

## Item No. 2

**Application Reference Number** P/20/0109/2

**Application Type:** Full **Date Valid:** 06/05/2020  
**Applicant:** ORE Operations Ltd  
**Proposal:** Change of use of residential institution (use class C2) to assisted living home (use class Sui Generis) including rear extensions and associated parking & landscaping scheme.  
**Location:** 38 Charnwood Road  
Shepshed  
Leicestershire  
LE12 9QF  
**Parish:** Shepshed **Ward:** Shepshed West  
**Case Officer:** Wendy Lewis **Tel No:** 01509 632545

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This application has been referred to the Plans Committee in accordance with the Council's Scheme of Delegation embedded within Section 8.2 of the Consultation following a 'Call-in' request from the Ward Councillor, Councillor Popley. The concerns raised by the Councillor relate to:

1. Potential detriment to the traffic issues along a main road, which is used for access to a supermarket and other main provisions in the community, along with several residential properties. This will also potentially be heightened with new proposed parking layouts to the building.
2. Concerned with some aspects of the proposed design changes to the property, namely the rear extension.

### Description of the Site

This application relates to 38 Charnwood Road, Shepshed which is a part 3-storey, part 2-storey building that is currently vacant but was last used as a nursing home for the elderly. It is situated immediately to the south of Shepshed District Centre and lies within the Limits to Development. The building has hardstanding to the front and is accessed from Charnwood Road. The car parking to side and rear are accessed to the north of the site. This access also provides access to Shepshed Bowling Club and TDS Contracting Ltd, a Joinery Manufacturing Business.

Surrounding land uses are as follows:

<b>Boundary</b>	<b>Adjacent land use</b>
North	Access road that leads to TDS Contracting Ltd and Shepshed Bowling Club, with properties that front Shepshed Road on the other side of that access. These are largely commercial premises in the ground floor with some residential uses on the floors above
South	Residential flats and dwellings in Lacey Court
East	Shepshed Bowling Club with Bowling Green, clubhouse and car parking
West	Shepshed Road with detached residential dwellings opposite at 35 and 37 Shepshed Road, with access to car park for Asda supermarket to the north-west

## **Description of the Application**

Planning permission is sought for the change of use of the existing property from a residential institution (use class: C2) to an assisted living home (use class: Sui Generis) including rear extensions and associated parking and landscaping. Additional information was received in June 2020 in the form of a Planning Statement and a Statement of Assisted Living which provides detail of the proposed use. The facility will provide a stepping stone between institutional care and mainstream housing and would provide the support required to live independently.

The existing building had been used as a nursing Home for 25 residents until February 2020. The applicant wishes to change the use of the building to an assisted living home. This would be for 27 residents with 27 assisted living studio units together with associated communal facilities including a lounge, kitchen and dining room, laundry room and communal garden.

The applicant has advised that the assisted living model has been developed to deliver specialist housing. As the applicant describes, it would “provide an innovative solution for vulnerable groups aged between 18 and 65 currently and historically living in institutional care, which enhances the quality of life for people with complex care requirements, whilst giving them the opportunity to live within their chosen community safely, securely and sustainably.” It provides a transition between institutional care and mainstream housing, and will cater for those who have lived in institutional environments, providing a stepping stone between institutional and community living. The model provides support for those no longer requiring institutional care, but who still require care and support in everyday life, giving them the opportunity to live independently whilst giving them support and personalised care when needed.

Each studio measures at least 20 sqm and will contain a bedsitting room with a small kitchenette which itself contains a sink, small hob and fridge. The units are complemented by a range of shared communal areas including a fully equipped kitchen, dining areas, lounges, laundry facilities, and office space for meeting with individual residents. At 20 sqm each these units are considerably smaller than the national spaces standard for a one-bedroomed unit. The minimum gross internal area for a studio apartment in the Ministry of Housing, Communities and Local Government’s Technical Housing Standard is 37 sqm. The reduced size of the studios within the assisted living home is the result of its specific use and it should be recognised residents have access to the large communal areas outlined above.

