

Change of use to six bedroom, ten person HMO (sui generis)  
including single storey rear extension

Report Item No  
A4

17 Derby Road Kegworth Derby Leicestershire DE74 2EN

Application Reference  
18/00218/FUL

Applicant:  
Miss Trisha Pegg

Date Registered:  
6 February 2018

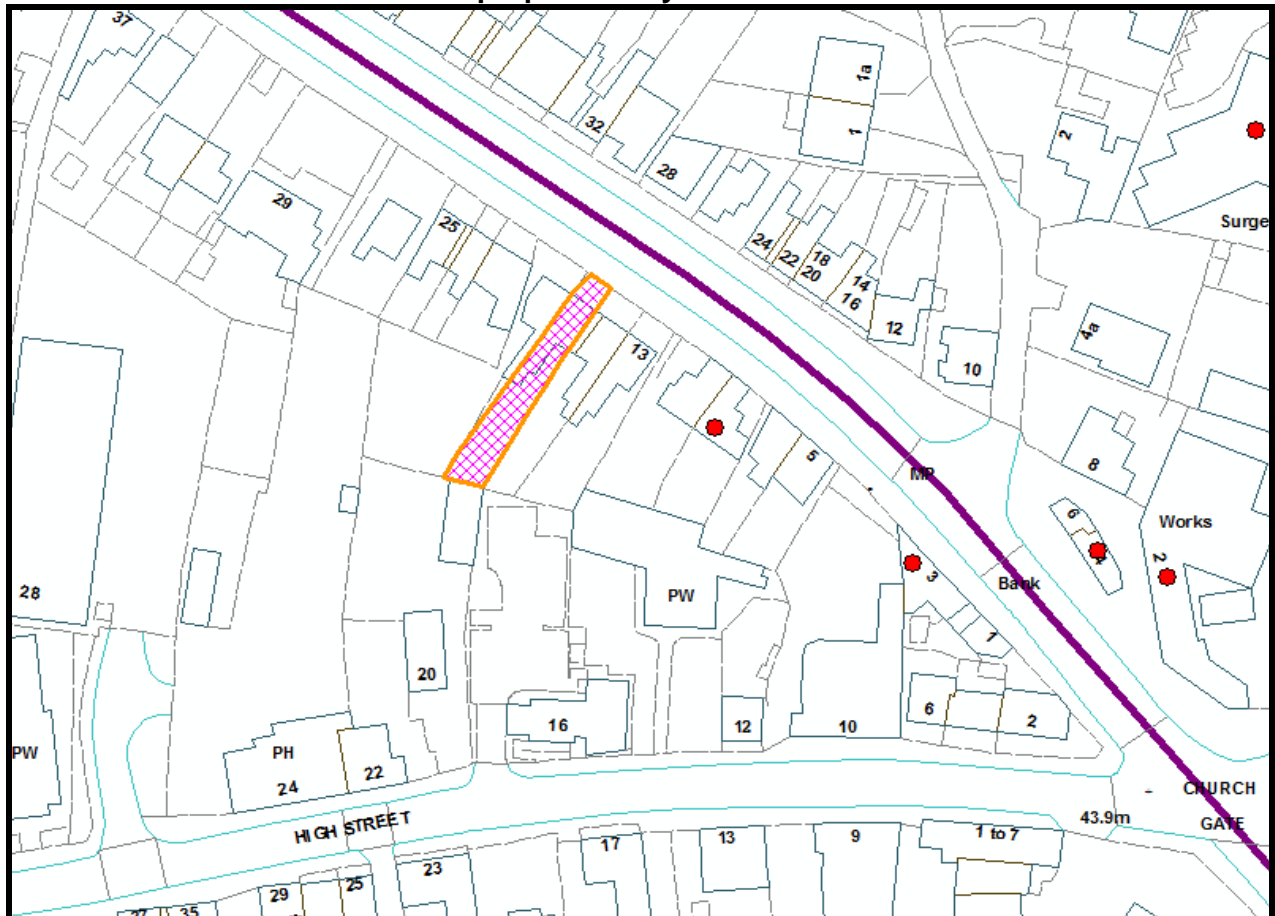
Case Officer:  
Hannah Exley

Consultation Expiry:  
16 March 2018

Recommendation:  
REFUSE

8 Week Date:  
3 April 2018  
Extension of Time:  
None Agreed

Site Location - Plan for indicative purposes only



Reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office  
©copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence LA 100019329

## **EXECUTIVE SUMMARY OF PROPOSALS**

### **Call In**

The application is brought to the Planning Committee as the Ward Member (Councillor Pendleton) has requested it to be considered by Planning Committee with the reasons stated as increased parking and vehicular movement in a village that is congested by commuters, over-intensive development of the site and bin storage.

