

Change of use of flat 4 to a NWLDC Housing Department 'hub office' for use by staff only

Report Item No  
A1

4 Hood Court North Street Ashby De La Zouch Leicestershire  
LE65 1HY

Application Reference  
17/00635/3FD

Applicant:  
NWLDC Housing Dept

Date Registered:  
9 June 2017

Case Officer:  
Jenny Davies

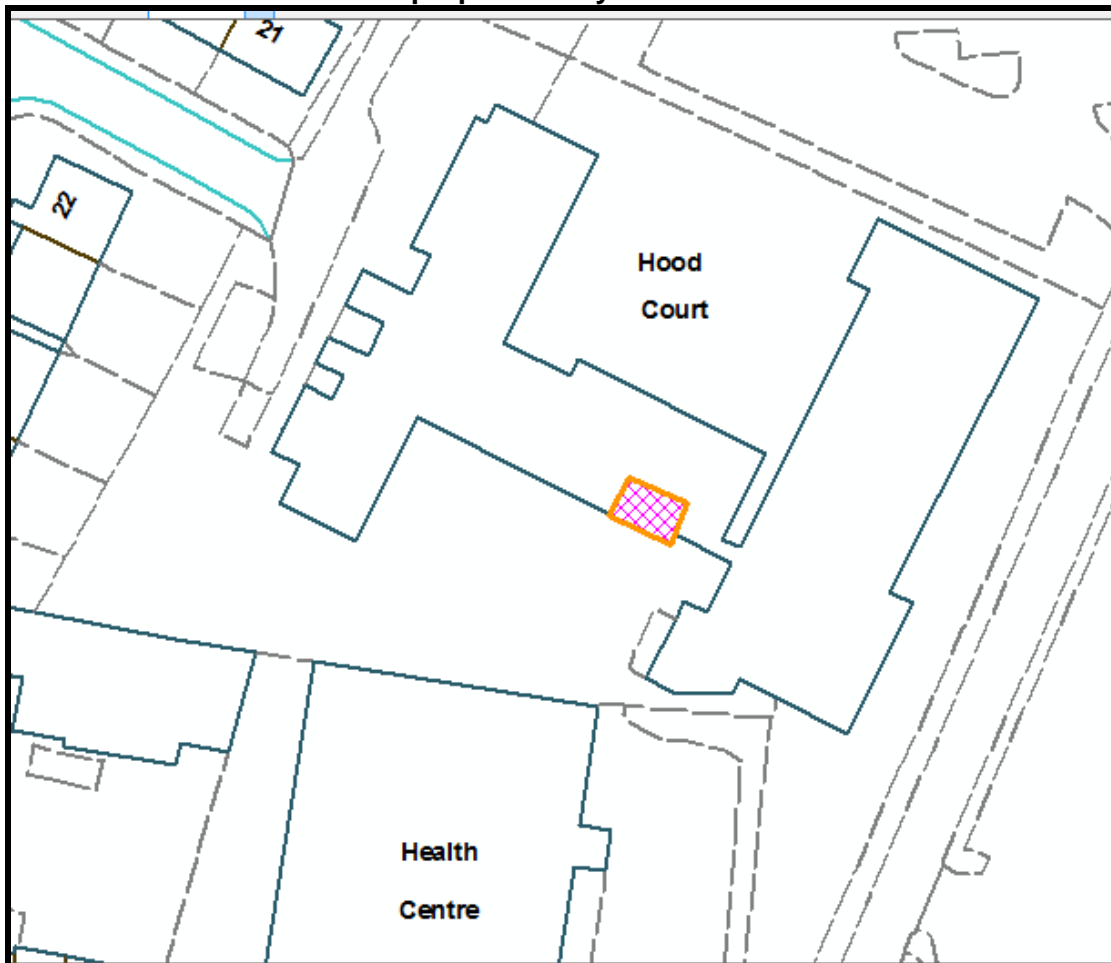
Consultation Expiry:  
17 July 2017

Recommendation:  
PERMIT

8 Week Date:  
4 August 2017

Extension of Time:  
None Agreed

Site Location - Plan for indicative purposes only



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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

### **Deferral Reason**

This application was reported to Planning Committee on 1 August 2017 with a recommendation for approval, and it was resolved to be deferred to allow consultation with the residents of Hood Court.

### **Call In**

The application is brought before Planning Committee as the application has been submitted by North West Leicestershire District Council and contrary representations to the recommendation to permit the application have been received.

### **Proposal**

Planning permission is sought for the change of use of Flat 4 at Hood Court, Ashby de la Zouch to a NWLDC Housing Department 'hub office' for use by staff only.

