

**Change of use to serviced apartments, external alterations
and erection of wall**

**Report Item No
A2**

57 High Street Kegworth Derby DE74 2DA

**Application Reference
18/01053/FUL**

**Grid Reference (E) 448357
Grid Reference (N) 326705**

**Date Registered:
7 June 2018**

**Consultation Expiry:
12 July 2018**

**Applicant:
C/o Agent - -**

8 Week Date:

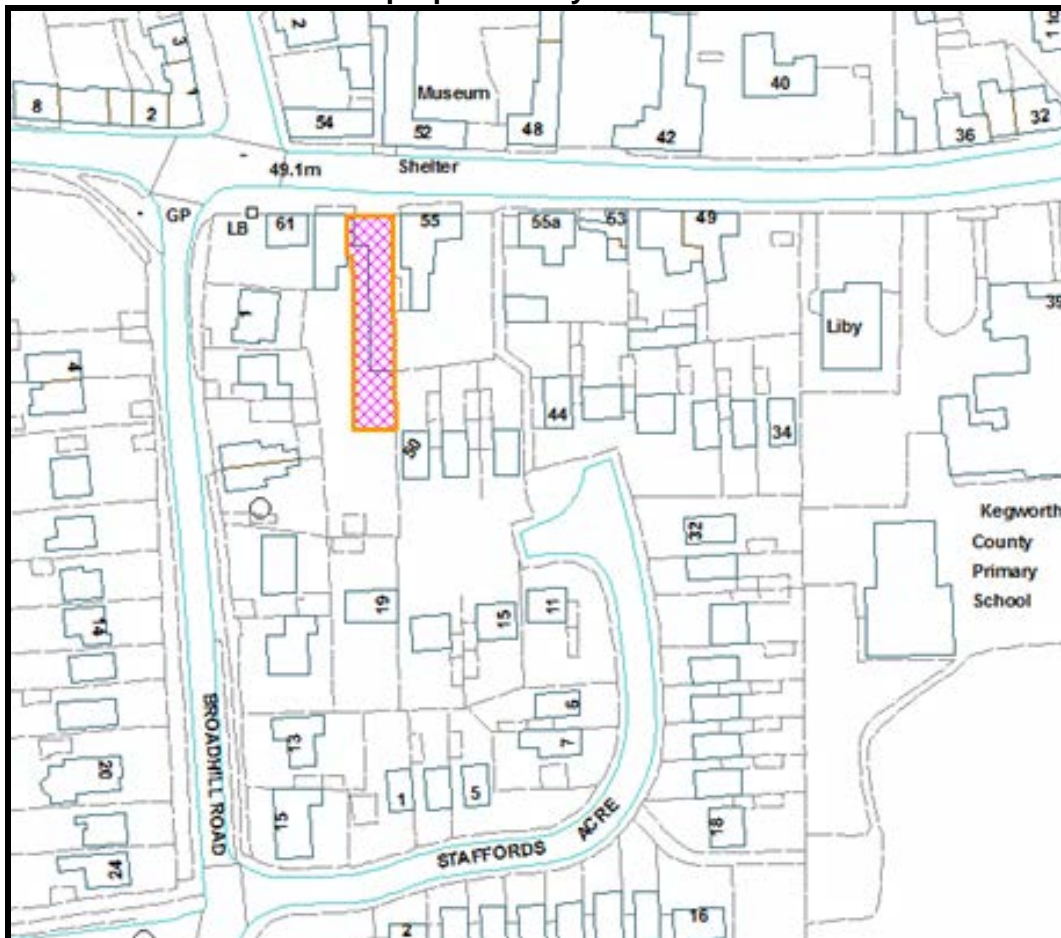
2 August 2018

**Case Officer:
Ebony Mattley**

**Extension of Time:
8 August 2018**

**Recommendation:
PERMIT**

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Reasons for Approval

Reason for Call In

The application is called in to Planning Committee as the Ward Member (Councillor Pendleton) has requested it to be considered by Planning Committee with the reasons stated as a more intensive use would have a detrimental effect on the amenity of adjacent neighbours, the Conservation Area, the fabric of the Listed Building and issues with parking.