### **Proposal**

The application is to change the use of a four bedroom mid-terraced dwelling into a house in multiple occupation (sui generis) housing up to ten people. The proposal also includes a single storey rear extension.

### **Consultations**

One representation has been received raising objection to the development. Kegworth Parish Council has also objected to the development. There are no objections from other statutory consultees.

### **Planning Policy**

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

### **Conclusion**

The site lies within Limits to Development within Kegworth where the proposed use is considered to be acceptable in principle.

The key issues arising from the application details are:

- Impact on the character and visual amenities of the area
- Impact on nearby residents
- Impact on highway safety

The scheme does not give rise to any significant impacts regarding design or highway safety and would maintain the character and appearance of the Kegworth Conservation Area.

However, it is considered that the general noise and disturbance and comings and goings associated with the likely increase in residential activity at the site that would arise as a result of the proposal, would be detrimental to the amenities of the occupiers of the adjacent properties. It is therefore recommended that the application be refused.

## **RECOMMENDATION - REFUSE**

**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 subject property is one of a row of four terraced properties on the southern side of Derby Road. As with the adjoining properties within the terraced row, the application property has a small front garden and a reasonably size garden to the rear which is elevated due to rising land levels. There is currently no space within the plot for off-street parking.

The application is to change the use of and extend the existing four bedroom dwelling to create a house in multiple occupation (sui generis) housing up to ten people. The extension required as part of the proposal is a modest single storey rear extension.

During the course of the application, the applicant's agent has advised that it is the applicant's intention that the property will be rented to an airline company for training accommodation due to the proximity to the airport, and as such it is unlikely that there will be any cars associated with the tenants of this HMO. Whilst these may be the applicant's intentions, Members should be aware that they are granting permission for the use and the future occupiers of the premises could not be controlled by any permission granted.

The site is located in a residential area and within Limits to Development as identified in the adopted Local Plan.

#### Planning History:

No planning history found for the site.

### 2. Publicity

3 neighbours notified.

Site Notice displayed 23 February 2018.

### 3. Summary of Consultations and Representations Received

**Kegworth Parish Council** 'raises strong objections to this proposal as an over-intensive use of the site, with a total lack of car parking provision and inadequate arrangements for waste storage. The proposal would result in a loss of residential amenity and an unacceptable impact on the occupiers of neighbouring properties.'

The Council would also raise wider concerns about the levels of HMO's causing a deterioration in community cohesion, with widespread concern about the total numbers of HMO's now in the village and their effect on parking, the visible impact of 'to let signage' at some times of the year and local services during periods of low occupancy.'

**NWLDC Environmental Protection** advise that a separate licence will be required from Environmental Protection.

**NWLDC Street Management** provides guidance for the developer to ensure that adequate provision is made for bin provision for the development. It is specified that the residents will be required to present their refuse and recycling receptacles adjacent to the highway as per the current arrangements for neighbouring properties on Derby Road.

**Leicestershire County Council - Highways** raise no objections.

**Severn Trent Water** - no response received.

### **Third Party Representations**

One letter of neighbour representation has been received, raising objection on the following grounds:

- lack of parking;
- the property is one of a block of seven houses of which five are student lets, which already generates a need for 25 cars in this area;
- parking in the village is already well over capacity and most of Derby Road is subject to yellow lines on both sides, which results in illegal parking which is not enforced.

The full contents of this letter is available for Members to view on the case file.