Twenty-four-hour individual care will not be provided for the residents although the amount of individual care provided for each resident will vary according to their individual need. The basic level of support will relate to life skills such as paying bills, receiving benefits, accessing services, personal care and establishing new social networks. Approximately 90 hours care per week could be provided. There would be no staff living at the facility and no live-in accommodation is included in the proposal. The exact staffing model will depend on the care packages for the residents, although it is anticipated that there will be staff on site at all times during the day.

The application also includes a 3-storey extension that is located at the eastern end of the site to the rear of the site that backs onto the site of Shepshed Bowling Club. The proposed extension is similar to that which was approved in 2009 (app P/09/1251/2 refers) although the top floor of this was never built. The extension will replace the existing 2-storey extension and has the same footprint.

The proposal includes 8 car parking spaces to be located to the front and side of the property and secure cycle storage to be provided towards the front of the site. Bin storage will remain in its current position at the rear of the site.

The following documents accompany the application:

- Application Form
- Statement of Assisted Living
- Planning Statement
- Transport Statement
- Design and Access Statement
- Counsel opinion from Richard Harwood QC confirming the proposed use as 'Sui Generis'
- Statement of Assisted Living
- Plans and drawings:
  - 586/01 - Location Plan
  - 586/EX-01 Rev C Existing Plans
  - 586/EX-02 Rev B Existing Elevations
  - 586/EX-03 Rev A Existing Elevations and Sections
  - 586/EX-04 Rev B Existing Site Plan with Ground Floor Plan
  - 586/EX-05 Rev B Existing Site Plan with Lower Ground Floor Plan
  - 586/PR-01 Rev E Proposed Plans
  - 586/PR-02 Rev B Proposed Elevations
  - 586/PR-03 Rev A Proposed Elevations and Sections
  - 586/PR-04 Rev B Proposed Site Plan with Ground Floor Plan
  - 586/PR-05 Rev B Proposed Site Plan with Lower Ground Floor Plan
  - 586/DM-01 Rev C Demolition Plans
  - 586/DM-02 Rev B Demolition Elevations and Sections
  - 586/DM-03 Rev A Demolition Elevations and Sections

## **Development Plan Policies**

### Charnwood Local Plan Core Strategy 2011-2028 (adopted 9 November 2015)

The following policies are relevant to this application:

Policy CS1: Development Strategy – this policy sets the spatial strategy for sustainable growth with new housing and employment being primarily focussed on the towns such as Loughborough and Shepshed and the Leicester Urban Area.

Policy CS2: High Quality Design – requires developments to make a positive contribution to Charnwood Borough, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access, and protect the amenity of people who live or work nearby.

Policy CS3: Strategic Housing Needs - seeks to manage the delivery of the Borough's housing need and ensure a good mix of house types, tenures and size of properties, having regard to identified housing needs and the character of the area.

Policy CS8: Regeneration of Shepshed – development will be supported that, amongst other things, makes a contribution to the regeneration of Shepshed by contributing to the viability and vitality of the town.

Policy CS9: Town Centres and Shops - development will be supported that makes a significant contribution to the regeneration of Shepshed by 2028 by, inter alia, supporting development that directly contributes to the regeneration of Shepshed. The town is the Council's priority location after Loughborough town centre.

Policy CS16: Sustainable Construction and Energy - encourages sustainable design and construction and the provision of renewable energy including supporting developments that reduce waste, provide for the suitable storage of waste and allow convenient waste collections.

Policy CS25: Presumption in Favour of Sustainable Development - sets out that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It pledges to work proactively with applicants to jointly find solutions to approve development wherever possible to secure improvements to the economic, social and environmental conditions in an area. Planning applications that accord with the policies in the Core Strategy will be approved without delay unless material considerations indicate otherwise.

#### Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies)

The saved policies relevant to this proposal include:

Policy ST/2 Limits to Development - states that built development will be confined to allocated sites and other land within the Limits to Development identified on the proposals map, subject to specific exceptions.

Policy EV/1 - Design - seeks to ensure a high standard of design for developments, which, inter alia, respects and enhances the local environment, is of a design, layout, scale and mass compatible with the locality and utilises materials appropriate to the locality.