Proposal

Planning permission is sought for the change of use to serviced apartments, external alterations and erection of a brick wall at Nos 57 High Street, Kegworth.

Consultations

Members will see from the main report below that there are objections raised from Kegworth Parish Council and two neighbours.

There are no other objections raised from statutory consultees.

Planning Policy

The site is located within Limits to Development as defined by the adopted Local Plan. The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The key issues arising from the application details are:

- Principle of Development
- Design and Impact upon Heritage Assets
- Impact upon Residential Amenity
- Highway Considerations

The report below looks at these details, and Officers conclude that the details are satisfactory. The proposals meets the requirements of relevant NWLDC policies, including the Good Design for North West Leicestershire SPD, and the NPPF.

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 and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the change of use to serviced apartments, external alterations and erection of a brick wall at No's 57 and 59 High Street, Kegworth.

The application property would comprise of 4 x 1 bedroomed apartments and 2 x 2 bedroomed apartments.

The scheme proposes some external alterations to facilitate the conversion including the removal of the garage door in the front elevation and replacement with a window at ground floor and blocking up an existing door and replacement with a window at ground floor in the side elevation. A brick wall is also proposed along the common boundary between No's 57 and 59 High Street.

The site is located within Limits to Development, as defined by the adopted Local Plan.

Recent Planning History:-

18/00167/LBC - Internal alterations - Approved - 06.04.2018

17/01436/FUL - Change of use to dwelling (C3) (in part of building known as No. 57) - Approved - 07.12.2017

2. Publicity

10 neighbours notified.

Site Notice displayed 21 June 2018.

Press Notice published Derby Evening Telegraph 27 June 2018.

3. Summary of Consultations and Representations Received

Kegworth Parish Council objects to the application on the following grounds:-

"Both dwellings are in the conservation area of Kegworth. Number 59 is a Grade II listed building. Only one parking space is available for use by occupants to both buildings, with a garage in number 57.

These proposals follow planning approval 17/01436/FUL for the change in use (to residential C3) of the attached building at 57 High Street, which was approved in December 2017.

The proposed use as 6 serviced apartments would remove the existing garage in number 57, leaving the occupants' cars to find street parking in an area already known locally as difficult for existing residents to park in. Kegworth Parish Council considers that the parking provision for HMO's, including serviced apartments should be treated as for bedsit, ie, with a minimum of one per unit provided.

KPC considers that the two buildings, if more intensively used as serviced apartments, would have a detrimental effect on the Conservation area in the village.

KPC considers that the intensive use of the dwelling would have a very noticeable detrimental

effect on the amenity of adjacent houses in the established residential area, and within the listed building at number 59, have a marked detrimental effect on the building's fabric.

Kegworth Parish Council strongly objects to the use of the dwellings as 6 serviced apartments on the grounds of inadequate parking provision, over intensive use of the listed building, detrimental effect on the Conservation area and the loss of amenity to occupants of adjacent properties. In addition KPC are concerned that the overall numbers of HMO's in Kegworth are altering the character of the village."

Kegworth Parish Council also raises objection that the earlier application for change of use to C3 residential may have been made with the objective of use as an HMO and Kegworth Parish Council is concerned that pressure from the rising number of HMO's is changing the character of the village and jeopardises community cohesion, with the seasonal nature in use of the HMO's affecting the sustainability of local businesses. Kegworth Parish Council proposes that the parking provision for HMO's, including serviced apartments should be treated as for bedsit, i.e. with a minimum of one per unit provided.

No objection from:-

Leicestershire County Council - Highways
NWLDC Environmental Protection

No objection, subject to condition(s) from:-

The Council's Conservation Officer

Third Party Representations

Two letters of neighbour representation have been received, raising objections on the following grounds:

- The property has only been trading on an ad-hoc basis as a Bed and Breakfast with 3 rooms and the B & B 59 High Street, stopped trading over 12 months ago;
- Works have already started on the scheme;
- All future occupants are unlikely to all use the bus;
- This application should require a HMO application due to the high number of residents as concerns for personal safety is also of paramount; and
- Taking No. 59 as a 4 bedroomed property and potential for 8 occupants, allowing this development creates a potential 16 people, which combined makes a potential of 24 people which has no provision for any parking and does not have its own driveway, with the garage to be removed;
- Highway safety and parking concerns; property is very close to a busy junction, a day nursery and close to the primary school.