## **4. Relevant Planning Policy**

### **National Policies**

*National Planning Policy Framework (2012)*

The following sections of the National Planning Policy Framework (NPPF) are considered relevant to the determination of this application:

Paragraph 14 (Presumption in favour of sustainable development)

Paragraph 32 (Promoting sustainable transport)

Paragraphs 131-134 (Conserving and enhancing the historic environment)

*Draft National Planning Policy Framework (2018)*

In March 2018, the Ministry of Housing, Communities and Local Government commenced consultation on a draft revised NPPF. In view of the early stage of this consultation process, it is considered that only limited weight may be attached to the policies of the draft NPPF at this time, and greater weight should be attached to the 2012 version.

### **Adopted North West Leicestershire Local Plan (2017)**

The application site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S2 - Settlement Hierarchy

Policy D1 - Design of new development

Policy D2 - Amenity

Policy EC5 - East Midlands Airport: Safeguarding

Policy IF7 - Parking Provision and New Development

Policy He1 - Conservation and enhancement of North West Leicestershire's historic environment

### **Other Policies/Guidance**

National Planning Practice Guidance - March 2014.

6Cs Design Guide (Leicestershire County Council)

The 6Cs Design Guide sets out the County Highway Authority's requirements in respect of the design and layout of new development.

Kegworth Conservation Area Appraisal (adopted February 2018).

## 5. Assessment

### Principle and Sustainability

The site is located within the Limits to Development as defined on the Proposals Map to the adopted Local Plan within the sustainable settlement of Kegworth, where the principle of this type of residential development. Therefore the principle issues for consideration are the impacts of the proposed extension and change of use on the amenities of any neighbouring properties, highway safety, airport safeguarding, design and heritage assets.

### Design and Impact on Heritage Assets

The need for good design in new development is outlined in adopted Local Plan Policy D1, Paragraphs 57, 60 and 61 of the NPPF.

The proposed development must be considered against section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that when considering a planning application for development that "special regard shall be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area", respectively.

Paragraph 131 of the NPPF states that planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. It further indicates (at paragraph 132) that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It is a statutory requirement that any new development should at least preserve the character of the Conservation Area.

The site lies to the north, south and west of the newly designated Kegworth Conservation Area, with the rear boundary of the site adjoining the designation. With the exception of the single storey rear extension, there would be no other changes to the external appearance of the existing building. The extension proposed would appear subservient to and in keeping with the scale and character of the existing building. The extension is located to the rear of the existing two-storey dwelling and due to rising land levels to the rear would not be visible from outside the site.

Overall, it is considered that the proposals would maintain the character and appearance of the Kegworth Conservation Area. Taking the above into account, it is considered that the scheme is appropriate and would comply with the NPPF and Policies D1 and He1 of the adopted Local Plan.

### Impact on Highway Safety

Concern has been raised by Kegworth Parish Council and a local resident about the lack of parking associated with the proposal and the contribution the proposal will have to existing on-street and illegal parking problems within the settlement.

There is currently no vehicular access or car parking available for the existing four bedroom dwelling and the applicant has confirmed that there would be no designated off-street parking available for use by the occupiers of the proposed HMO. The plans submitted, show that secure cycle parking would be provided to the rear of the premises which would be accessible through a covered passageway.

The County Highways Authority has been consulted on the application and advises that the

existing four-bedroom property requires three car parking spaces to accord with the 6C's Design Guide. This is the maximum number of spaces allocated in the design guidance for a single property. Whilst there is an increase in the number of occupants as part of this planning application, the premise would remain as a single property and as such the County Highway Authority would not seek additional car parking to a single property, in accordance with the design guide.

The County Highways Authority go on to note that the property is within walking distance to a bus service and with regard to overspill parking on the A6, the entire relevant section of the A6 is bound by double-yellow lines, restricting parking at all times. In light of this existing Order restricting parking, the County Highways Authority is satisfied that any potential car parking generated by the development will not adversely impact the A6.

In response to continued concerns about off-street parking within Kegworth, officers have sought further clarification on where residents might park and have been advised that this would be a private matter for future residents to consider. The County Highways Authority is content that with the restrictions in place (i.e. double yellow lines) any parking would not unduly affect the safe and efficient operation of the highway, which is the primary concern for the County Highways Authority.