Policy TR/18 – Parking provision in new development - indicates that planning permission will not be granted for development unless off-street parking for vehicles, including cycles, and servicing arrangements are included to secure highway safety and minimize harm to visual and local amenities. The quantity of parking allowed should reflect the proposed use and the location of development, the availability of public off-street parking; the current or potential accessibility by non-car modes and the scope for practical measures to significantly reduce the use of private car trips to and from a site.

## **Material considerations**

### National Planning Policy Framework (NPPF)

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (para. 2). The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development (para.7), fulfilling an economic, a social and an environmental role (para.8). At the heart of the Framework is a presumption in favour of sustainable development. It recognises that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

The NPPF states that the government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development (para.124). Planning decisions should not attempt to impose architectural styles or tastes but should seek to reinforce local distinctiveness (para.127). The planning and development process should create high quality buildings and places, and the Framework requires planning decisions should, inter alia, ensure that developments are visually attractive as a result of good architecture and layout, are sympathetic to local character and history and maintain a strong sense of place through use of materials, and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity of existing and future users. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (para.130).

In considering development proposals, it should be ensured that safe and suitable access to the site can be achieved for all users. Development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (para. 109).

### National Planning Practice Guidance

The PPG is a web-based resource that is continually updated. This document provides additional guidance to ensure the effective implementation of the planning policy set out in the NPPF.

### Housing and Economic Development Needs Assessment (January 2017)

The Housing and Economic Development Needs Assessment (HEDNA) was commissioned by the Leicestershire local authorities and the Local Enterprise Partnership to assess future housing needs and the scale of future economic growth. The study has looked at a wealth of evidence, including population, household and economic growth projections, to assess the need for housing and employment land over the next 20 years. The study will also form part of the evidence base for Local Plans.

The HEDNA looks at projections based on past population and demographic trends, with adjustments made (where necessary) for higher migration to support economic growth, and/or to address affordability issues, responding to an analysis of market signals and evidence of the need for affordable housing. The HEDNA also identifies the appropriate mix of homes of different sizes needed in the market and affordable sectors.

The HEDNA looks at the overall need for housing and specific segments within the general housing need such as affordable homes and Starter Homes. It also considers the needs of the population including people with a long-term health problem or disability (LTHPD). It outlines that across the Housing Market Area there are 25% of households which contain someone with the LTHPD. The document estimates that there will be a 36% increase in numbers of people with a LTHPD to 2031 and a 46% increase to 2036. There will therefore be likely to be a general increase in the numbers of the population with a long-term health problem or disability.

#### National Design Guide (2019)

This document sets out the Central Government's design guidance which is intended to encourage, promote and inspire a higher standard of design in respect of development proposals, creating well-designed places that are beautiful, enduring and successful.

#### Supplementary Planning Document on Design (2020)

This document seeks to encourage, promote and inspire higher design standards in new development. It also provides advice about the way planning applications for house extensions will be assessed. This includes guidance on the design and appearance of extensions and their impact on the enjoyment of neighbouring properties.

#### Leicestershire Highways Design Guide

This document sets out the Local Highways Authority's design guidance in respect of highway matters.

#### Equality Act 2010

Section 149 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality.

### **Relevant Planning History**

<b>Ref.</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
P/88/1522/2	Change of use from dwelling and antique showroom to nursing home and residential car home for the elderly	Conditional Approval	21.07.1988
P/89/0917/2	Conversion and 2-storey extension to rear of former antiques shop dwelling to form 22 bedroom rest home for the elderly	Conditional Approval	20.07.1989
P/01/2518/2	Single storey extension to side and conservatory to rear of nursing home	Refused	30.05.2002
P/02/3231/2	Single storey extension to side of nursing home (revised scheme planning refusal P/01/2518/2)	Conditional Approval	02.12.2002
P/03/2065/2	Two storey extension to rear of nursing home	Conditional Approval	02.09.2003
P/09/0068/2	Erection of a three-storey extension to rear to form 9 bedrooms	Refused	31.03.2009
P/09/1251/2	Erection of first floor single storey extension to rear	Conditional Approval	16.09.2009

## Responses of Consultees

Leicestershire County Council Highway Authority - Advise that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 109 of the National Planning Policy Framework (2019), subject to conditions.

Leicestershire County Council Developer Contributions – Requested S106 contributions including for Education and Libraries.