### **Consultations**

One letter of representation has been received. Ashby de la Zouch Town Council supports the application. There are no objections raised by other statutory consultees.

### **Planning Policy**

The site lies within the Limits to Development as identified in the adopted and submitted North West Leicestershire Local Plans. The application has been assessed against the relevant policies in the NPPF and the adopted and submitted Local Plans and other relevant guidance.

### **Conclusion**

As set out in the main report below, it is considered that the proposal is acceptable in principle and would not be significantly detrimental to residential amenities, the River Mease SAC and the historic environment. Reasons for refusal relating to highway safety and flood risk could not be justified. There are no other relevant material planning considerations that indicate planning permission should not be granted. It is therefore recommended that planning permission be granted.

### **RECOMMENDATION - PERMIT subject to conditions**

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## MAIN REPORT

### 1. Proposals and Background

The application was reported to Planning Committee on 1 August 2017 with a recommendation for approval, where it was resolved to be deferred to allow consultation with the residents of Hood Court.

The Assessment section of the report below has been updated to address the reason for deferral. The remainder of the report remains largely unchanged from the report and Update Sheet which Members considered at Planning Committee on 1 August 2017, save for inclusion of comments received from Severn Trent Water.

Permission is sought for the change of use of Flat 4 at Hood Court, North Street, Ashby de la Zouch, to a NWLDC Housing Department 'hub office' for use by staff only. Hood Court is a sheltered housing complex containing flats for elderly people. Flat 4 is located on the ground floor on the southern side of the building and has its own separate external access. No dedicated parking spaces for the office are proposed. North Street public car park is located nearby. The site lies in the catchment area for the River Mease Special Area of Conservation. The boundary to the Ashby de la Zouch Conservation Area partly adjoins the southern boundary to the Hood Court site. It is understood that Flat 4 was previously occupied by a podiatry clinic, which was approved in December 2003 (03/01338/FUL).

### 2. Publicity

65 Neighbours notified (date of last notification) 28/06/2017.  
Site Notice displayed 26 June 2017.

### 3. Summary of Consultations and Representations Received

#### Statutory Consultees

**Ashby de la Zouch Town Council** supports the application.

**The Environment Agency** advises that it has no detailed comments to make and refers to its Standing Advice.

**The Lead Local Flood Authority** advises that the site is not at any significant flood risk and as no further comments.

**The Council's Environmental Protection team** has no environmental observations.

**The County Highway Authority** has no comments to make.

**Severn Trent Water** has no objection subject to inclusion of an informative.

#### Third Party Representations

One letter of representation has been received which raises the following concerns:

- impact on overstretched parking facilities for residents;
- residents already have to park in the public car park;
- residents will require permits to park in public car parks as well as dedicated parking spaces

on site.

All responses from statutory consultees and third parties are available for Members to view on the planning file.

#### **4. Relevant Planning Policy**

##### **National Planning Policy Framework (NPPF) - March 2012**

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 10 (Achieving sustainable development)

Paragraph 14 (Presumption in favour of sustainable development)

Paragraph 17 (Core planning principles)

Paragraphs 32 and 35 (Promoting sustainable transport)

Paragraphs 57, 58, 60, 61 and 64 (Requiring good design)

Paragraphs 69 and 70 (Promoting healthy communities)

Paragraphs 96, 99, 100, 101, 102, 103 and 104 (Meeting the challenge of climate change, flooding and coastal change)

Paragraphs 109, 111, 119 and 123 (Conserving and enhancing the natural environment)

Paragraphs 129, 131, 132, 133, 134, 137 and 138 (Conserving and enhancing the historic environment)

Paragraph 203 and 206 (Planning conditions and obligations)

##### **Adopted North West Leicestershire Local Plan (2002):**

The North West Leicestershire Local Plan forms the development plan and the following policies of the Local Plan are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application:

Policy S1 - Overall Strategy

Policy S2 - Limits to Development

Policy E2 - Landscaped Amenity Open Space

Policy E3 - Residential Amenities

Policy E4 - Design

Policy E7 - Landscaping

Policy E8 - Crime Prevention

Policy E30 - Floodplains

Policy F1 - National Forest - General Policy

Policy T3 - Highway Standards

Policy T8 - Parking

Policy R1 - Central Area Shopping

Policy R12 - Town Centre Services

##### **Submitted North West Leicestershire Local Plan**

The publication version of the Local Plan was agreed by Council on 28 June 2016 and submitted for examination on 4 October 2016. Examination hearing sessions were held in January and March 2017 and the Council undertook a six week consultation on its Main

Modifications from 12 June 2017. The comments received have been considered. The Council's position is that no further changes are required. All of the comments received, together with the Council's response, have been forwarded to the Inspector who will, in due course, advise of the next steps. The weight to be attached by the decision maker to this submitted version (as proposed to be modified) should be in accordance with the approach set out in Paragraph 216 of the NPPF, having regard to the stage now reached towards adoption, the extent to which there are unresolved objections to the policies relevant to the determination of this application, and the degree to which the emerging policies are consistent with the NPPF.

