NG13 0GL

Applicant: Esland North Limited

Planning Officer: Amy Smith

Report Author:	Amy Smith, Planning Development Officer
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Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Chris Evans and Simon Orson (Long Clawson and Stathern)
Date of consultation with Ward Member(s):	11 August 2023
Exempt Information:	No

Reason for committee determination:

The application is required to be presented to the Committee as the application has received more than 10 letters of objection from separate households which conflict with the recommendation.

Web Link:

[23/00633/FUL | Flexible change of use in accordance with Schedule 2, Part 3, Class V of the Town and Country Planning \(General Permitted Development\) Order 2015 from Use Class C3 \(dwelling\) to Use Class C2 \(Childrens Care Home\) | The Chestnuts 12 Belvoir Road Redmile Leicestershire NG13 0GL \(melton.gov.uk\)](#)

What 3 words:

<https://w3w.co/discussed.slug.keyboards>

Site Location Plan:



RECOMMENDATION(S)

1. It is recommended that the Planning Application be APPROVED subject to conditions, as listed in detail at section 10 of this report.

1 Executive Summary

- 1.1 The application seeks full planning permission for the flexible change of use of a residential property (Use Class C3) to a children's care home (Use Class C2). Schedule 2, Part 3, Class V of the Town and Country Planning (General Permitted Development) Order 2015 is referenced in the description of development to allow the flexible use of the building. For clarity, if planning permission is granted, Class V would allow the use of the

building to revert back to its original Use Class C3 (dwellinghouse) without the requirement of planning permission in the future.

- 1.2 The application site is located within the rural settlement of Redmile. The site lies within the Redmile Conservation Area.
- 1.3 No physical alterations are proposed to the existing building which would constitute development in accordance with Section 55 of the Town and Country Planning Act 1990.
- 1.4 Section 72 of the Planning (Listed Buildings and Conservations Areas) Act 1990 requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in exercising planning functions. As there are no physical alterations proposed, it is considered that the proposal would preserve the character and appearance of the Redmile Conservation Area.
- 1.5 There is ample outdoor space at the application site to allow for off-street parking provision for multiple vehicles, in excess of that which would be required by the local highway authority for a dwelling of this size in accordance with the Leicestershire Highway Design Guide (LHDG). The LHDG requires dwellings with more than three bedrooms to have three or more parking spaces available for use in perpetuity.
- 1.6 The impact of the proposal on the amenity of neighbouring residents has been assessed and is considered to be acceptable. This is due to the residential nature of the proposed development, and the limitations of the number of residents receiving care to be secured by planning conditions.
- 1.7 The proposed development would therefore accord with Policies SS1, C7, EN13, D1 and IN2 of the Melton Local Plan and the overall aims of the National Planning Policy Framework.

Main Report

2 The Site

- 2.1 The application site comprises an existing two storey, detached four-bedroom dwelling with associated domestic curtilage to the eastern edge of the rural settlement of Redmile. The dwelling and the application site is visible on the approach from the east along Belvoir Road.
- 2.2 Access is provided from Belvoir Road by a private driveway to the north-east of the site. Off-street parking provision can be provided within the site for multiple vehicles.
- 2.3 The two storey dwelling overlooks its private garden to the north, adjacent to Belvoir Road. There are multiple trees contained within the curtilage of the dwelling which are to be maintained.
- 2.4 The boundary treatments of the site are predominantly delineated by mature hedgerows. Belvoir Road runs parallel to the site's northern boundary, and a residential property at 10 Belvoir Road adjoins the site to the western boundary. The site is bound to its southern boundary by traditional red brick barns, and beyond that is open countryside.
- 2.5 The site is located within the Redmile Conservation Area.