Shepshed Town Council - Having considered this planning application, Shepshed Town Council wishes to reserve the right for a member of Shepshed Town Council to speak at the planning meeting. They did not raise any concerns relating to the application in their written correspondence on the application.

## Other Comments Received

Letters have been received from 32 Charnwood Road and Shepshed Bowls Club in respect of land ownership and the drawing of the red line boundary around the application site, however these are considered to be private legal ownership matters relating to the access that are not material planning considerations in the determination of this application.

A letter was received from residents at 28, 28A and 30 Charnwood Road which makes the following points:

- Concern about the design of the extension to a Historical Listed Building which is considered to be poor quality
- Concern that the extension will have an overbearing impact on neighbouring properties and that the form and scale of the development will be likely to significantly reduce the amount of daylight/sunlight to the habitable rooms/gardens of neighbouring properties.
- Concern about drainage/sewage since this has been a regular issue. They highlight Severn Trent have investigated the problem but it is still unresolved.
- Concerns the proposal will increase flooding in the area
- Concerns are raised about the potential for odour as a result of the proposed use and state that sufficient refuse collection should be secured.
- Concerns regarding the traffic implications from the proposed use and its impact roadside safety
- Concerns are raised regarding noise, vibrations and movement caused during construction.

*The comments received also raised some non-planning matters which are summarised below;*

- The proposal should ensure that no physical or structural damage will be inflicted on neighbouring properties due to development.
- Questioning if at any point there will be obstruction of driveways, access to businesses and Bowls Club entrance?

## Consideration of the Planning Issues

The key issues in considering this application are considered to be:

- Principle of Development
- Impact on Street Scene
- Impact on residential amenity
- Highway safety and traffic implications

### Principle of Development

The site is located within the Limits to Development of Shepshed. The existing building has a lawful planning use as a nursing/care home (Use class C2) and was last occupied as a 25 bed nursing home for the elderly. The nursing home comprised 19 single rooms and 3 shared bedrooms.

Policy CS1 of the Charnwood Core Strategy outlines the development strategy for the Borough and points new development in the first instance towards the edge of Leicester, Loughborough and Shepshed. The proposal relates to the re-use of an existing building. The proposal will help to meet specialist housing need for a vulnerable group of people helping to extend the housing mix within the Borough in accordance with Policy CS3 and will assist meeting the needs of the increasing numbers of the population with a long term health problem or disability that has been identified by the HEDNA report. In particular the facility will provide intermediate housing between institutional care and mainstream housing in order to provide the support required to help them learn to live independently. The proposal provides 27 assisted living studio units together with associated communal facilities including a lounge, kitchen and dining room, laundry room and communal garden.

The building is located in a sustainable location to the south of the centre of Shepshed within walking distance of services and facilities. The proposal accords with policies that look to support the vitality and viability of the District Centre and its regeneration. In particular the proposal will enable the re-use of a vacant building and contribute to the local economy.

The proposal will continue the use of the building for the provision of care facilities, albeit that the use will change from a nursing home to specialist assisted living. The site lies within the Limits of Development of Shepshed and would be acceptable in principle in accordance with the relevant provisions of Policy CS1 of the Charnwood Local Plan (Core Strategy) and "saved" Policy ST/2 of the Charnwood Local Plan 2004. In principle then the development of an assisted living home within the site is considered to be acceptable provided that it meets criteria in terms of design, will not unacceptably harm the amenities of neighbouring dwellings, and will not result in an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

### Impact on Character and Appearance of the Street Scene

Policy CS2 of the Charnwood Local Plan 2011-2028 Core Strategy and saved Policy EV/1 of the Borough of Charnwood Local Plan 2004 relate to Design and are supported by the Council's SPD and reflect guidance contained within the National Planning Policy Framework and the National Design Guide. They require that new development should be in context within its surroundings and should achieve a high standard of design.



