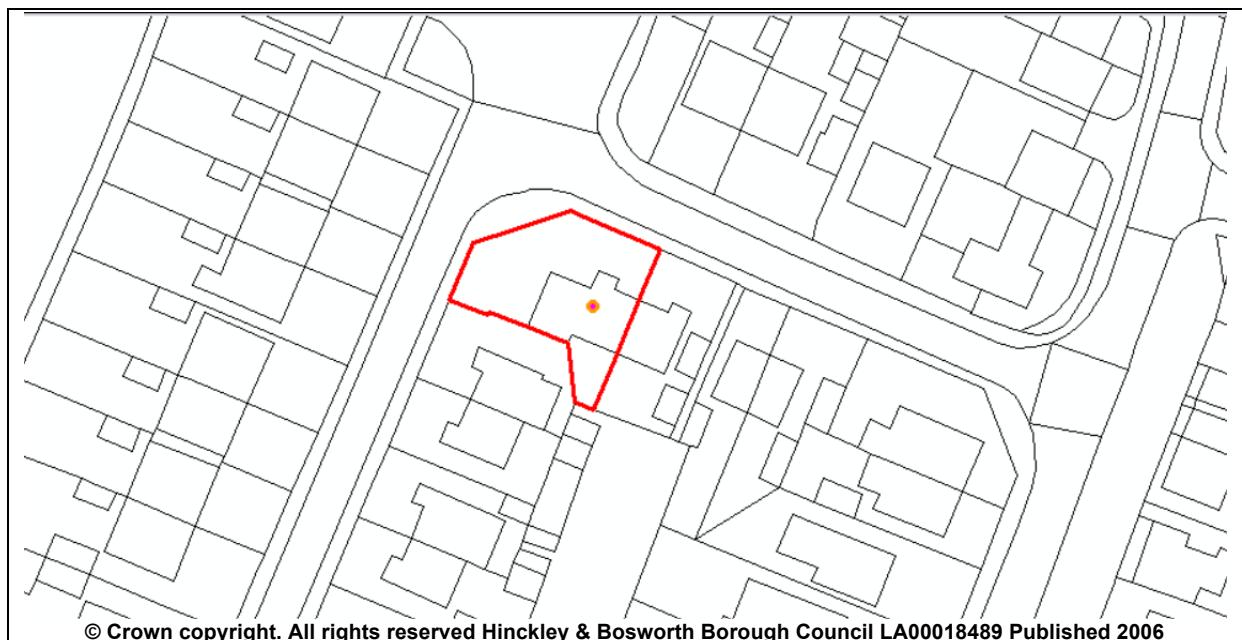




Site: 3 Everard Way, Stanton Under Bardon

Proposal: Change of use from existing residential dwelling to residential care home (Class C2) for up to 3 people and conversion of existing garage to office space



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions detailed at the end of this report.
- The Head of Planning being given powers to determine the final detail of planning conditions.

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the change of use of an existing residential dwelling (Use Class C3) to a residential care home (Use Class C2) including the conversion of the existing garage to an office space at 3 Everard Way, Stanton Under Bardon.
- 2.2. The property will provide care for three children between the ages of 8-17 years with care needs. There will be four staff members in total of which two will be full-time and two will be part-time. A minimum of one staff member will be on site at any time, including overnight.

- 2.3. The facility will operate visits to the site by appointment only. It is projected that professional visitors will visit the site one or twice per month. All personal visits to the site, such as by family members of children in care, will be pre-scheduled with a maximum of two visitors to the site at any one time. The maximum duration of personal visits will be one hour. Visiting hours will primarily be between 9:00am and 5:00pm on weekdays.
- 2.4. The proposal involves no external alterations to the existing dwelling. The existing integrated garage space is to be converted into an office for use by staff.
- 2.5. The application site will retain the existing four off-street car parking spaces on the hardstanding to the front and side of the existing dwelling. A cycle shed with capacity for three bicycles is also proposed, to be located to the rear of the parking area.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located within the settlement boundary of Stanton Under Bardon, on the corner of Everard Way and Everard Crescent.
- 3.2. The application site currently comprises a two-storey semi-detached dwelling fronting Everard Way, with parking areas to the front and side. The private garden amenity space is located to the rear of the dwelling which is south-west of Everard Way.
- 3.3. The existing dwelling is of brick construction with a tiled roof. It has a gable roof form with lean-to style projecting front porch and two tiled roof verandahs over the front bay window and garage. The application dwelling has had a previous two-storey side extension which contains a second front door and an integrated garage.
- 3.4. The application site is enclosed by fencing on all boundaries with two large inward opening gates from Everard Way.
- 3.5. The application site gains access from Everard Way which is an adopted and unclassified road subject to a 30mph speed limit. The site provides parking for four cars on the existing hardstanding to the front and side of the dwelling.
- 3.6. The surrounding area is typically residential in character with a strong mix of housing types. Either side of the application site and down the eastern side of Everard Crescent are typically two-storey semi-detached dwellings. To the north of Everard Way and west of Everard Crescent dwellings are predominantly bungalows, while further east along Main Street are further two-storey dwellings.
- 3.7. In the wider area, the Stanton Under Bardon village hall is located to the east of the site and the Stanton Under Bardon Recreation Ground to the south-east. The nearest convenience store is north-east of the application site. The nearest bus stops are located 120 metres and 200 metres away and are serviced by a very low frequency service between Castle Donington/Coalville and Leicester.