3 Planning History

- 3.1 22/01144/CL - Proposed change of use from a dwellinghouse (use class C3a) to a children's home (use class C2) for four children. WITHDRAWN

- 3.2 12/00914/FUL - Change of use from stables and storage to ancillary residential accommodation. Approved 26th February 2013

4 Proposal

- 4.1 Full planning permission is sought for the flexible change of use of an existing dwelling to Use Class C2. It is intended to operate the property as a Children's Care Home by the applicant. The application seeks flexibility under Schedule 2, Part 3, Class V of the Town and Country Planning (General Permitted Development) Order 2015 to allow for the use to revert back to Use Class C3, should the C2 use cease in the future.
- 4.2 No physical alterations are proposed to alter the external appearance of the building.
- 4.3 The supporting information to the application notes that the proposed development will provide care to children between 8-17 years old, 24 hours a day, 7 days a week. Staff will run the home through shift patterns. The number of care staff will be determined by the needs of each child and will vary depending on their support requirements. The application initially did not specify the number of children to reside at the property. Following conversations with the applicant and the submission of the Operational Information document it has been agreed to secure by condition the number of children to be cared for within the home to two children.
- 4.4 The Operational Information document states there would be a maximum of five members of staff on a typical day (or a minimum of three depending on the needs of the children) to provide care and additional support if necessary, depending on the circumstances of the children being cared for. No staff will live at the property, but night time supervision will be provided by care workers with bedroom spaces available for staff to use during overnight shifts. The Operational Information document states that occasional visits will take place from other professionals involved in the care of the children. Fully supervised visits from friends are also occasionally permitted.

5 Amendments

- 5.1 Additional supporting information was submitted by the applicant in January 2024 which set out the operational information of the proposed use and addressing key matters for consideration, including impact upon character and amenity and suitability of the location of the children's home.
- 5.2 A revised car parking arrangement drawing was submitted to the Local Planning Authority in January 2024, making an amendment to the proposed layout of the six proposed car parking spaces within the site. The number of proposed parking spaces were not increased or decreased, and remain at six. The change was minor, altering the layout from four spaces in the southerly 'block' and two in the northerly 'block', to two in the southerly 'block' and four in the northerly 'block' along the existing access road within the site.

6 Planning Policy

National Policy

- 6.1 National Planning Policy Framework (NPPF)
- 6.2 National Planning Policy Guidance (NPPG)

Melton Local Plan

- 6.3 The Melton Local Plan 2011-2036 was adopted by Full Council on 10th October 2018 and is the development plan for the area.
- 6.4 The Local Plan is consistent with the National Planning Policy Framework and whilst it is now being updated, its policies remain relevant and up to date for the determination of this application.
- 6.5 The relevant policies to this application include:
- Policy SS1: Presumption in Favour of Sustainable Development
 - Policy C7: Rural Services
 - Policy EN13: Heritage Assets
 - Policy IN2: Transport, Accessibility and Parking
 - Policy D1: Raising the Standard of Design

Other

- Leicestershire Highway Design Guide

6.6 There is no Neighbourhood Plan adopted in Redmile.

7 CONSULTATION RESPONSES

7.1 The below is a summary of responses and representations received. The full responses can be found on the web portal.

SUMMARY OF TECHNICAL CONSULTATION RESPONSES

Leicestershire County Council as Highways Authority (received 30th August 2023)

- Refer the Local Planning Authority to their Standing Advice.

Police: Designing Out Crime Officer (received 4th December 2023)

- No formal objections but makes observations in relation to door security, CCTV, alarm systems, lighting, natural surveillance, boundary enclosures, and waste and cycle storage

7.2 SUMMARY OF REPRESENTATIONS

Ward Member(s)

- No written comments received.

Parish Council

Barkestone, Plungar and Redmile Parish Council object to the planning application on the grounds of;

- Previous and ongoing events of anti-social behaviour in the village,
- On-street parking problems,
- Likely increase in traffic and impact upon highway safety at peak times,
- Nuisance, noise and disturbance constitute negative effects on amenity of existing residents and it is suggested that planning permission should be refused,

- Redmile is an unsustainable location for new development in accordance with Policy SS3 of the Melton Local Plan, and local development needs are not met as the existing home will be made unavailable to families wanting to live in Redmile. The staff and children do not contribute to the limited resources in the village,
- Another children's care home in the village, in addition to two children's care homes which currently exist in Redmile, will have an adverse impact on the character of the village,
- Suggested limit of two children in care at the property is questionable.