The frontage of the existing building at 38 Charnwood Road is a prominent building that has a mock Tudor appearance. The building is not Listed or within a Conservation Area. The development when viewed on its northern side has an interesting but jumbled mixture of design styles and heights. The proposed extension has a similar footprint and massing to that approved in 2009. The existing building runs up to the rear boundary adjacent to the Shepshed Bowls Club but has a rear element that has a roof hip that is lower than the part of the building to the front, and is 2-storey with an undercroft for parking at ground floor level. The proposal seeks to demolish the existing 2-storey extension and add an additional floor thus replacing the existing extension with a 3-storey extension which has similar dimensions to that approved in 2009 although it was never built. The proposed extension continues the hipped roof to the rear, its design is subservient to the front gable and its shape echoes the previously approved extension. The extension will be contemporary, coated with a white render to match the remainder of the building and will have aluminium faced windows to provide a modern extension that retains the massing and proportion of the existing building. The design evolves as it transitions towards the rear where the composition of the extension takes on a more contemporary architectural language more appropriate for the 21<sup>st</sup> century. The white render proposed for the extension reflects the mock Tudor nature of the frontage.

It is considered that the proposed design, for the reasons set out above, reflects the surrounding street scene which includes older buildings that have rendered elevations as well as the modern supermarket opposite. It would also be in keeping with the design, mass and scale of the existing building

It is therefore considered that the proposal will be in keeping with the character and appearance of the dwelling and its locality and will comply with saved Policy EV/1 of the Borough of Charnwood Local Plan (adopted 12<sup>th</sup> January 2004), Policy CS 2 of the Charnwood Local Plan Core Strategy 2011 - 2028, the Council's SPD on Design, the national guidance given in the National Planning Policy Framework and the National Design Guide.

#### Impact on Residential Amenity

Policy CS2 of the Charnwood Local Plan 2011-2028 Core Strategy and saved Policy EV/1 of the Borough of Charnwood Local Plan 2004 require that new developments should protect the amenity of people who live or work nearby. The Council's adopted design guidance explains how elements of this are assessed.

The rear extension neighbours dwellings in Lacey Court, where there are 2-storey flats in a courtyard development. These have semi-public front gardens and small private rear gardens. Those nearest to the development side onto the site. The rear extension has an easterly orientation so that there will be no significant loss of natural sunlight to the dwellings in Lacey Court. The nearest dwelling is at 16 Lacey Court which has a side elevation 10m from the proposed rear extension, and it is important to note that that there are no windows in this side elevation of this property.

To the north of the site are 2- and 3-storey properties fronting Charnwood Road, which are predominantly commercial properties although there is residential use of some of the upper floors. The rear elevations of the properties at 26-30 Charnwood Road are at least 20m from the proposed extension whilst it is recognised this is marginally below the recommended

21m (Design Supplementary Planning Document) it is important to remember this is guidance only, and given the nature of the site and the proposal, it is considered the extension is unlikely to result in a significant over bearing impact on these properties. It is therefore considered on balance that the proposal will not have an overbearing impact on these residences or lead to loss of light and privacy harmful to their amenity.

It is important to recognise that the current use is as a care/ nursing home (Use class C2) and the proposed use is also for a residential care provision. The information submitted with the application clearly demonstrates who is proposed to occupy the property and how the property is intended to operate. Should planning permission be granted a condition could be attached requiring the property to operate only in accordance with the submitted details. The proposed use would fall within a sui generis use and therefore should the operation of the property be significantly altered from how it is proposed a further planning application would be required. These safeguards would ensure that the use remains compatible with nearby residents and businesses.

It should be recognised that given the occupiers of the proposed use, there is likely to be more activity with regards to residents arriving and leaving the premises to access facilities within the locality, services, employment etc. However, given that the proposed use will remain as a care facility and the resident numbers, it is not considered that the proposal would not result in any significant increase in noise and disturbance which would warrant the refusal of planning permission.

For the reasons set out above, it is not considered that the proposed new use will have any significant impact on the residential amenities of local residents by reason of noise and disturbance above that of the current use. In addition, as outlined above the proposed extension would not result in an unacceptable impact on neighbouring amenity. It is considered that the proposal complies with Policy CS 2 of the Charnwood Local Plan Core Strategy 2011 – 2028, saved Policy EV/1 of the Borough of Charnwood Local Plan (adopted 12<sup>th</sup> January 2004), , the Council's SPD on Design, the national guidance given in the National Planning Policy Framework and the National Design Guide.

