

Application for change of use from 3-bedroom domestic dwelling (C3) to 4-bedroom House in Multiple Occupation (C4) with a maximum of 4 occupants.

**Report Item No
A2**

49 Bridge Fields, Kegworth, Derby, DE74 2FW

**Application Reference:
25/00106/FUL**

**Grid Reference (E) 449204
Grid Reference (N) 327207**

**Date Registered:
28 January 2025
Consultation Expiry:
4 March 2025
Determination Date:
25 March 2025
Extension of Time:
10 May 2025**

**Applicant:
Mr and Mrs Paul and Sarah Wilson**

**Case Officer:
Sara Hullott**

**Recommendation:
Permit, subject to conditions**

Site Location - Plan for indicative purposes only



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Reasons the case is called to the Planning Committee

This application is brought to Planning Committee because the application is recommended for approval by officers and the application is submitted by the close relatives of a serving officer of the Council and objections have been received.

It must be emphasised that the officer who is the relative of the applicants for this case has not been involved in any way or form with the consideration of this application.

RECOMMENDATION – PERMIT, subject to the following conditions:

1. Standard time limit (3 years).
2. Approved plans.
3. Maximum of 4 residents living on site at any given time.
4. Retention of existing parking spaces.

MAIN REPORT

1. Proposals and Background

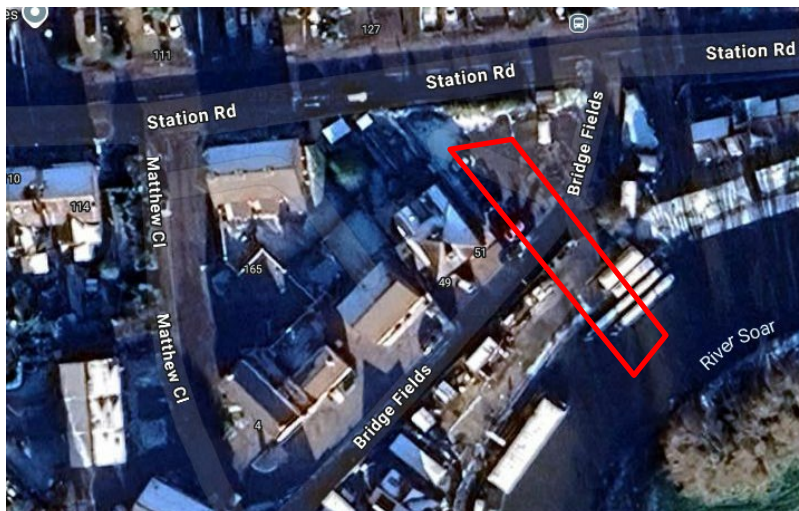
The mandatory requirement for 10% Biodiversity Net Gain (BNG) for small sites as required by the Environment Act came into force on 2 April 2024. This application is exempt due to the development being de minimis in scale and there being no loss of existing habitat and thus the delivery of the 10% BNG is not mandatory for this application.

The application seeks full planning permission for the change of use of an existing dwelling house (C3 use) at 49 Bridge Fields, Kegworth to a 4-bedroom House of Multiple Occupation (C4 use), with a maximum of 4 residents. No external physical alterations are proposed to the building, only internal changes.