Neighbours

28 letters of objection have been received from 19 separate households;

- The development will take a valuable family home from the community
- Impact on the economy of the local community and sense of community
- The village has two existing children's care homes, a third is not acceptable and disproportionate to the size of the village
- A third care facility in the village would place pressure on the local community and would pose a risk to existing residents of the other care homes
- Previous and ongoing anti-social behaviour, which has increased the fear of crime amongst the community and taken up police time and resources
- Poor company reviews of the applicant
- Redmile is an unsustainable location with limited services
- The proposed development would be disproportionate to the availability of residential properties in the village
- Increase in volume of traffic on a busy road and the access into the site is close to a sharp bend on Belvoir Road
- Pedestrian safety along Belvoir Road
- No bus service from Redmile to Grantham
- C2 Uses should avoid over-concentration of similar uses in any one area, and have good public transport, shops, community facilities and open space appropriate to the needs of occupiers
- Concerns about the number of children occupying the proposed development
- The property has a potential to create up to 11 bedrooms
- The proposal does not comply with Policies SS3, C2, C7 and D1 of the Melton Local Plan

RESPONSE TO CONSULTATIONS AND REPRESENTATIONS

7.3 The principle of the proposal is considered against the Melton Local Plan and is considered in detail in the planning analysis below. The existence of the current residential property means that there is no consideration required for 'new' residential development in the village under Policy SS3. Policy SS3 is not pertinent on the matter as the proposal does not constitute 'new residential development', being a change of use of an existing residential property. The proposed flexible change of use of the property to Use Class C2

[residential institution] would mean that the property would ultimately retain its residential function.

- 7.4 Policy C2 relates to residential proposals for developments of 10 or more dwellings. Therefore it is not relevant to this application.
- 7.5 Policies C7 and D1 are considered in the planning analysis later in this report.
- 7.6 The presence of existing children's care homes in the village is noted and the cumulative impact of the residential institutions to the character of the village is considered in the planning analysis below.
- 7.7 Highway safety and parking provision is considered below in the planning analysis in accordance with the Highway Authority's standing advice and Policy IN2 of the Melton Local Plan. The proposal demonstrates off-street parking provision for six vehicles for use by staff and visitors to the property from an existing access point from Belvoir Road. A pre-occupation planning condition would ensure these spaces are made available for use prior to the use coming into effect, and retained for the lifetime of the development.
- 7.8 Online reviews of the applicant (Esland North Limited) are not relevant to the assessment of the proposed use under the Planning System.
- 7.9 Anti-social behaviour is not a material planning consideration, and shall be handled by appropriate authorities separate from the planning system. Paragraph 135(F) of the NPPF refers to crime and disorder and the fear of crime in relation to residential amenity. Impacts on amenity are material considerations and are discussed below under the heading 'Impact upon Neighbour Amenity'.
- 7.10 An appropriately worded planning condition is suggested to restrict the number of children to occupy the proposed development.
- 7.11 The applicant has been made aware of the advice from the Designing Out Crime Officer. The installation of such security features may not require planning permission or can be considered under a separate planning application, if necessary.

8 PLANNING ANALYSIS

The main considerations are:

- 8.1 Principle of Development
- 8.2 Impact upon the Character of the Area
- 8.3 Impact upon Neighbouring Amenity
- 8.4 Highway Safety

Principle of Development

- 8.4.1 Melton Local Plan Policy SS1 sets out the principle in favour of sustainable development. Echoing Paragraph 11 of the NPPF, Policy SS1 states that where planning applications are in accordance with the relevant planning policies of the Development Plan, they should be approved without delay, unless material considerations indicate otherwise.
- 8.4.2 Redmile is considered a 'Rural Settlement' within the adopted Melton Local Plan. Rural settlements are defined as small villages or hamlets that have little or no local services, where residents are entirely dependent upon travelling to a nearby settlement or town or

city for work, recreation and service provision. Redmile is a settlement with a strong community of mixed ages and family groups. It has facilities such as a primary school and public house within the village, and relies on neighbouring villages such as Bottesford for day-to-day services such as shops. Whilst the location is not considered sustainable in planning terms for substantial additional development, the community is sustainable with a primary school and public house.

