

## Delegated Report

Planning Ref: 25/01234/FUL

Applicant: Bhatt

Ward: Newbold Verdon With Desford & Peckleton

Site: 59 Main Street Peckleton Leicester



**Proposal: Change of use from residential dwelling (class C3) to small children's care home (class C2) for up to two residents.**

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### 1. Recommendations

#### 1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

### 2. Planning application description

- 2.1. The application seeks full planning permission for the change of use of residential dwelling (C3) 59 Main Street, Peckleton to a small children's care home (C2).
- 2.2. As set out within the submission the proposal would specialise in supporting children with Special Educational Needs and Disabilities (SEND), their families and carers.
- 2.3. The property would care for a maximum of two children at any one time and there would be five staff members in total, three in the day and two at night. Visits would be by appointment only.
- 2.4. The proposal would be limited to internal alterations only.

### 3. Description of the site and surrounding area

- 3.1. The application site comprises a detached residential bungalow predominantly situated within the settlement boundary of Peckleton; with a small section of the northern edge of the site being situated within the open countryside.
- 3.2. The application dwelling is characterised by a dual-pitched roof form with a forward fronting gable and flat roof canopy porch to the front elevation and a rear fronting gable with a hipped bay and mono-pitched form to the rear elevation. It comprises a 'L' shaped form and is finished in red facing brick, brown interlocking tiles, white uPVC and timber.
- 3.3. A grassed amenity space is present between the dwelling and adjacent highway, Main Street giving it a set-back distance of 6.37 metres. A tarmac hardstanding sits to the west of this providing access to a larger area of hardstanding to the rear of the site.

### 4. Relevant planning history

#### 91/00190/4

- Alterations and extensions to dwelling
- Planning Permission
- 22.04.1991

#### 92/00655/4

- Approval of reserved matters for twelve dwellings
- Approval of Reserved Matters

- 25.08.1992

## **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. Following the publications, no representations have been received.

## **6. Consultation**

- 6.1. HBBC Environmental Health (Pollution);  
*'No objection.'*
- 6.2. Kirkby Mallory, Peckleton and Stapleton Parish Council;  
*'No objections but parking should be a consideration.'*
- 6.3. LCC Highways;  
Comments received from the Local Highway Authority are incorporated into the body of this report.

## **7. Policy**

- 7.1. Core Strategy (2009)
  - Policy 13: Rural Hamlets
- 7.2. Site Allocations and Development Management Policies DPD (SADMP) (2016)
  - Policy DM1: Presumption in Favour of Sustainable Development
  - Policy DM7: Preventing Flooding and Pollution
  - 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)
- 7.4. Other relevant guidance
  - Good Design Guide (2020)
  - National Design Guide (2019)
  - Leicestershire Highways Design Guide (LHDG) (2024)

## **8. Appraisal**

- 8.1. Key Issues
  - Assessment against strategic planning policies
  - Design and impact upon the character of the area
  - Impact upon neighbouring residential amenity
  - Impact upon highway safety and parking provision

Assessment against strategic planning policies
- 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. The NPPF is a material planning consideration in planning decisions.
- 8.3. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching

objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 8 of the NPPF. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development. Policy DM1 of the adopted SADMP also provides a presumption in favour of sustainable development. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development.

- 8.4 However, 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. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.5 The current Development Plan consists of the adopted Core Strategy, and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.6 The Core Strategy, and the adopted SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. Paragraph 34 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary.
- 8.7 Nevertheless, in accordance with Paragraph 232 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF. Ultimately, the closer the policies in the plan are to the policies in the NPPF, the greater weight they may be given. Therefore, this report sets out the relevant adopted Core Strategy, and the adopted SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.8 The site is situated within the settlement boundary of Peckleton and is identified as a sustainable location for development. It is considered appropriate that children that are in need of care are provided with that care in small facilities such as this in a sustainable location 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 of the area

- 8.9 Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respect the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.10 No external extensions or alterations proposed to the application dwelling or within the site boundary.
- 8.11 It is therefore considered that the development would have a neutral impact upon the character and appearance of the area in accordance with Policy DM10 of the adopted SADMP.