Site Location Plan



Aerial Image of Site Location

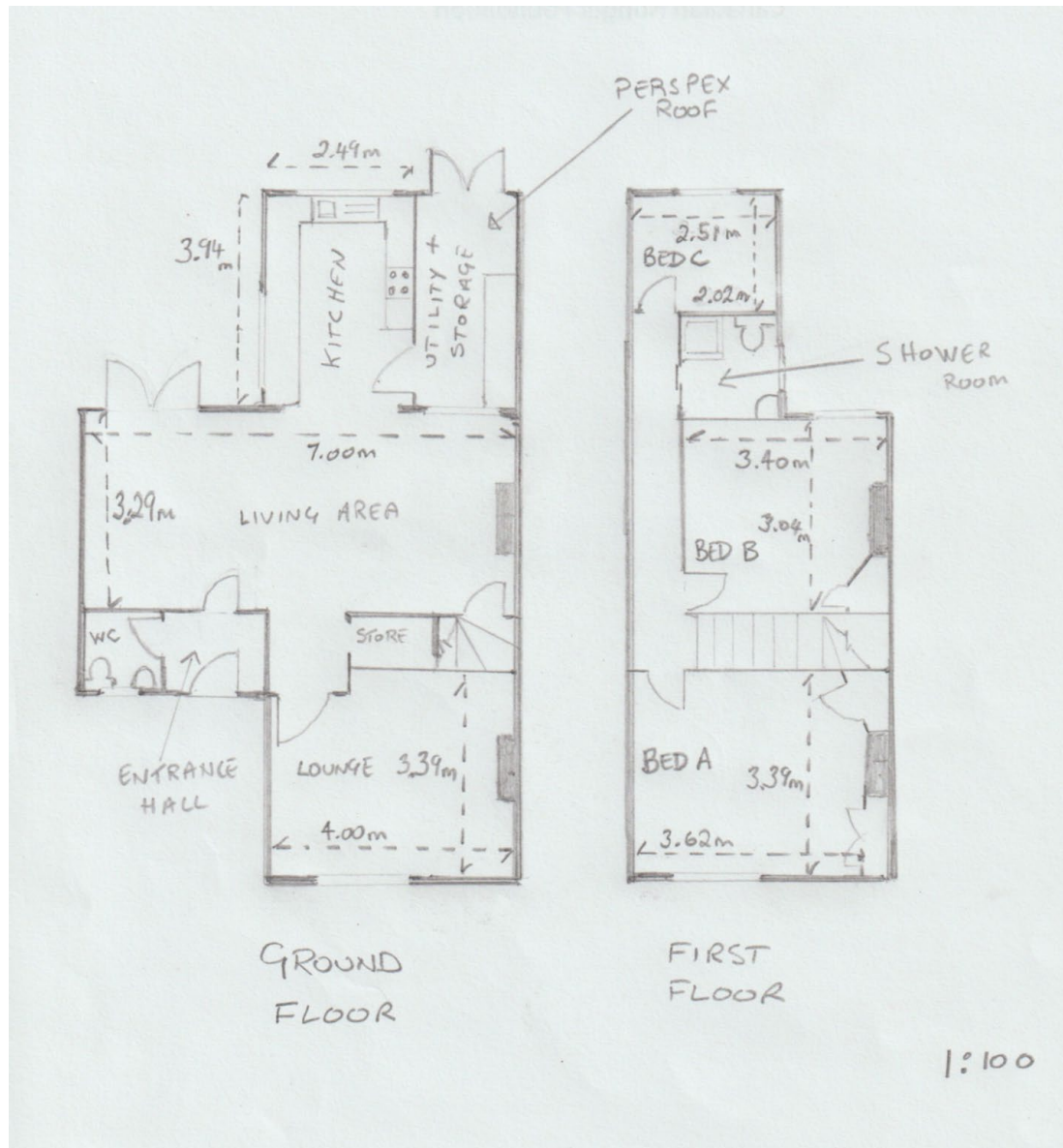


Site Photo

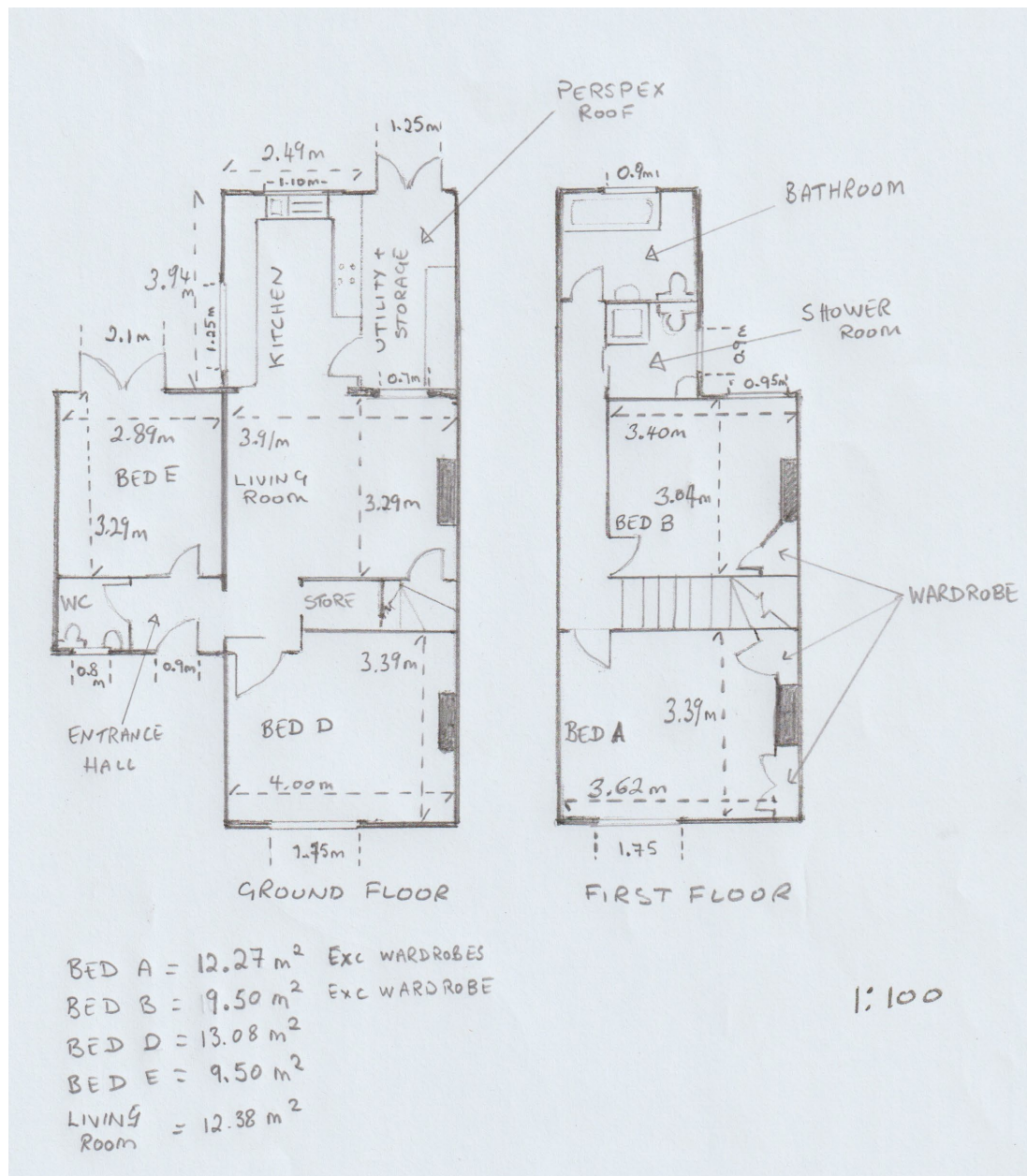


The application site consists of a two-storey semi-detached dwelling. The existing floor plans show three upstairs bedrooms and one bathroom, with downstairs kitchen and living areas. The proposed plans show that there would be two upstairs bedrooms, a bathroom and shower room. Downstairs, the existing living space to the front of the property would be converted into a bedroom and an internal wall would be added to create a fourth bedroom. The kitchen and utility room would be retained, along with a large section of the existing living room. There are no external alterations to the property proposed in this application.

Existing Floor Plans



Proposed Floor Plans



This site is situated within the settlement boundary of Kegworth. The site is located within the Limits to Development, as defined by the Policy Map to the adopted Local Plan (2021). Public Footpath L65 runs along Bridge Fields to the south of the site. The site lies within Flood Zone 2.

The proposed House of Multiple Occupation (HMO) would be occupied by a maximum of four residents.

The County Highways Authority, Environmental Protection, Parish Council and neighbours have been consulted and their responses have been considered in this report.

Precise details of the proposal are available to view on the submitted plans on the Council's website.