Members also need to consider the amenity of future occupiers of the premises. Each studio measures at least 20 sq m and will contain a bedsitting room with a small kitchenette which itself contains a sink, small hob and fridge. The units are complemented by a range of shared communal areas including a fully equipped kitchen, dining areas, lounges, laundry facilities, and office space for meeting with individual residents. At 20 sq m (minimum) these units are smaller than the national spaces standard for a one-bedroomed dwelling (Communities and Local Government's Technical Housing Standard). However, it is important to recognise these are not independent C3 units and the studios are within an assisted living home where residents have access to the large communal areas as outlined above. Given the use of the building, and communal facilities available it is considered the proposal would offer an acceptable level of amenity for future occupiers and as such the proposal would comply with Policy CS 2 of the Charnwood Local Plan Core Strategy 2011 – 2028, saved Policy EV/1 of the Borough of Charnwood Local Plan (adopted 12<sup>th</sup> January 2004), the Council's SPD on Design, the national guidance given in the National Planning Policy Framework.

Impact on the highway

Policy TR/18 requires that sufficient car parking be made available at a property whilst paragraph 109 of the National Planning Policy Framework states that new 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 would be severe. It goes on to state that in order to refuse a planning application on highway safety grounds it must be demonstrated that there is severe harm caused by the proposal.

The proposed development has 8 car parking spaces which are located to the front and side of the property. Three of these are located immediately to the front of the building with access from the junction with Charnwood Road and the access road that runs past the site and leads to an employment premises and Shepshed Bowling Club at the rear. The remaining five spaces are located to the north of the building. No spaces have been lost as a result of the proposal with the proposal having the same number of staff/ visitor parking spaces as existing. Cycle parking will be secure with space for 8 bicycles for the use of residents, visitors and carers being provided towards the front of the site.

The site is within the urban area near the centre of Shepshed so that services and facilities are easily accessible by walking or public transport with the nearest bus stop being within 400m of the site and the bus service providing frequent trips to Leicester and Loughborough. The proposed assisted living use will have a similar staffing requirement to the existing nursing home. The Transport Statement submitted with the application advises that due to the nature of the development it is likely that residents will not own cars and therefore will not require car parking spaces.

The local highway authority, Leicestershire County Council, has been consulted on the highway aspects of the proposal and has advised that in its view the impacts of the development on highway safety would not be unacceptable and when considered with other developments. It notes that “access to the site will be from Charnwood Road which is a classified C road subject to 30mph speed limit and is satisfied that the existing access arrangements can suitably and safely accommodate the proposal.”

It is considered that the proposal will have an acceptable amount of car parking with the existing 8 spaces being retained. The development is unlikely to generate significant impacts on the transport network compared to the existing use and as a result will not result in harm to highway safety or the road network. The proposal therefore accords with saved Policy TR/18 of the 2004 Charnwood Local Plan and does not conflict with para 109 of the NPPF.

### Other

A range of comments were received from local residents in respect of the application, each of which are considered below.

The building is not a Listed Building and it is not within the Conservation Area, nor are there any listed buildings which this application is considered to affect. Consequently, the proposal is not considered to have an impact on any heritage asset.

Concerns have been raised about the drainage/ sewage as a result of the proposed use. The proposal does not relate to a new building and will not involve any significant new connections into the foul sewer. Severn Trent is responsible for drainage network and any

existing issues. Any new drainage in relation to this proposed use would also require Building Regulation approval.

Bin storage and odours have been raised as concerns. There is existing bin storage at the rear of the site and the current situation will be unaltered following the reuse of this building. The bin facility is considered appropriate in planning terms. If in the future any issues were to occur with regards to bin storage and odours these could be dealt with under Environmental Health legislation.

The site is located within Flood Zone 1 where there is less than 1 in 1,000 annual probability of river flooding. The development is therefore considered acceptable in Flooding risk terms.

Finally, concerns have been received in respect of noise, vibrations and movement caused during construction. Such issues would only be temporary whilst the building is being refurbished and the extension is being constructed. Current government guidance during the pandemic is that local planning authorities should not be restricting constructing work. In addition, any significant disturbance may fall within Environmental Health legislation.