S2 - Settlement Hierarchy

D1 - Design of New Development

D2 - Amenity

IF4 - Transport Infrastructure and New Development

IF7 - Parking Provision and New Development

En2 - River Mease Special Area of Conservation

En3 - The National Forest

He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment

Cc2 - Water - Flood Risk

Cc3 - Water - Sustainable Drainage Systems

### **Submission Draft Ashby Neighbourhood Local Plan**

The Submission Draft of the Ashby Neighbourhood Local Plan was submitted to the Council on 1 August 2017. The Council will now undertake a six week consultation on the Draft Neighbourhood Plan and arrange for an examination. The weight to be attached by the decision maker to this submitted version (as proposed to be modified) should be in accordance with the approach set out in Paragraph 216 of the NPPF, having regard to the stage now reached towards adoption, the extent to which there are unresolved objections to the policies relevant to the determination of this application, and the degree to which the emerging policies are consistent with the NPPF.

Policy S1 - Presumption in favour of Sustainable Development

Policy S2 - Limits to Development

Policy S4 - Design Principles

Policy S5 - Priority to be Given to Brownfield Sites

Policy T1 - Traffic Management

Policy T6 - Car Parking

Policy HE2: Heritage Assets

Policy HE3: Ashby De La Zouch and Heath End Conservation Areas

Policy CF 1: Important Community Facilities

Policy DC1: Community Infrastructure

### **Other Guidance**

National Planning Practice Guidance 2014

The Conservation (Natural Habitats &c.) Regulations 2010 (the 'Habitats Regulations')

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)

The Community Infrastructure Levy Regulations 2010

River Mease Water Quality Management Plan

The River Mease Developer Contributions Scheme (DCS2)

6Cs Design Guide - Leicestershire County Council

Good Design for North West Leicestershire SPD

Ashby de la Zouch Conservation Area Appraisal

## 5. Assessment

### Update

The application was reported to Planning Committee on 1 August 2017 with a recommendation for approval, where it was resolved to be deferred to allow consultation with the residents of Hood Court. Consultation letters were sent to 39 flats at Hood Court. One letter of representation from a resident of Hood Court has been received which raises concerns regarding parking. The issues raised in this letter were addressed in the original Committee Report, as set out below.

Members will be aware from the main report that the application for the change of use of Flat 4 to a podiatry clinic (03/01338/FUL) initially related to the podiatry clinic being located within a hobbies room on the first floor within Hood Court. Following concerns raised by some of the residents of Hood Court in relation to security and access arrangements, the 2003 application was amended to use Flat 4 for the podiatry clinic, so that a separate external access could be provided, which is still in place. A condition is proposed on the current application to require access to the office to be only via this external door.

The Councils Head of Housing has advised that "The Council currently already have a hub office in one of the rooms in Hood Court which was established as a pilot scheme some months ago. It is proving very successful as a touch-down point for staff based out in the district to save the time and expense of them returning to the main office in Coalville. Hood Court sheltered scheme offers a mixture of one bedroom flats, which are very popular, and bedsit flats, which are extremely unpopular as they are too small for most older people and represent too much of a space compromise when downsizing from a larger property. Using one of the vacant bedsit flats as a hub office was therefore an effective use of a bedsit room which we could not let to a tenant.

When the County Council gave notice to vacate the flat they had been using as a podiatry clinic for many years, we realised this was a much better location for the hub as it was at the front of the building, causing less disruption to tenants as a result of staff visiting it.

The office will not be a publicly accessible office and is purely a touch-down point for staff. It is, therefore, envisaged that there will be no additional traffic/parking issues as a result of the proposed change of use of the flat to a hub office, and in the event of there being any demand for a ground floor bedsit from existing residents or waiting list applicants, there will be one immediately available in the current hub room which will be vacated. We are also finalising a proposal to install additional dedicated parking for the scheme to the rear of the building which will be accessed off Millbank. This will be reserved for residents and their guests, with limited staff parking, as was previously the case to the front of the scheme."

The assessment below is as previously reported to Planning Committee on 1st August 2017 and there is no change to the recommendation.