4. Relevant Planning History

4.1 There is no relevant planning history

5. Publicity

5.1 The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.

5.2 Representations have been received from or on behalf of 21 properties. All received representations are letters of objection and all are from residents of Everard Way or Everard Crescent. Of the objections received from neighbouring properties, 19 are identical in content with the other 2 objections being unique.

5.3 The following concerns and points have been made by objectors:

- Impact to residential amenity through noise
- Impact to residential amenity through behaviour impacts
- Disturbance to the community
- Impact to local infrastructure and services
- Not located in a sustainable location due to limited infrastructure
- Economic benefit going to a private business and not into the community
- The lack of separation from neighbours
- The proximity of the proposal to OAP bungalows
- Likely parking on the road causing safety concerns and obstructions
- Parking design blocks cars in and does not work for 4 cars
- Poor internal amenity due to shared bathroom facilities between children and staff
- Neighbour amenity impacted by noise, increased road use, pollution and waste management
- Insufficient noise assessment without sound evidence in the Design and Access Statement
- Fear of crime and disorder from the proposed use
- The proposal would not add to overall quality of the area
- Impacts to housing needs in the borough by reducing the number of family homes
- Would not meet Biodiversity Net Gain requirements
- Incorrect references to the NPPF in the Design and Access Statement
- Limited to no demand in the village for a care home

5.4 No further responses have been received.

6. Consultation

6.1 Stanton Under Bardon Parish Council have objected to the development due to:

- The impact on residential amenity based on the likely increase in noise, increased movement of staff and visitors, and higher levels of outdoor activity than would normally be expected in a residential street.

- The impact on traffic and highway safety based on an unacceptable highways impact arising from increased vehicle movements, deliveries, healthcare visits, and family visitors.
- An inadequate provision of on-site parking for staff, visitors and service vehicles.
- Incompatibility with the character of Stanton Under Bardon due to the scale and nature of the proposed use not being in keeping with the quiet, residential, rural feel of the area.
- Overdevelopment of the site as the property lacks the space to comfortably accommodate the proposed number of children, staff, parking and support services.
- Unsustainable location for an institutional use as Stanton Under Bardon has very limited public transport, minimal local amenities, and no nearby healthcare or specialist support services like GPs or pharmacies.

6.2 Hinckley & Bosworth Borough Council (HBBC)'s Environmental Services' Pollution Officer has acknowledged the potential for noise to be generated; however, the application seeks to limit this through sound insulation. The Officer has advised there is no justification, therefore, to recommend refusal on noise impact ground as any issues that arise will be dealt with under statutory nuisance.

6.3 HBBC's Drainage Officer has no objections on the grounds of sustainable drainage.

6.4 HBBC's Waste Officer has confirmed that the development must provide adequate storage on the property for storage of bins as well as a safe and suitable presentation point at the boundary of the highway.

6.5 The Local Highway Authority (LHA) have noted that existing access to the site is from Everard Way and is hard surfaced more than 5 metres behind the highway boundary, with an access width of 6.15 metres. The LHA have noted the existing inward opening gates and consider that, based on the level of intensification proposed, their removal would not be required as part of the proposed development.

The LHA considers the Applicant to have demonstrated that there is space for up to four car parking spaces, and do not consider the proposed development would lead to an issue of overspill parking taking place within the public highway. The LHA have welcomed the proposed cycle parking.

The LHA do not consider the loss of the existing garage to office space to reduce the number of car parking spaces on the site as the garage does not meet the dimensions required by the Leicestershire Highway Design Guide (LHDG).