8.4.3 Section 55 of the Town and Country Planning Act 1990 sets out the meaning of development:

(1) Subject to the following provisions of this section, in this Act, except where the context otherwise requires, “development,” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

8.4.4 Although there is no statutory definition of 'material change of use'; as set out in National Planning Policy Guidance: “it is linked to the significance of a change and the resulting impact on the use of land and buildings.” Due to the specific circumstances of this proposal, and the operations of the children’s care home as per the submitted information by the applicant, it is considered the proposal is a material change of use.

8.4.5 Policy SS2 sets out the development strategy for new residential and employment development in the Borough and distributes development in accordance with the spatial strategy contained within. The existence of the residential property at 12 Belvoir Road means that there is no consideration required for the proposal under Policy SS2, as the proposal seeks for the change of use between residential uses (Use Class C3 to Use Class C2). The proposal is therefore not ‘new residential’ nor ‘employment development’, thus Policy SS2 is not engaged.

8.4.6 Policy SS3 of the Melton Local Plan relates to windfall residential development, and states that in rural settlements outside the main urban area, the Council will seek to protect and enhance existing services and facilities and will support sustainable development proposals in accordance with Policy SS2. However, as stated at 8.4.5 in reference to Policy SS2, Policy SS3 also refers to ‘new residential development’. The existence of the residential property at 12 Belvoir Road means that there is no consideration required for changes of use between residential uses (Use Class C3 to Use Class C2). Policy SS3 is therefore not engaged.

8.4.7 The Written Ministerial Statement (WMS) published on 23rd May 2023 set out the Government’s commitment to “*support the development of accommodation for looked after children, and its delivery through the planning system*”. The Statement states the planning system should not be a barrier to providing homes for the most vulnerable children in society. The WMS also states that “*In two tier authorities, we expect local planning authorities to support these vital developments where appropriate, to ensure that children in need of accommodation are provided for in their communities.*”

8.4.8 The WMS is included in full at Appendix A to this report.

8.4.9 The WMS puts forward a national need for children’s homes, and for those homes to be in the right place within a sustainable community. As discussed above, whilst Redmile is not considered a sustainable location for new development, it has a sustainable community with a well-performing primary school and public house.

8.4.10 The WMS also goes on to say “*when care is the best choice for a child, it is important that the care system provides stable, loving homes close to children’s communities. These*

need to be the right homes, in the right places with access to good schools and community support. It is not acceptable that some children are living far from where they would call home (without a clear child protection reason for this), separated from the people they know and love.”

- 8.4.11 The Local Planning Authority does not make the relevant assessment of the children who will be living at the home as part of the decision-making process for a change of use of a property to a children's care home. Rather, it is the Planning System's responsibility to enable these homes to be able to come forward in the correct places so that relevant Children's Social Care Authorities are able to support that function. The site has good access to a well-performing primary school in a sustainable community and is therefore considered to accord with the key matter of the WMS.
- 8.4.12 The application site is an existing residential property falling within Use Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended). The proposed change of use of the property to Use Class C2, for use as a children's care home, would ultimately retain its residential function and would operate similarly to a family home in that it will serve as a primary residence for a maximum of two looked-after children, albeit cared for by typically between 3 to 5 adults for the majority of the time.
- 8.4.13 Objections have been received relating to the existence of two similar care home facilities in the settlement. Whilst the merits of the lawful use of those properties cannot be discussed within the assessment of this application; it is noted that the policies of the Melton Local Plan are silent with regards to the consideration of the impacts of the concentration of similar uses on a settlement. Furthermore, the policies do not seek to restrict Use Class C2 uses in specific locations. The protection, retention or enhancement of community services and facilities (such as care homes) in the rural area is supported by Policy C7 of the Local Plan. Primarily the policy seeks to ensure that community facilities are not lost, but also provides support in respect of the provision of additional assets that improve community cohesion and well-being to encourage sustainable development.
- 8.4.14 It is therefore considered that in the residential area of Redmile, the proposed use of the property as a Children's Care Home is acceptable in principle. Furthermore, the description of the development for the application also seeks for flexibility under Schedule 2, Part 3, Class V of the Town and Country Planning (General Permitted Development) Order 2015 to allow for the use to revert back to Use Class C3, should the C2 use cease in the future. The principle of the development to revert back to its original lawful use as a dwellinghouse (Use Class C3) is considered acceptable in accordance with Policy SS1 of the Melton Local Plan.

