



Design, Access & Planning Statement

Conversion of part of the ground floor former bank with
planning permission for a Retail Shop to a 1 Self-
Contained Studio Flat,
At 22 Wood Street Earl Shilton, Leicestershire, LE9 7ND.

October 2024



Introduction

This statement is submitted in support of the conversion of part of a former bank at ground floor level designated as a Retail Shop to a ,1 Self Contained Studio Flat at 22 Wood Street, Earl Shilton, and Leicestershire LE9 7ND.

This Statement has been prepared in accordance with the requirements of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004) and the provisions of the Town and Country Planning (General Development Procedure) (Amendment) Order 2010 and Town and Country Planning (Development Management Procedure) (Amendment) Order 2015.

In accordance with the National Planning Policy Guidance (NPPG), the level of detail presented in this statement is proportionate to the scale and complexity of the application. References were made to the relevant planning policies. These are predominantly the adopted and saved Local Plan policies as they take primacy in the determination of such an application where they are NPPF & NPPG compliant.

Relevant Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning 1990 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

National Policy Guidance

National Planning Policy Guidance (NPPG) April 2014
National Planning Policy Framework (NPPF) March 2012
Community Infrastructure Levy (CIL) Regulations 2010

Core Strategy & Development Management Policies DPD

Policy 16: Housing Density, Mix and Design.
Policy 24: Sustainable Design and Technology.
Policy DM1: Presumption in Favour of Sustainable Development
Policy DM10: Development and Design
Policy DM17: Highways and Transportation
Policy DM18: Vehicle Parking Standards

Principle and other material planning considerations

The Written Ministerial Statement Planning for Growth and Laying the Foundations emphasized the Government's approach to house building and the need to provide action to build more houses and to boost economic growth. Although now superseded by the NPPG, it remains fully reinforced by the NPPF where Paragraph 17 sets out 12 principles that planning should achieve and paragraph 47 indicates that the Government's aim is to boost significantly the supply of housing.

The NPPF identifies three dimensions to sustainable development giving rise for the planning system to perform the roles below:

“an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;



a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

An environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”

Furthermore, LP policy should follow the approach of the presumption in favour of sustainable development where such development should be supported when weighing all of the provisions of the NPPF as a complete document. The scheme would mirror the existing similar flats and dwellings above the shops on Wood Street. Initially the site obtained planning permission Ref: 23/00537/FUL for 3 flats and a retail shop occupying the front part of the ground floor. Three flats have been completed and they are ready for occupation. The retail shop is also complete in principle. However there is no suitable public access provision into the shop. The biggest challenge is that there is 1.2metres difference between the street ground level and the retail ground floor level. This is caused by a natural sharp drop of the ground level under the existing shop front windows. In this respect a flight of 7or 8 steps are needed to access the shop level and that's not practical. On the other hand, building regulations do not allow retail operatives and their clients to share the same access with the residential property occupiers of the same building. Under the circumstances the only viable proposition is to convert the proposed retail shop to a Self-contained studio flat. Hence this revised planning application.

On this basis the Government is committed to ensuring the planning system supports all sustainable development and that the system should not act as an impediment where it is appropriate within the local context. The proposal is located within the town centre boundary of Earl Shilton, therefore the presumption in favour of development is applicable in this instance.

Local List Requirements

Due to the scale and nature of the proposal, the level of detail submitted with the application is considered proportionate. Schedule 4 of the DMPO details the statutory consultations required before the grant of permission. If during the determination period the statutory consultees request additional information and this is not provided by the applicant, the LPA could refuse the application for this reason. On this basis this section forms a notice under Article 12(1) (DMPO Amended July 2015) as the applicant considers the submitted information meets the requirements set out in article 34(6) (c) and any other information contained in the adopted Local List should be waived allowing the immediate validation of the application.

Amount, Layout & Design

The Town and Country Planning (Development Management Procedure) (England) Order 15th April 2015 states, except where article 5(3) applies, an application for outline planning permission does not need to give details of any reserved matters.

The NPPF seeks to protect communities from inappropriate development but not to curtail development where it accords with Local Plan policy. Planning policies and decisions should no longer attempt to impose architectural styles however it is proper to seek to promote or



reinforce local distinctiveness. Via the reserve matters stage there will be the opportunity for the design to reflect the existing built form in accordance with paragraph 57 of the Framework and assist the LPA to:

“deliver a choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities taking into account future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and

People wishing to build their own homes); identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.

Access & Parking

The existing access will be utilised and there is ample street parking within the center of Earl Shilton to accommodate the residents of the 3 flats and the retail shop customers.

PPG13 and associated guidance is replaced by the NPPF that states in paragraph 32:

All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- i) the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- ii) Safe and suitable access to the site can be achieved for all people; and*
- iii) Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

The site is within a highly sustainable location and the close proximity and ease of access to alternative means of transport other than the private car will assist in sustaining local services whilst achieving the key policy objectives of paragraph 29 and 30 of the NPPF:

“Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. In preparing Local Plans, local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport.”

The modest amount of development and the percentage impacts of this traffic are considered minimal meaning the impact of the development will have effectively ‘nil detriment’ and will not therefore adversely affect the current road network capacity.

Affordable Housing & S106 Contributions

On Friday 28th November 2014 Brandon Lewis announced a Ministerial Statement which confirmed:



“Due to the disproportionate burden of developer contributions on small-scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. This will also apply to all residential annexes and extensions”.

and

“We expect implementation of these measures to have a significant positive impact on housing numbers by unlocking small-scale development and boosting the attractiveness

Of brownfield sites. This will provide real incentive for small builders and to people looking to build their own home. They will increase house building and help reduce the cost of such housing.”

In the High Court in July of 2015 two Councils secured the quashing of the new policy. However, the Court of Appeal on the 12th May 2016 handed down its decision on the appeal By the Secretary of State against the quashing order **([2016] EWCA Civ 441)** and the Court of Appeal has allowed the Secretary of State’s appeal on all four grounds.

The Community Infrastructure Levy (CIL) Regulations 2010, Part 11, Regulation 122 provides a statutory duty in respect of planning obligations and requires them to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

Any contributions sought by the LPA will have to provide a site specific analysis of the impact of the proposed development upon on existing services. A description of how the contributions would be spent to specifically address those impacts and the timeframe will also form part of the justification.

If the LPA can demonstrate that any contributions are necessary to make the development acceptable in planning terms, that they are directly related, are fairly and reasonably related in scale and kind to the development, then in accordance with Regulation 122, the applicant would agree to the request of the associated contributions. The contribution will be secured via a signed Unilateral Undertaking or S106 upon receipt of the detailed justification supplied to the applicant by the LPA.

Conclusion & Justification

The proposal scores well against the sustainability advice contained within the Framework and paragraph 49 directs that housing applications should be considered in the context of the presumption in favour of sustainable development. With the proposal mirroring the erection of a similar flats and dwellings above the shops on Wood Street, the scheme would not detrimentally affect the setting of the street scene, amenities of neighbouring properties or compromise highway safety. By contributing to the Council’s 5 year rolling supply of housing the scheme and shops represents the type of organic, integrated and sustainable growth that is appropriate within the local context.