For the reasons set out above these concerns are therefore not considered to be issues that would warrant the refusal of this application.

Leicestershire County Council Developer Contributions requested financial contributions under S106 of the Town and Country Planning Act 1990 including for Education and Libraries. They were consulted on the application at the start of the consultation process because it was thought that the proposal was going to result in studio units that would be capable of being used as flats on the open market (C3 use). However, the applicant has confirmed that the proposed units are related to a care facility and would not be for general family use. As such it is not considered that financial contributions could be justified or be CIL complaint under the relevant legislation.

### Conclusion

In conclusion, for the reasons set out above it is considered that the proposal would be acceptable in principle and accords with the relevant Development Plan Policies. The proposal would provide specialist housing that would assist in creating a sustainable inclusive and mixed community and it is considered this provision would offset the loss of the nursing facility in the planning balance. The proposal is not considered to have a harmful impact on the character and appearance of the street scene and would have an acceptable impact on the amenities of the residents of neighbouring dwellings and commercial buildings. In addition, it is considered the proposal would not have any unacceptable impact on highway safety. Accordingly, the proposal accords with planning policy both at national and District level – in particular Policies CS1, CS2, CS3 and CS25 of the Charnwood Local Plan 2011 - 2028 Core Strategy, saved policies EV/1 and TR/18 of the Borough of Charnwood Local Plan (adopted 12th January 2004), the Council's SPD on Design, and the national guidance given in the National Planning Policy Framework and the National Design Guide. It is therefore recommended that the application be approved.

### **RECOMMENDATION**

That planning permission be granted subject to the following conditions:

1.	<p>The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.</p> <p>REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>The facing materials to be used in the construction of the new works hereby permitted shall match as closely as possible those of the existing building.</p> <p>REASON: To ensure the satisfactory appearance of the completed development.</p>
3.	<p>This planning permission conveys approval for the use of the premises for assisted living purposes only as described in the submitted Statement of Assisted Living (Oculus Supported Living January 2020) and for no other purpose without a specific grant of planning permission.</p> <p>REASON: For the avoidance of doubt and to enable the Local Planning Authority to be able to assess alternative uses and to ensure that the use remains compatible with the locality.</p>
4.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:  Drg ref 586/01 - Location Plan rec'd 20th Feb 2020  586/PR-01 Rev E Proposed Plans rec'd 20th Feb 2020  586/PR-02 Rev B Proposed Elevations rec'd 20th Feb 2020  586/PR-03 Rev A Proposed Elevations and Sections rec'd 20th Feb 2020  586/PR-04 Rev B Proposed Site Plan with Ground Floor Plan rec'd 20th Feb 2020  586/PR-05 Rev B Proposed Site Plan with Lower Ground Floor Plan rec'd 20th Feb 2020.</p> <p>REASON: To define the terms of the planning permission.</p>
5.	<p>Prior to the occupation of the extension hereby approved the eight parking spaces indicated on the site layout plan shall be laid out, hard surfaced, and the spaces made available for use. Those areas shall not thereafter be used for any purpose other than the parking of vehicles and for servicing.</p> <p>REASON: To ensure that adequate off-street parking is provided and maintained, in the interests of road safety.</p>
6.	<p>No use or occupation of the building shall begin until provision has been made within the application site for the parking of cycles, under cover and secure, in accordance with the details shown on the site layout plan. The provision for cycles shall thereafter not be used for any other purpose.</p> <p>REASON: To encourage the use of bicycles as an alternative to the car.</p>

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The Following Advice notes will be attached to the decision

1.	Discussion with the applicant to seek an acceptable solution was not considered necessary in making this decision. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.
	Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal, it is generally in accord with the terms of the above-mentioned policy/ies and, otherwise, no harm would arise such as to warrant the refusal of planning permission.
	DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies CS1, CS2, CS3 and CS25 of the Charnwood Local Plan 2011-2028 and saved Policies ST/2, EV/1 and TR/18 of the Borough of Charnwood Local Plan (adopted 12th January 2004) have been taken into account in the determination of this application. The proposed development complies with the requirements of these Development Plan policies and there are no other material considerations which are of significant weight in reaching a decision on this application.