Relevant Planning History

There is no relevant planning history at the property.

2. Publicity

10 Neighbours have been notified.

Site Notice displayed 11 February 2025.

3. Summary of Consultations and Representations Received

The following summary of representations is provided. All responses from statutory consultees and third parties are available to view in full on the Council's website.

Kegworth Parish Council – Objects to the application on the following grounds:

The development would not be consistent with the emerging Local Plan HMO policy.

Access - The planning proposals would rely on the use of a footpath for vehicle access. It is proposed that the parking spaces would be accessed via a public footpath, which would be a safety issue.

Parking - There is insufficient space in the parking layout to allow for parking and turning.

Concentration of HMOs - The density of HMOs in the area exceeds the thresholds

No objections from:

NWLDC Environmental Protection

County Highway Authority

Third Party Representations

1 Neighbour objection has been received which can be summarised as follows:

Grounds of Objections	Description of Impact
Principle of Development and Sustainability	Too many HMO's within Kegworth

4. Relevant Planning Policy

National Planning Policy Framework (2024)

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

Chapter 2. Achieving sustainable development
Chapter 4. Decision-making
Chapter 8. Promoting healthy and safe communities
Chapter 9. Promoting sustainable transport
Chapter 12. Achieving well-designed places
Chapter 15. Conserving and enhancing the natural environment

Adopted North West Leicestershire Local Plan (2021)

The North West Leicestershire Local Plan forms part of the development plan and the following policies of the Local Plan are relevant to the determination of the application:

S2 - Settlement Hierarchy
D1 - Design of New Development
D2 – Amenity
Ec5 - East Midlands Airport: Safeguarding
IF4 - Transport Infrastructure and New Development
IF7 - Parking Provision and New Development
Cc2 – Water – Flood Risk
Cc3 – Water – Sustainable Drainage Systems

Adopted Leicestershire Minerals and Waste Local Plan (September 2019)

The Leicestershire Minerals and Waste Local Plan forms part of the development plan and the following policies are/policy is relevant to the determination of the application:

Policy M11: Safeguarding of Mineral Resources

Other Policies and Guidance

National Design Guide (2021)
National Planning Practice Guidance
Leicestershire Highway Design Guidance
DEFRA Rights of Way Circular (1/09) - October 2009
Good Design for North West Leicestershire SPD - April 2017
Kegworth Article 4 Direction 2020: House in Multiple Occupation (HMO).

5. Assessment

Principle of Development

The starting point for the determination of this application is Section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that decisions are made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the development plan comprises of the adopted North West Leicestershire Local Plan (2021).

The site is located within the Limits to Development, as defined by the adopted Local Plan, in the settlement of Kegworth. Policy S2 defines Kegworth as a 'Local Service Centre' which provides some services and facilities primarily of a local nature meeting day-to-day needs and is supportive of a reasonable amount of new development.

In addition, the National Planning Policy Framework (NPPF) promotes a presumption in favour of sustainable development. Paragraph 11 of the NPPF states that development proposals that

accord with an up-to-date development plan should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole or where specific policies indicate development should be restricted.