Impact upon the Character of the Area

- 8.4.15 The site is located to the eastern edge of the rural settlement of Redmile, with a visual connection to the residential built up area of the village.
- 8.4.16 Policy C7 is relevant in that it supports proposals and activities that protect, retain or enhance existing community services and facilities (which includes 'care homes' as listed in the footnote of the Policy), or that lead to the provision of additional assets that improve community cohesion and well-being to encourage sustainable development.
- 8.4.17 The rural settlement of Redmile offers some local services and facilities, including a primary school, a Church, a public house and a play area. Like other children who reside in Redmile, the children cared for at the proposed development will need to travel to other

locations to access other facilities, including secondary schools and libraries. The proposed use of the site as a children's care home is therefore considered no less sustainable in relation to accessibility to services than its current use as a single dwellinghouse.

- 8.4.18 The application site is located on the edge of the village, albeit in relative close proximity to other residential properties. Given the functional characteristics of the children's care home as a primary residence for children in need of care, and the supporting information of the daily operations at the home, it is considered that the proposed use would operate similarly to that of a generic family dwelling and therefore would result in no material harm to the character of the rural settlement.
- 8.4.19 The proposed development does not seek permission for any internal or external alterations to the building which require planning permission in their own right. The appearance of the dwelling would therefore be maintained as a single dwellinghouse, with large private garden, private access and on-site parking provision. The domestic nature of the proposal would therefore not be out-of-keeping with its surroundings within the rural settlement of Redmile.
- 8.4.20 It is recommended that a condition is placed on the permission restricting the number of children at the care home to two children. This would allow the Council to retain control in order to reduce the activity at the application site by minimising the number of people required to visit the property on a frequent/daily basis.
- 8.5 Section 72 of the Planning (Listed Buildings and Conservations Areas) Act 1990 requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in exercising planning functions. As there are no physical alterations proposed, it is considered that the proposal would preserve the character and appearance of the Redmile Conservation Area.
- 8.5.1 In addition to the consideration of the impact of the proposed development upon the character of the area, the proposed development would have neutral impact upon the special historic character of the Redmile Conservation Area as no works are proposed which would alter the external appearance of the application site.
- 8.5.2 The proposed development therefore accords with Policies D1 and EN13 of the Melton Local Plan which seeks to protect and enhance the character of settlements and the historic environment whilst having regard to Section 72 of the Planning (Listed Buildings and Conservations Areas) Act 1990 and Section 16 of the NPPF 2023.

Impact upon Neighbour Amenity

- 8.5.3 Residential amenity is not defined in law. Residential amenity considers elements that are particularly relevant to the living conditions of a dwelling.
- 8.5.4 Residential amenity has a significant and valuable impact on the way in which people use their homes. The health and well-being of residents is often directly related to the level of residential amenity occupants can enjoy. When assessing how a development proposal may impact on the existing amenity of an area and living conditions of nearby occupiers, the following issues would be significant;
- Privacy
 - Overbearing effects
 - Natural light and outlook