Considering the age of the children being cared for, the LHA consider that the residents of the home would not result in an increase in trip generation and therefore any trip generation will be from staff changeovers and visitors. The LHA have therefore concluded that the number of trips generated would not be far in

excess of the extant use. They have also advised that they do not consider that the proposed staff shift changeover times would result in a material impact on the public highway.

The response from the LHA summarises that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. The LHA do not consider the development to conflict with Paragraph 117 of the National Planning Policy Framework (NPPF) (2024).

6.6 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- Policy 12: Rural Villages

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 National Planning Policies and Guidance:

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

7.4 Other Relevant Guidance:

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

7.5 The Bagworth, Thornton and Stanton Under Bardon Neighbourhood Plan has not moved beyond Regulation 16 consultation stage. Therefore, the draft Plan carries very limited weight in the decision-making process.

8. Appraisal

8.1. The key issues in respect of this application are therefore:

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

Principle of Development

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 8.3 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). In accordance with Paragraph 232 of the NPPF, due weight should be given to existing policies according to their degree of consistency with the NPPF.
- 8.4 Paragraph 11 of the NPPF and Policy DM1 of the SADMP set out a presumption in favour of sustainable development. Policy DM17(b) of the SADMP requires development proposals to be located where the need to travel will be minimised, and the use of sustainable transport modes can be maximised.
- 8.5 It is relevant to note that a Class C3 dwelling also allows a home to be occupied by not more than six residents living together as a single household where care is provided for residents. That means that national legislation holds that this is not a change of use and that no planning application is required where six residents do live as a single household and where care is given. In this instance as the people providing the care will not live there permanently the proposal falls into a Class C2 use.
- 8.6 That does not automatically mean though that a material change of use would occur for which planning permission is required. Planning permission is only required where the C2 use is materially different from the C3 use. This means for example that where a C2 use gives rise to no greater level of disturbance or amenity effects than could be generated by a C3 use, then it may be concluded that no material change of use has occurred requiring planning permission. In any event, it is for the Council to consider the planning application as submitted.
- 8.7 The application site is located in a sustainable location within the identified settlement boundary of Stanton Under Bardon. It is considered appropriate that children that are in need of care are provided with that care in small facilities such as this rather than being looked after in large institutions remote from a local community. Therefore, the development is acceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Design and Impact upon the Character and Appearance of the Area

- 8.8 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.

- 8.9 There are no external alterations or additions proposed to the existing building. The existing boundary treatments and areas of hard standing would also be retained without alteration.
- 8.10 The proposal would change the use of the property from Use Class C3 to Use Class C2 with no change to the number of bedrooms. It is not considered that the change of use to the residential property to a residential institution of the same capacity is likely to result in significant adverse impacts to the character of the area.
- 8.11 It is therefore considered that the development would have a neutral impact upon the character and appearance of the area and complies with Policy DM10 of the SADMP.

Impact upon Residential Amenity

- 8.12 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that 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.
- 8.13 The Council's Good Design Guide requires the way buildings relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.
- 8.14 The proposal does not involve any alteration to the external appearance or outlook of the existing building. Therefore, the development does not increase any potential impacts of overlooking, loss of light, loss of privacy, or any overbearing impacts on neighbouring residential occupiers.
- 8.15 The proposal does not result in an increase to the number of bedrooms within the existing building. The proposal would result in three children and a maximum of two staff members being present on the site at any one time, with only one staff member being on site through the duration of an overnight shift.
- 8.16 Under the Technical Housing Standards – Nationally Described Space Standards two of the bedrooms meet the size requirements for a double bedroom and a further bedroom meets the size requirements for a single bedroom. The fourth bedroom provides sufficient width but is in shortfall by 0.75 square metres as a single bedroom. This means that national space standards suggest the dwelling has capacity for 5-person occupancy.
- 8.17 The undersized bedroom is proposed as the staff bedroom for overnight use by staff on a rotating schedule. As this bedroom will not be for the use of a permanent resident of the premises its modest shortfall in internal space is not considered to adversely impact the quality of amenity space. The shortfall in this bedroom space