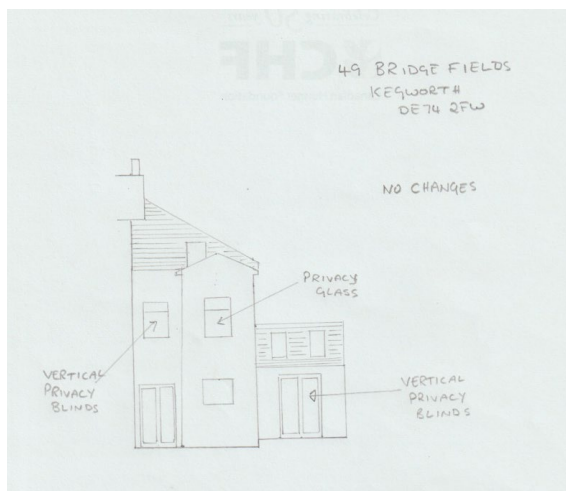
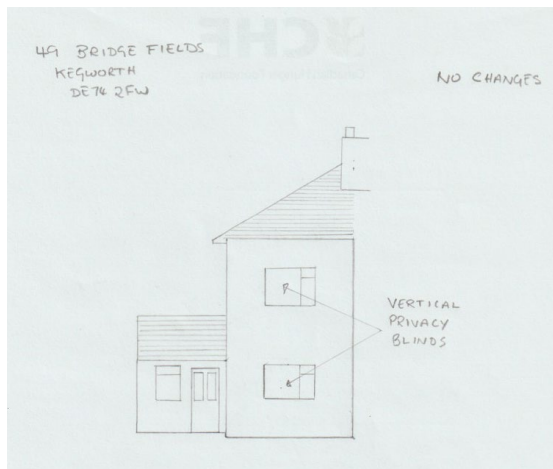
The proposal seeks to change the existing use of the residential dwelling to a four-bedroom HMO for no more than four residents at 49 Bridge Fields, Kegworth. No external changes are proposed.

In this case, the site is located within the limits to development therefore, the principle of development is considered acceptable, subject to compliance with all other relevant policies in the Local Plan and the NPPF.

Design, Character and Impact upon Street Scene

Policy D1 of the North West Leicestershire Local Plan (2021) requires that all developments are based on a thorough opportunities and constraints assessment and informed by a comprehensive site and contextual appraisal. In addition, new residential developments must also perform positively against the Council's adopted Good Design Supplementary Planning Document (SPD).

Existing and Proposed Elevations





No external alterations or extensions to the building would be required to accommodate the proposed change of use and as such there would be no further impacts on design beyond the appearance of the existing building.

It is considered that the proposal would accord with Policy D1 of the adopted Local Plan, the Council's Good Design SPD and advice contained in the NPPF.

Residential Amenities

Policy D2 of the Local Plan (2021) requires that proposals for development should be designed to minimise their impact on the amenity and quiet enjoyment of both existing and future residents within the development and close to it.

This application seeks permission for a change of use from a dwelling to a small HMO for a maximum of four residents.

The subject property is semi-detached with a rear garden and driveway to the front of the property. The property currently has three bedrooms and it is proposed to change two ground floor rooms into bedrooms, with one of the upstairs bedrooms being converted into a bathroom. The proposed change of use to a small HMO would accommodate a maximum of four residents within four bedrooms.

Consideration has to be given as to whether any additional noise and disturbance generated by changing the use from a family home to a small HMO, would give rise to a significant adverse impact upon neighbouring residential amenities to warrant a refusal of permission. Given the size of the property, it could accommodate a family with a greater number of people than proposed under this application, it is not considered that the change of use would give rise to any significant noise and disturbance or comings and goings (and associated waste generation/pollution) that would be demonstrably significantly over and above the occupation of the dwelling by a single large family. The Council's Environmental Protection Team has been consulted on the application and raises no objections.

The proposal does not include any external alterations to the existing property and as such it is not considered that the development would result in any overbearing or overshadowing impacts on neighbouring properties.

Whilst one of the existing first floor bedrooms would change to a bathroom, it is not considered that it would be reasonable to require obscure glazing to its window, as the use of rooms could change in the existing dwelling without the need for planning permission.

Overall, for the reasons set out above and subject to an appropriately worded condition to ensure the use of the site would operate within the parameters of the submitted application by restricting the number of residents to a maximum of four people, it is not considered that the proposal would result in significant impacts upon surrounding residential amenities and would accord with Policy D2 of the adopted Local Plan and the Council's Good Design SPD.

Highway Considerations

Kegworth Parish Council have raised concerns with regard to access and parking at the property. These concerns will be considered in the section below.

Policy IF4 of the North West Leicestershire Local Plan (2021) requires that development proposals consider the impact on the highway network and environment, including climate change. It also requires the incorporation of safe and accessible connections to the transport network, enabling travel choices for residents, businesses, and employees, particularly by non-car modes. Policy IF7 stipulates that development must provide adequate parking for vehicles and cycles to avoid highway safety issues and to minimise the impact on the local environment.