To help explain how parking has been considered for the proposal, the County Highways Authority has advised that the normal standard applied is that a dwelling with four bedrooms or more would require three car parking spaces and the County Highways Authority treats HMOs as a 'normal dwelling' within the current guidance. However, there is an existing use on the site, for which regard must be had. The existing use is a four bedroomed dwelling which requires three car parking spaces. As there is no change in the car parking requirement between the existing and proposed use, and no other changes are proposed, the County Highways Authority considers that there can be no reason for refusal. This is because the proposed use would not result in any more onerous requirements compared to the existing use, and therefore, the impact of the development would not be severe.

Having regard to the detailed responses of the County Highways, it is considered that the proposal would comply with Policy IF7 of the adopted Local Plan and the residual cumulative impacts of development are not considered severe in accordance with Paragraph 32 of the NPPF.

### **Airport Safeguarding**

The site is within the safeguarded area of East Midlands Airport. The proposal is for a change of use and the extension proposed would not exceed the height of the existing building on the site and therefore, would raise no safeguarding issues and would be compliant with Policy Ec5 of the adopted Local Plan.

### **Impact on Residential Amenities**

Kegworth Parish Council has raised concerns about the proposed over-intensive use of the site and inadequate arrangements for waste storage, which the Parish considers will result in a loss of residential amenity and an unacceptable impact on the occupiers of neighbouring properties.

With regard to bin storage, amended plans have been provided, showing a dedicated bin storage area to the rear of the premises. Whilst the area provided is not compliant with the area required for bin storage, there is sufficient space to the rear of the property for adequate provision to be provided and therefore, this matter could be dealt with by condition.

The subject property is located within a mixed use area but the properties immediately surrounding the site are in residential use. It is these properties that would be most immediately affected by the proposed HMO. Whilst some properties in this road may be occupied as HMO's, these may not have required planning permission and as such would be less intensive than the proposed use.

The application proposal includes a single storey rear extension, which would represent the widening of an existing development to align with the width of the adjoining two-storey extension. The widening element would be situated within the centre of the site and would not give rise to any significant overbearing or overshadowing impacts. Given the single storey nature of the extension and the presence of 1.8m high fencing along the opposite boundary, it is not considered that any overlooking would arise as a result of this element of the proposal. The uses of the upper floor rooms would be occupied by bedrooms and a bathroom as per the existing situation and therefore, there would be no additional overlooking of neighbouring properties from the occupation of those parts of the building.

In terms of comings and goings, the existing dwelling is a four bedroom dwelling, and operates as a single dwellinghouse. The proposed change of use to a house in multiple occupation with six bedrooms would result in up to ten residents occupying the building at any time. This would represent an intensification of the existing use and which would significantly increase the residential activity associated with the planning unit. It is considered that the general noise and disturbance and comings and goings associated with the likely increase in residential activity at the site that would arise as a result of the proposal, would be detrimental to the amenities of the occupiers of surrounding properties. It is also noted that there is a concentration of HMO's in this area and, cummulative with the existing HMO's, the proposal would be likely to result in high levels of residential activity in this locality. Approval of the proposal would, therefore, be contrary to the provisions of Policy D2 of the adopted Local Plan.

### **Conclusion**

In conclusion, the site lies within Limits to Development within Kegworth where the proposed use is considered to be acceptable in principle. The scheme does not give rise to any significant impacts regarding design or highway safety and would maintain the character and appearance of the Kegworth Conservation Area. However, it is considered that the general noise and disturbance and comings and goings associated with the likely increase in residential activity at the site that would arise as a result of the proposal, would be detrimental to the amenities of the occupiers of the adjacent properties. Accordingly, it is recommended that the application is refused.

### **RECOMMENDATION - REFUSE, for the following reasons:**

- 1 Policy D2 of the adopted North West Leicestershire Local Plan seek to protect the amenities of the occupiers of residential properties from the adverse impacts of development. In the opinion of the Local Planning Authority, the proposed change of use and extension of the property to create a six bedroom house in multiple occupation would lead to an over intensified residential use of a single planning unit and a significant increase in residential activity which would result in a detrimental impact on the amenity of surrounding residents through additional coming and goings to the site and noise and general disturbance. The proposal is therefore contrary to Policy D2 of the adopted Local Plan.