- is further alleviated by the proposed downstairs office for staff, meaning that it is unlikely significant time would be spent or materials stored in the staff bedroom.
- 8.18 The proposed capacity of the Use Class C2 use is therefore likely to be equivalent to the existing Use Class C3 use and the capacity identified by the Technical Housing Standards.
- 8.19 The Applicant has advised in their Design and Access Statement that sound insulation would be installed along the party wall between the application dwelling and the attached neighbour, 1 Everard Way. This would assist to minimise sound disturbance from the proposed use to the nearest neighbouring residential property.
- 8.20 It is noted that HBBC's Pollution Officer advised that there would be no justification to recommend refusal on noise grounds, given that any further issues arising from noise would be dealt with under statutory nuisance protections.
- 8.21 The Good Design Guide seeks that dwellings of three or more bedrooms provide a minimum of 80 square metres of outdoor amenity space with a minimum length of 7 metres. This is guidance intended for private residential uses, however, provides some guidance in this matter given the consistency of the proposal with a typical dwelling use.
- 8.22 There is limited opportunity to extend the existing garden spaces on the application site due to site constraints. The existing front and rear garden areas are therefore to be retained in their current layout and dimension. The rear private outdoor amenity area has a depth of 8 metres and a total area of 48 square metres. The front garden area has a depth of 5.6 metres and a total area of 22.5 square metres. The combined area of these spaces is 70.5 square metres, which remains less than the standards detailed in the Good Design Guide.
- 8.23 Notwithstanding the numeric shortfall in overall area, the rear outdoor amenity space is functional and has operated as the sole private outdoor amenity space for the dwelling for many years. The application site is also located 150 metres from Stanton Under Bardon Recreation Ground which provides close access to public open space. It is not considered the under provision of private outdoor amenity space would result in a significant adverse impact to the residential amenity of the future occupants of the scheme given the site-specific circumstances.
- 8.24 It is therefore considered that the proposal would not result in significant adverse impacts to the residential amenity of neighbouring residents, nor the future occupiers of the scheme in accordance with Policy DM10 of the SADMP.

Impact upon Parking Provision and Highway Safety

- 8.25 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. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance

- adopted by the relevant highway authority. This is currently the Leicestershire Highway Design Guide (LHDG) (2024).
- 8.26 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.27 The site is served by existing access from Everard Way. This access has been reviewed by the Local Highway Authority (LHA) who have confirmed that it will be suitable to serve the proposed change of use.
- 8.28 There have been two Personal Injury Collisions (PICs) recorded within 500 metres of the site access within the latest five-year period. Neither collision was related to a turning movement onto or from Everard Way. The LHA have considered the circumstances of these PICs and do not consider that there is an existing highway safety concern which would be exacerbated by the proposed development.
- 8.29 For Use Class C2 properties, the LHDG requires one off-street vehicle parking space per three-bedrooms, plus one additional space for each staff member on site. In light of this, the LHA consider the four parking spaces provided by the development to be sufficient for the use without leading to an issue of overspill parking occurring on the public highway.
- 8.30 Though the parking spaces demonstrate sufficient width, the LHA have noted that the depth of the parking spaces as shown is substandard. Notwithstanding this, the LHA consider the site to demonstrate sufficient space within the boundary to appropriately accommodate the four parking spaces as proposed.
- 8.31 It is therefore considered that the proposal would not create an unacceptable impact upon highway safety or the road network in accordance with Policies DM17 and DM18 of the SADMP, and the requirements of the LHDG.

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 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.
- The Head of Planning being given powers to determine the final detail of planning conditions.

11.2 Conditions and Reasons

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:

- Site Location Plan – RPD_EVERARD WAY_010425_02 (submitted: 02.04.2025)
- Existing and Proposed Plans / Existing and Proposed Block Plan – RPD_EVERARD WAY_010425_01 (submitted: 02.04.2025)

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 cycling and parking facilities have been implemented in accordance with the Existing and Proposed Plans/Existing and Proposed Block Plan – RPD_EVERARD WAY_010425_01 (submitted: 02.04.2025). Thereafter, the onsite parking provision shall be kept available for such uses in perpetuity.

Reason: To ensure that adequate off-street parking provision and cycle storage 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. Prior to the commencement of the use hereby permitted, the internal party (eastern) walls of the ground and first floor shall be fitted with the sound insulation system as detailed in the submitted Design and Access Statement Rev C 10.07.2025. Thereafter, the insulation shall be retained and maintained in accordance with this specification.

Reason: To minimise the transfer of noise from the proposed use to the adjacent occupants of 1 Everard Way in the interests of residential amenity and in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

Notes to Applicant:

1. Hinckley & Bosworth Borough Council's recycling and refuse collection services are from the boundary to the adopted highway and do not travel along, nor collect from private roads or driveways. Please refer to the policies within the Wheeled Bin and Container Policy (updated March 2018). Please include an area near the roadside for the safe placement of the various containers on collection day. It will be the responsibility of the occupiers to ensure that all containers/wheeled bins are brought to the collection point.