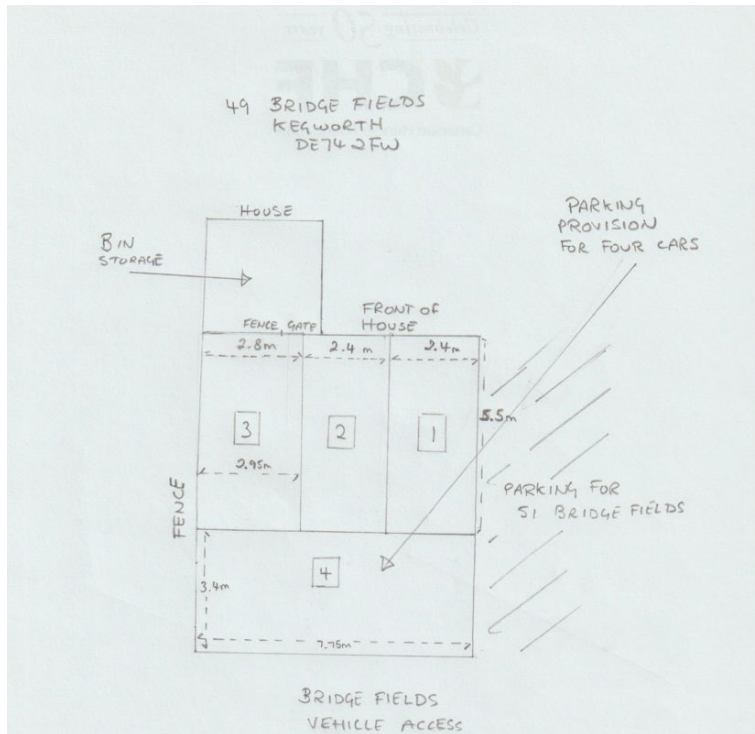
Access to the site is from Bridge Fields, which is a Public Right of Way which forms Public Footpath L65. Bridge Fields is narrow in width given its status as a Public Footpath and therefore primarily being a pedestrian route, however, it does provide vehicular access to a limited number of properties including the application site. No alterations are proposed to the existing site access arrangements which presently serve the existing dwelling.

The County Highway Authority (CHA) has been consulted on this application and have raised no objections stating that as this is an existing situation, the CHA considers it unreasonable to object on this basis.

The CHA notes that there has been one Personal Injury Collision (PICs) that has been recorded within 500m of the site in a northern, southern and western direction and circa 140m in an eastern direction due to its boundary with Nottinghamshire. The PIC was documented within the most recent five-year period and was recorded as 'slight' in severity. The CHA has given consideration to the above PIC and is satisfied that the development proposal is unlikely to exacerbate the likelihood of further such incidents occurring.

The existing parking provision on the site consists of four parking spaces which would be retained, as shown on the plan below.

The CHA notes that the fourth parking space is not in accordance with the LHDG as it blocks the access to the three other spaces and appears unable to provide sufficient turning space.



Based on Table 28 of the Leicestershire Highway Design Guide (LHDG) for a HMO containing up to six residents, one parking space should be provided per resident with a minimum of three parking spaces per dwelling.

Considering the existing parking situation and given that the applicant does have any clear scope to provide a fourth parking space in accordance with LHDG standards, the CHA considers it unreasonable to object to this application on this basis. The CHA has advised that they do not consider this development to result in any severe highway safety impacts as per paragraph 116 of the NPPF (2024).

The CHA has not raised any comments or objections in relation to impacts on users of the public footpath. As it is considered unlikely that there would be any significant increase in comings and goings to and from the site compared to the existing situation, it is considered that there would be no adverse impacts on the enjoyment of users of the public footpath and that safe and suitable access could be provided for users of the footpath.

Taking the above into account the proposal is not considered to result in an unacceptable impact on highway safety or the wider highway network or the public footpath. This would therefore comply with Policies IF4 and IF7 of the North West Leicestershire Local Plan, the relevant paragraphs of the NPPF as well as the Leicestershire Highway Design Guide.