### Principle

The site lies within a Town Centre Services Area in the adopted North West Leicestershire Local Plan and an office use (which would fall within Use Class B1) is considered appropriate for this area under Policy R12 of the adopted Local Plan. This location is well related to existing services and facilities and public transport connections. The site lies outside the Town Centre Boundary in the submitted North West Leicestershire Local Plan.

In terms of environmental sustainability the proposal would not result in any unacceptable impacts on the natural, historic or built environment. There would also be some economic benefits from jobs associated with the office use. Therefore in the overall balance it is considered that the proposal represents a sustainable form of development and is acceptable in principle and would not conflict with paragraphs 14 and 17 of the NPPF and both Policies S2 of the adopted and submitted Local Plans.

### **Residential Amenities**

No external alterations are proposed. Access to the office would be via an external door, rather than via Hood Court, and the existing internal door to Flat 4 would be locked. The route to the external door does not pass any of the flats. The office would only be used by Council staff and is small in scale, limiting the number of staff that could occupy the office. An office use is unlikely to result in any activities creating significant levels of noise and disturbance or loss of privacy to occupiers of the flats. The Council's Environmental Protection team has no observations. Conditions restricting the hours of operation and to the specified use would be appropriate. The proposal therefore accords with Policy E3 of the adopted Local Plan and Policy D2 of the submitted Local Plan.

### **Highway Safety**

North Street public car park lies opposite the site and there are also several dedicated parking spaces for Hood Court. The County Highway Authority has no comments to make. A podiatry clinic, which would have had visitors, previously operated from the flat. An email has been received from the Council's Housing team advising that it is the intention for staff at Hood Court to be given permits to park at the Hood Park Leisure Centre car park, the staff who would use the hub office already visit or work at Hood Court and the issue of specific parking to be provided for residents of Hood Court is a separate issue from the application.

Matters relating to existing residents' parking is not an issue that can be considered as part of this application; issues relate solely to impacts on highway safety arising from the change of use of the flat from a podiatry clinic to a hub office. It is therefore considered that the proposal would not significantly impact on existing on or off street parking arrangements and therefore a reason for refusal on highway safety grounds could not be justified in this case, as the proposal would not significantly conflict with Policies T3 and T8 of the adopted Local Plan, Policies IF4 and IF7 of the submitted Local Plan or the NPPF.

### **Flood Risk**

The site lies within Flood Zones 2 and 3, as well as within an area at low risk of surface water flooding. The Environment Agency has no detailed comments to make. Whilst a Flood Risk Assessment has not been submitted, the office use is at a lower vulnerability to flood risk than the previous podiatry clinic use, and the site lies within an existing building. The site is not subject to the sequential test as it relates to a change of use. The Lead Local Flood Authority does not deem the site to be at any significant risk of flooding. Severn Trent Water has no objection. As such whilst the proposal would not fully comply with the Environment Agency's Standing Advice, given the above circumstances it is considered that a reason for refusal on the basis of non-compliance with Policy E30 of the adopted Local Plan, Policies CC2 and CC3 of the submitted Local Plan and the NPPF could not be justified in this case.

### **River Mease Special Area of Conservation**

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal would have a significant effect on the SAC is required. Given the previous podiatry

clinic use and the size of the flat, it is considered that the proposal would not be likely to increase foul drainage discharge from the site. There would be no increase in roof areas or hardsurfacing.

Therefore it can be ascertained that the proposal will, either alone or in combination with other plans or projects, have no likely significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI, and would comply with the Habitat Regulations, the NPPF and Policies S2, EN1 and EN2 of the submitted Local Plan.

**Other Matters**

Whilst the Ashby Conservation Area adjoins part of the southern boundary to Hood Court, given that no external alterations are proposed and the nature of the use, it is considered that the proposal would not adversely impact on the character and appearance of the Conservation Area and would comply with Policy HE1 of the submitted Local Plan and the NPPF.

No external alterations are proposed. Given the scale and nature of the proposal and the proposed access arrangements it is considered that suitable crime prevention measures have been incorporated and therefore the proposal complies with Policy E8 of the adopted Local Plan.

**Conclusion**

The proposal is acceptable in principle and would not be significantly detrimental to residential amenities, the River Mease SAC and the historic environment. Reasons for refusal relating to highway safety and flood risk could not be justified. There are no other relevant material planning considerations that indicate planning permission should not be granted. It is therefore recommended that planning permission be granted.

**RECOMMENDATION, PERMIT, subject to the following conditions:**

- 1 Time limit
- 2 Approved plans
- 3 Hours of operation
- 4 Specified use only
- 5 Access via external door only