- Environmental effects

- 8.5.5 Policy D1 of the Melton Local Plan seeks to protect the amenity of neighbouring properties from potential impact as a result of development.
- 8.5.6 Policy C7 of the Melton Local Plan states that proposed development will be supported where the development leads to the provision of additional assets that improve community cohesion and well-being to encourage sustainable development. Objections have been received amounting to concern relating to the cumulative impact of the proposed development alongside the presence of two existing Children's care homes in the village.
- 8.5.7 Whilst anti-social behaviour is not a material planning consideration, the impact of the proposed use and the fear of crime attributed to similar uses in the village can be considered as part of the cumulative impact of the proposed development alongside existing facilities in close proximity to it.
- 8.5.8 Paragraph 135(f) of the NPPF states that 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 and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.5.9 It is acknowledged that residents of Redmile have raised concerns regarding the potential for an increase of anti-social behaviour associated with the proposed use of the dwelling as a children's care home. It would be unreasonable to consider that crime and anti-social behaviour are an inherent part of the character of children's care homes. Instances of anti-social behaviour in the settlement cannot be attributed to future occupants of the proposed development and if nuisance and anti-social behaviour should occur, the instances shall be handled by the appropriate authorities outside of the planning arena including but not limited to Melton Borough Council Safer Communities and Leicestershire Police.
- 8.5.10 Paragraph 135(f) seeks for planning decisions to lessen the fear of crime in the community. Whilst the planning system cannot control behaviour, it does enable the decision makers to address the concerns of the proposed use impacting upon the amenity of nearby residents, and to address the potential fear of crime attributed to the cumulative impact of the proposed development alongside existing care homes in the settlement. It has therefore been agreed with the applicant that a planning condition would be acceptable to restrict the number of children who would live at the property to two. Care will be provided to the children 24 hours a day, 7 days a week with staff running the home in shift work patterns.
- 8.5.11 The applicant has prepared a supporting statement which sets out the general operations of the care home, stating that the daily operations of the home with two children in residence would require a maximum of five care staff on a typical day (or a minimum of three staff depending on the needs of the children). Carers and the home manager would move to and from the property at the beginning and ends of their shifts, meaning that for a limited period of time at shift changeover in the morning and evening, there would be additional staff on site for a short period for handover only.
- 8.5.12 The Operational Information document also provides clarification on the business model, how the property would operate on a daily basis and how the management would respond should an emergency occur. Officers are content that it demonstrates the security and management of the home has been carefully considered by the applicant and seeks to reduce the likelihood of the occurrence of crime.

- 8.5.13 The reason for the planning condition restricting the number of cared for children would be to protect the amenity of nearby residents; it is considered that the daily activities relating to the operations of the Care Home with two children in residence would not result in significant degree of noise or disturbance that would unacceptably affect the amenity of neighbouring residential properties. The noise and disturbance from the proposed development would unlikely be substantially different from that created from its existing use as a single dwellinghouse. Furthermore, the planning condition allows the development to be controlled in accordance with the supporting information to the application, therefore minimising undue cumulative impact of the proposed development as an additional care home facility in the village.
- 8.5.14 It is considered that the planning conditions limiting the number of occupants residing at the property and for the home to be operated in accordance with the details of the Operational Information document would sufficiently protect the amenity of neighbouring residents, and therefore the proposed development would be in accordance with Policy D1 of the Melton Local Plan.

Highway Safety

- 8.5.15 Policy IN2: Transport, Accessibility and Parking of the Melton Local Plan states that all new development shall provide appropriate and effective parking provision and servicing arrangements.
- 8.5.16 The Highway Authority have no objections to the proposal and have referred the Local Planning Authority to their standing advice.
- 8.5.17 The application site benefits from an existing vehicular access from Belvoir Road. No alterations are proposed to this existing access. The applicant has demonstrated the site is capable of providing a large area within its curtilage to facilitate off-street parking provision for up to six vehicles. The Highway Authority's standing advice in reference to Section 3.151 of the Leicestershire Highways Design Guide sets out a requirement for three off-street parking spaces for residential uses in rural areas or in locations where car ownership is likely to be higher than those locations served well by public transport. It is therefore considered that an overprovision of off-street car parking can be sufficiently provided at the site.
- 8.5.18 A drawing is provided by the applicant demonstrating the proposed layout of the parking provision at the property for six vehicles. A planning condition is attached to the Officer's recommendation to ensure the proposed provision is kept available for use throughout the lifetime of the development to reduce the possibilities of the proposed development leading to on-street parking problems in the area.
- 8.5.19 Taking the above assessment into consideration, the proposal meets the criteria of the Highways Authority standing advice and the requirements of Policy IN2 of the Melton Local Plan and provides a sufficient level of off street parking provision as well as enabling vehicles to manoeuvre and leave the site in a forward gear.
- 8.5.20 Paragraph 115 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 would be severe. Based on the information provided for the application, the proposal does not conflict with Paragraph 115 of the NPPF, subject to the planning condition ensuring the provision of off-street parking recommended in this report.