#### Impact upon neighbouring residential amenity

- 8.12 Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.
- 8.13 Policy DM7 of the adopted SADMP requires that development do not cause noise or vibrations of a level which would disturb areas that are valued for their tranquillity in terms of recreation or amenity; It would not cause noise or vibrations of a level which would disturb areas that are valued for their tranquillity in terms of recreation or amenity.
- 8.14 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.15 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.
- 8.16 The proposal does not result in an increase to the number of bedrooms within the existing building, but rather a decrease. The proposal would result in two children and a maximum of three staff members being present on the site at any one time, with two staff members being on site through the duration of an overnight shift dependent on the needs of the children placed. It is noted that HBBC's Pollution Officer has raised no objections. Any issues arising from noise would be dealt with under statutory nuisance protections. Furthermore the scale of the proposed use is not dissimilar to the average residential use of the dwelling.
- 8.17 To support the residential amenity of future occupiers of the scheme, one of the aims of Section 4 (New Residential Development) within the Councils Good Design Guide is to ensure that new residential development exceeds the internal space standards set by the Technical Housing Standards (THS) (2015) wherever possible.
- 8.18 Two of the bedrooms meet the size requirements for a double bedroom and the further bedroom meets the size requirements for a single bedroom. This means that national space standards suggest the dwelling has capacity for 5-person occupancy.
- 8.19 The THS seeks to ensure that proposals for three-bedroom, five-person two-storey accommodation should provide a minimum floor space of 93.00sqm and 2.50sqm of built-in storage.
- 8.20 The proposed capacity of the Use Class C2 use would be equivalent to the existing Use Class C3 use and the capacity identified by the Technical Housing Standards.
- 8.21 The Councils Good Design Guide states that *'Gardens are an important part of the quality of life afforded by a house. Over-development leaving a significantly reduced garden area can affect its appeal in the longer term. Homeowners should ensure that a single extension or cumulative smaller extensions do not result in a significant loss of total garden space as this can render the plot out of keeping with its context.'*

*A general guideline for garden sizes is:*

- *A minimum garden length of 7m*
- *80sqm: three bedroom house*
- *60sqm: two bedroom house.*

- 8.22 The proposal would further provide a more than adequate rear amenity space which would exceed 7.00m in width and 80.00sqm.
- 8.23 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 Policies DM7, DM10 of the adopted SADMP, Paragraph 135(f) of the NPPF, the Technical Housing Standards and the Councils Good Design Guide.

Impact upon highway safety and parking provision

- 8.24 Paragraph 115(b) of the NPPF states that planning decisions should ensure that developments provide safe and suitable access to the site for all users. Ultimately, 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 in accordance with Paragraph 116 of the NPPF.
- 8.25 To support this, Policy DM17 of the adopted 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.
- 8.26 Policy DM18 of the adopted SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.27 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. Currently this is the Leicestershire Highway Design Guide (LHDG) (2024).
- 8.28 The site is served by existing access from Main Street. 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.
- 8.29 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. The existing access comprises of a direct frontage access whereby, from the Application Form, the Applicant is proposing to retain three parking spaces in a tandem arrangement.
- 8.30 Minimum parking space sizes and aisle widths are set on in Figure 44 of the LHDG. A parking space should be 2.40 metres x 5.50 metres, plus 0.50 metres if bounded by a wall, fence, hedge, line of trees or other similar obstructions on 1 side, or 1.00 metre if bounded on both sides. Tandem parking spaces should be provided at 6.00 metres in length per space, i.e. 12.00 metre length for two spaces and are only counted as 2 spaces (even if more cars could in practice be fitted on the driveway).
- 8.31 Due to the tandem nature of the parking the LHA considers that only two parking spaces can be provided on site, nevertheless noting that the site is described as for up to two residents, there would be an acceptable level of parking, subject to a pre-occupation parking and turning plan condition being imposed.
- 8.32 The LHA note that the level of staffing is not anticipated to alter the character or volume of traffic at the development site and consider that the proposed development would operate akin to a dwelling and therefore consider that the proposed development would not result in a significant, if any, increase in two-way trips.

- 8.33 There have been three recorded Personal Injury Collision (PIC) recorded within 500m of the site access in the last five years, however none were recorded in close proximity of the site. Therefore, the LHA is satisfied that the change of use proposal would not exacerbate the likelihood of further such incidents occurring.
- 8.34 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 adopted 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.

## **10. Conclusion**

- 10.1. The proposal is located within the settlement boundary of Peckleton where there is a presumption in favour of sustainable development.
- 10.2. The proposed change of use would have a neutral impact upon the character and appearance of the area, would not result in a significant impact on residential amenity and would neither result in any adverse highways safety impacts.
- 10.3. The proposal would therefore be in compliance with Policies DM1, DM7, DM10, DM17 and DM18 of the adopted SADMP, the LHDG and the overarching principles of the NPPF and is recommended approval subject to the below conditions.

## **11. Recommendation**

- 11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

### **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, as follows:

- Proposed Floor Plans, Block Plan, Site Location Plan, Drg No. 2025/098/02 Rev A as received by the Local Planning Authority on the 13th January 2026.

**Reason:** To ensure a satisfactory form of development in accordance with Policies DM7, DM10, DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the Leicestershire Highways Design Guide (2024) and the National Planning Policy Framework (NPPF) (2024)

3. The development hereby permitted shall not be occupied until such time as parking and turning facilities have been provided in accordance with details first submitted to and agreed in writing by the Local Planning Authority. 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 in the interests of highway safety and in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies (2016), the Leicestershire Highways Design Guide (2024) and the National Planning Policy Framework (2024).

### 11.3 Notes to applicant

- a) 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](mailto:building.control@blaby.gov.uk) or call 0116 272 7533.