Biodiversity Net Gain

Policy En1 of the adopted Local Plan states that proposals for development would be supported which conserve, restore or enhance the biodiversity in the District. This is supported by Paragraph 186 of the NPPF which states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

The mandatory requirement for 10% Biodiversity Net Gain (BNG) for small sites as required by the Environment Act came into force on 2 April 2024. However, the proposal relates to an application for change of use only with no external alterations to the building or site generally.

The biodiversity gain requirement does not apply to development subject to the de minimis exemption which is development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of onsite habitat, or 5 metres of linear habitats such as hedgerows. Based on the information submitted under this application, the Planning Authority considers that biodiversity net gain does not apply in this case and therefore, the proposed development would not be required to demonstrate 10% BNG.

Given the above, the development would accord with Policy En1 of the Local Plan, the aims of Paragraph 187 and 193 of the NPPF (2024), the Planning Practice Guidance.

Flood Risk

The site lies within Flood Zone 2. Part of the rear garden is within an area at low to medium risk of surface water flooding. The proposed use is not incompatible with Flood Zone 2. As a change of use is proposed, the proposal is not subject to the flood risk sequential test. It is also not subject to the flood risk exception test. Whilst a flood risk assessment has not been submitted, given that the proposed use is residential in nature in this case it is considered that a reason for refusal on the basis of a lack of a flood risk assessment could not be justified.

There would be no increase in surface water runoff or flood risk elsewhere as there would be no changes to the footprint of the building or to the extent of hardsurfacing within the site. It is also considered that given the continued residential use of the site and that the Council has no control over where rooms are located in the existing dwelling, that in this case requiring flood resilience measures or details of safe access/escape routes could not be justified.

It is therefore considered that the proposal complies with Policy Cc2 and Cc3 of the Local Plan, the NPPF and the PPG.

Airport Safeguarding

The site is within the safeguarded area of East Midlands Airport. The threshold for consultations with the airport is for development above 90m in height and as the proposal is for a change of use only with no proposed external alterations, the proposal would not raise any safeguarding issues and would be compliant with Policy Ec5 of the adopted Local Plan.

Other Matters

Concerns have been raised by a local resident and the Parish Council regarding the number of HMO's located within Kegworth. Whilst these concerns are recognised, there are currently no policies within the adopted Plan or NPPF which seek to limit the quantity/grouping of HMOs or control the location of HMOs. In the absence of any adopted policy to this effect or any objection from statutory consultees in respect of the highway/amenity or other significant impacts arising from the concentration of HMOs in this location, it is not considered that a reason for refusal on this ground could be sustained.

Whilst Policy H8 in the draft Local Plan does relate to HMO's in Kegworth, no weight can be attributed to the policy. Several comments have been made in respect of the policy as part of the

draft Local Plan Regulation 18 consultation (January to March 2024). The policy has also not yet been reviewed and presented back to Local Plan Committee.

Conclusion

The adopted Local Plan is silent on the matter of HMOs and in these circumstances, paragraph 11 of the NPPF applies which states that 'plans and decisions should apply a presumption in favour of sustainable development'.

For decision taking, it sets out in criterion (d) that 'where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'

The application site falls within none of the areas identified within paragraph 11(d)i of the NPPF and therefore the test to be applied in this case is that set out in paragraph 11(d)ii above.

The application site is situated within the defined Limits to Development, where the principle of development is supported, if it complies with relevant policies of the Local Plan. Policy S2 of the Local Plan supports sustainable development within Limits to Development, and the proposed development is considered to align with the overall spatial strategy for the district.

In addition to the above, no external alterations are proposed as a result of the development. The proposal is considered to be acceptable in terms of highway safety and the public footpath. The proposed change of use is not considered to result in significantly detrimental impacts on neighbouring amenity. There are no other relevant material planning considerations that indicate planning permission should not be granted.

In view of the above and on balance, it is considered that the proposed development complies with the relevant policies of the North West Leicestershire Local Plan and the NPPF (2024).

Subject to the imposition of conditions the proposed development represents sustainable development, and approval is therefore recommended.