9 CONCLUSION FOR RECOMMENDATION

- 9.1.1 Section 38(b) of the Planning and Compulsory Purchase Act, 2004 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 9.1.2 The proposal does not seek planning permission for any internal or external alterations to the building. The appearance of the dwelling would therefore be maintained as a single dwellinghouse, with large private garden, private access and on-site parking provision. The domestic nature of the proposal would therefore not be out-of-keeping with its surroundings within the rural settlement of Redmile.
- 9.2 As there are no physical alterations proposed, it is considered that the proposal would preserve the character and appearance of the Redmile Conservation Area in accordance with Section 72 of the Planning (Listed Buildings and Conservations Areas) Act 1990.
- 9.3 Whilst anti-social behaviour cannot be attributed to the overall character of children's care homes, it is noted that a number of concerns have been raised by the local community relating to the cumulative impact of a number of similar uses in the village and a fear of crime.
- 9.4 The recommended planning conditions limit the occupation of the property to a maximum of two children under Use Class C2, and in accordance with the daily operations as set out in the supporting information submitted by the applicants. The limitations seek to reduce the activity of the proposed use, ensuring the use would not result in a significant degree of noise or disturbance that would unacceptably affect the amenity of neighbouring residential properties. The limitations would also allow an element of control by the Local Planning Authority of the proposed use, to address the potential fear of crime attributed to the cumulative impact of the proposal and existing similar uses in the settlement.
- 9.4.1 The existing vehicular access into the site from Belvoir Road would be utilised and is not proposed to be altered. The proposed use includes the off-street parking provision for six vehicles. As such, there are no highway safety concerns and the proposal accords with Policy IN2 of the Melton Local Plan.
- 9.4.2 Therefore, the proposal accords with relevant policies in the Melton Local Plan and is considered not to unacceptably impact the character of the settlement, neighbouring amenity, highways or the historic character of the Redmile Conservation Area.

In accordance with Policy SS1 of the Melton Local Plan, the application is recommended for approval, subject to planning conditions.

10 Planning Conditions

- 10.1 The development 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 S51 of the Planning and Compulsory Purchase Act 2004.

- 10.2 The development hereby permitted shall be carried out in accordance with the details outlined within Site Location Plan ESLA1027-DMW-SLP-001-A received by the Local Planning Authority on 11th July 2023, and the 'Chestnuts – Additional Information January 2024' document received by the Local Planning Authority on 10th January 2024.

Reason: For the avoidance of doubt.

- 10.3 The development hereby approved shall be limited to a children's care home that will offer residential accommodation for no more than two children, and for no other purposes including any other purpose within Use Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: For the avoidance of doubt and to ensure the development is carried out on the basis of the information submitted, considered and approved to protect the amenity of neighbours and the character of the settlement in accordance with Policy D1 of the Melton Local Plan.

- 10.4 Prior to the hereby approved development first being brought into use, the car parking spaces within the site as shown on 'Parking Arrangement - Option 2' drawing number ITM19310-GA-002 Revision B shall be made available for use and surfaced in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The individual spaces shall be clearly and permanently delineated and be available for use by the occupants and visitors of the site at all times.

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 in the interests of highway safety and in accordance with the National Planning Policy Framework (2023)

Informatives

- 10.5 This decision has been reached taking into account the requirements of paragraph 38 of the National Planning Policy Framework 2023 in approaching decisions on proposed development in a positive and creative way. The Local Planning Authority has endeavoured to use the full range of planning tools available to work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area seeking to approve applications for sustainable development where possible.

11 Financial Implications

- 11.1 There are no financial implications associated to this planning application

Financial Implications reviewed by: N/A

12 Legal and Governance Implications

- 12.1 Legal implications are set out in the report where relevant. Legal advisors will also be present at the meeting.

Legal Implications reviewed by: Tom Pickwell (Deputy Monitoring Officer)

13 Background Papers

- 13.1 None