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

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2018)

The policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF. The following paragraphs of the NPPF are considered relevant to the determination of this application:

Paragraphs 7, 8, 9, 10, 11, 12 (Achieving sustainable development)
Paragraph 56 (Planning conditions and obligations)
Paragraph 109 (Promoting sustainable transport)
Paragraph 127 (Achieving well-designed places)
Paragraphs 192, 193 (Conserving and enhancing the historic environment)

Adopted North West Leicestershire Local Plan (2017)

The following policies of the adopted Local Plan are consistent with the policies in the NPPF and should be afforded weight in the determination of this application:

S2 - Settlement Hierarchy
D1 - Design of New Development
D2 - Amenity
H6 - House Types and Mix
IF4 - Transport Infrastructure and New Development
IF7 - Parking Provision and New Development
HE1 - Conservation and Enhancement of North West Leicestershire's Historic Environment
Ec5 - East Midlands Airport: Safeguarding

Other Policies/Guidance

National Planning Practice Guidance - March 2014
Leicestershire Highways Design Guide
Good Design for North West Leicestershire SPD - April 2017
The Planning (Listed Buildings and Conservation Area) Act 1990

5. Assessment

Background

The property is a two storey house adjoining the adjacent No.59 between which there is a shared alleyway at ground floor and a door linking a bedroom of each property at first floor. No.59 is a Grade II listed building of three storey height and the rear yard is shared with the application property.

The applicant has confirmed that the existing use is a bed and breakfast guesthouse, which has been operated by the owners/occupiers of No. 59 High Street, with some food preparation

taking place in No. 59 High Street and being taken into No. 57 High Street. To the rear the buildings have been used for jewellery workshops for educational purposes.

Planning permission has recently been granted (ref: 17/01436/FUL) for the change of use from a bed and breakfast guesthouse and workshop to the rear, to a dwelling, although the applicant has confirmed that this consent has not been implemented.

Listed Building Consent (ref: 18/00167/LBC) was granted in April 2018 for internal alterations to No. 59, which are currently being undertaken.

The applicant has confirmed that bed and breakfast guesthouse facilities have become increasingly in need of modernisation and following a recent change in ownership, the guesthouse is not currently taking guests, although the facilities remain in place and the use has not been abandoned.

The applicant has stated that the "serviced apartments" will operate on a short-term occupancy basis, and will not be the permanent residential base for the occupiers. The applicant anticipates that the persons associated with East Midlands Airport will form a large proportion of the clientele.

The apartments are to be primarily serviced by the applicant (residing in No. 59 High Street) with the applicant stating that one or more persons are likely to be employed to assist in the servicing of the apartment, and servicing tasks will primarily focus on cleaning and laundry services. The applicant has stated that dependent upon the customers' needs and market demand, it is possible that other services, such as food delivery and local transport may be provided by, or arranged through the applicants.

The apartments, will have a shared amenity space to the rear courtyard.

Principle of Development

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan 2017.

The site is located within Limits to Development as defined by the adopted Local Plan.

There are no specific policies precluding the loss of tourism accommodation but Policy Ec13 of the adopted Local Plan states that support will be given for the retention and enhancement of tourist accommodation. This policy, however, does not address the loss of such features and as such there is no policy objection to the proposal. Further, the principle of the loss of the bed and breakfast, has already been established by the granting of planning permission ref: 17/01436/FUL.

Policy S2 of the adopted Local Plan categorises Kegworth as a 'Local Service Centre' which are settlements which provide some services and facilities primarily of a local nature meeting day-to-day needs and where a reasonable amount of new development will take place.

As the application site is within the defined Limits to Development and relates to the conversion of existing building to residential development, it would accord with Policy S2 of the adopted Local Plan. Accordingly, there is no objection in principle to the proposal, subject to all other

matters being properly addressed.

Design and Impact upon Heritage Assets

The need for good design in new residential development is outlined not only in adopted Local Plan Policy D1 and the Council's Good Design SPD but also paragraphs 127 and 130 of the NPPF 2018.

For the avoidance of doubt No. 57 is not a Listed Building and No. 59 is a Listed Building. On the east of the application site, is No.55 High Street, another Grade II Listed Building and the site is located within the Kegworth Conservation Area.

The proposed development must be considered against section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that when considering a planning application for development that affects a listed building or its setting the decision maker, "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess".

Paragraph 192 of the NPPF 2018 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 193) 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 and significant weight has been given to preserving the setting of the Listed Buildings.

The scheme proposes some external alterations to facilitate the conversion including the removal of the garage door in the front elevation and replacement with a window at ground floor in the front elevation and blocking up an existing door and replacement with a window at ground floor in the side elevation.

Following concerns raised by the Council's Conservation Officer amended plans have been submitted replacing the originally proposed bow window in lieu of the garage doors, which is now of a design that matches the existing first floor window.

Furthermore, following the submission of amended plans the proposed boundary wall between 57 and 59 High Street is a solid brick wall with coping (and not a dwarf wall with slatted fence above as previously proposed).

For the avoidance of doubt, the amended plans also shows the existing chimney stack on eastern end of No. 57 as retained, as the existing chimney stack was omitted from the submitted plans in error.

The external alterations to insert two new windows, into existing openings is considered to be minor in scale. The proposed wall is considered modest in scale and proposes appropriate design and materials. Planning conditions are recommended to be imposed requiring brick work to be made good in respect of the windows and requiring a sample brick and details of the brick bond for the wall.

The scheme proposes minimal external changes and those proposed are considered to have an acceptable design that would be in keeping with the character and appearance of the existing building. Therefore, the proposal is considered to be in accordance with Policy D1 of the adopted Local Plan, the Council's Good Design SPD and the advice contained in the NPPF.

Overall it is considered that the proposals would not harm the setting of the adjoining Listed Buildings and would preserve the character and appearance of the Conservation Area. Taking the above into account, it is considered that the scheme is appropriate and would comply with the NPPF 2018 and Policy HE1 of the adopted Local Plan.

Impact upon Residential Amenity

The site has been operating as a bed and breakfast with four guestrooms and to the rear the buildings have been used for jewellery workshops for educational purposes. The scheme now proposes six serviced apartments, four of 1 bed configuration and two of 2 bed configuration.

There is a physical separation between the application and neighbouring dwelling, with a distance of approximately 1 metre between the side wall of No.57 and the side wall of No. 55 which is set to be retained. As the scheme relates to a conversion, there would be no additional extensions or alterations that would lead to any loss of light, overshadowing, or overbearing impacts, over and above that of the existing arrangement. There are windows at ground floor level, as are existing and the scheme has been orientated (as it already exists) to face towards No. 59 with openings towards it, and therefore away from No. 55 and therefore the comings and goings and any associated noise and disturbance would be contained within and directed towards No. 59.

The applicant has indicated that the intensity of the use, will almost entirely fall upon the applicant's themselves, as occupiers of No. 59, through increased levels of general activity and that all primary openings will face inward across the garden and yard area facing No. 59.

Taking into consideration the previous use, and that now proposed, it is acknowledged that there could be an increase in the level of comings and goings to and from the site, however given the existing interconnecting relationship that exists between No.57 and No. 59, and given that the applicant is the occupier of No. 59 and it is themselves who are proposing such an arrangement, it is not considered that a reason for refusal based upon the impact upon the occupiers of No. 59 could be sustained in this case.

Given the design of the scheme and given the siting of the other neighbouring dwellings it is not considered that any other neighbouring dwellings would be directly impacted upon as a result of the proposed conversion.

Overall, the proposal is not considered to result in significant impacts upon surrounding residential amenity. Therefore, the proposed development is considered to be in accordance with Policy D2 of the adopted Local Plan and the Council's Good Design SPD.

Highway Considerations

Kegworth Parish Council proposes that the parking provision for HMO's, including serviced apartments should be treated as for bedsit, i.e. with a minimum of one per unit provided.

The County Highway Authority (CHA) originally considered the scheme under the 'Standing Advice' procedure, however following concerns raised by Kegworth Parish Council, officers requested a detailed response from the CHA.

The CHA in response to the concerns raised by Kegworth Parish Council in respect of parking, have considered the scheme and has acknowledged that there is no inclusion of on-site parking provision for this application and they would normally seek to resist a proposal that would fail to provide appropriate off-street car parking. The CHA, however raised no objections to this application, given that there is access to a frequent bus service opposite the property and taking into consideration the existing permitted use and the current shortfall in on-site parking, it is unlikely that it would be possible to sustain a reason for refusal on highway grounds in the event of an appeal.

Accordingly, in response to the Parish Council, whilst the parking provision would usually be requested, in this case, given the existing under provision, the sites proximity and connection with a SkyLink bus stop immediately outside the premises, and given that the site is in walking distance to the town centre, and the fact that the CHA are raising no objections on these grounds, the lack of parking provision is not considered to warrant a reason for refusal, in this case.

Overall, the CHA is of the view, the residual cumulative impacts of development are not considered severe in accordance with Paragraph 109 of the NPPF 2018. Accordingly the highway safety aspects of the scheme are considered acceptable and the proposal is considered acceptable in relation to adopted Policies IF4 and IF7 of the adopted Local Plan.

Airport Safeguarding

The site is within the safeguarded area of East Midlands Airport. As the proposal is for a conversion it would not therefore exceed the height of the existing building. Accordingly there would be no safeguarding issues and the scheme would be compliant with Policy Ec5 of the adopted Local Plan.

Other Matters

In response to a letter of objection from a neighbour, the applicant has confirmed that works have not already started, in relation to this proposal. Any works currently in hand at the property relate to the refurbishment of the dwelling (59 High Street), for which Listed Building Consent has been secured, and not any works in relation to these apartments.

Use Class and Conditions

In response to the objections raised from the Parish Council - for the avoidance of doubt this application is not for a House in Multiple Occupation (HMO). A HMO is a property that is shared by three or more tenants (not exceeding 6) who are not living together as a family, and who share basic amenities such as a kitchen, bathroom or toilet facilities but have separate bedrooms and in order to be an HMO, the property must also be used as the tenants' main residence. This applications provides six apartments, which have their own facilities.

Consideration has been given to whether it is appropriate to impose a condition restricting the

occupiers of the properties to a stay up to 28 days, to ensure a "short term occupancy", however as it is considered that the serviced apartments in this case can be argued as either C3 use, like a residential apartment, or a C1 use, such as a holiday let, bed and breakfast. For the reasons discussed below the Council is comfortable with no such restriction being imposed.

The assessments made in respect of this application remain the same irrespective of whether the serviced apartments are deemed C3 use or C1 use, and would not result in a different outcome being reached by the Council. The CHA have also confirmed that their comments, would equally apply to six residential apartments, as a C3 use, or a C1 use. Therefore six apartments, (whether "serviced" or not) in this case, is considered to be acceptable. Accordingly it is not considered that imposing such a condition, restricting occupancy would be in accordance with Paragraph 56 of the NPPF 2018.

Conclusion

The principle of the development is acceptable. The proposal is not considered to have any significant detrimental design, residential amenity or highway impacts. It is considered that the proposals would not harm the setting of the Listed Buildings and would preserve the character and appearance of the Conservation Area. The proposal is deemed to comply with the relevant policies in the adopted Local Plan, the advice in the NPPF and the Council's Good Design SPD. There are no other relevant material planning considerations that indicate planning permission should not be granted. Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

RECOMMENDATION:- Permit, subject to the following conditions:-

- 1) Time
- 2) In accordance with amended plans
- 3) Materials - including brick bond for the proposed wall
- 4) Full window details for 2 no. new windows
- 5) Making good of brickwork to insert windows in existing openings
- 6) Undertake erection of wall, prior to first occupation
- 7) Removal of permitted development rights