

Statement of Case

Appeal - 23/01047/FUL

Change of use from residential dwelling (C3) to a 10-bedroom HMO (Sui-Generis)

5A Dragon Lane Newbold Verdon Leicester Leicestershire LE9 9NG

1 - Preamble

1.0 This Statement of Case considers the appellant disagreement with the reason/s for refusal stated on the Refusal of Planning Permission notice dated 1st February 2024 Hinckley and Bosworth Borough Council.

1.1 The stated reasons for refusal are;

The proposed development would be significantly detrimental to the amenity of neighbouring residents by reason of noise and general disturbance and as a result of the risk of antisocial behaviour.

In addition, the proposal provides inadequate off-street parking in an area where on street parking is limited.

The proposal would therefore be contrary to Policies DM10 and DM18 of the Site Allocations and Development Management policies Development Plan Document 2016 and the requirements of paragraph 135(f) of the National Planning Policy Framework (Dec 2023).

1.2 This Statement of Case sets out the reasons for disagreement with the aforesaid refusal.

2 - Amenity (noise & general disturbance) and risk of anti-social behaviour

Amenity of Neighbouring Residents (Noise)

2.0 The appeal site is an existing detached property with double-glazed windows throughout, and off-street vehicular parking to the front of the building. To the rear of the property is an established garden and Annexe property the limits of which extend to the Church of St. James grounds.

2.1 The front elevation of 5A Dragon Lane (building line) is set some 13.5 metres back from the highway boundary and 23.0 metres from the front elevation of numbers 2 and 4 Dragon Lane.

2.2 The southern elevation of number 7 Dragon Lane is 5.5 metres from the northern elevation of 5A Dragon Lane with a concrete apron, 1.8-metre and 0.9-metre-high close board fence and vehicular access separating the two buildings with limited overlap and ground floor only construction at 5A Dragon Lane.

2.3 In cross-reference to the proposed floor plan for 5A Dragon Lane the adjacent room uses are office, kitchen, bathroom, side door, shower room running front to rear at ground floor only, with the sitting room, and bedrooms 9 & 10 at ground and first floor respectively.

2.4 The southern elevation of 5A Dragon Lane is some 26 metres from the nearest elevation of number 3 Dragon Lane (shown as number 5 on O.S. Plan) with mature shrubs, hedges and trees, outbuildings and the Conservation Area structure providing a degree of sound attenuation.

2.5 The appellant's proposed H.M.O. is for a managed house with 24 hours per day staff presence. The proposed staff office window affords a vantage point onto the property frontage. The discouragement of congregation at the property frontage was addressed as part of the Statement in Response to the Public Consultation. The rear garden affords privacy and seating areas as a more desirable place for those that live under the same roof to congregate.

Amenity of Neighbouring Residents (General Disturbance) DM10

2.6 The term "general disturbance" is not evident in the Site Allocations and Development Management policies Development Plan Document 2016 - Adopted July 2016.

2.7 The appellant will briefly consider the following potential for "general disturbance" to residential amenity; lighting, air quality (including odour), vibration, and visual intrusion.

2.8 Lighting – no material change, building footprint unaltered and no tree, shrub or hedgerow depletion proposed.

2.9 Air quality (including odour) – proposal involves no material change in terms of existing and former kitchen use or location from that as a residential care home for the elderly.

2.10 Vibration – not considered as a potential risk to privacy or amenity for former, existing, or proposed use.

2.11 Visual intrusion – no change whatsoever between proposed, existing, and former use in terms of window sizes, positions, or glazing opacity.

2.12 The appellant makes the case for a reduction in vehicle movements associated with the site at Section 3.0 of this Statement of Case, and therefore suggests a proportionate reduction in vehicle noise compared with the former use as a residential home for the elderly.

Risk of Anti-Social Behaviour

2.13 The proposed 10-bedroom H.M.O. is solely for the use of single person occupancy of each bedroom.

2.14 Potential residents or beneficiaries are screened through referral and pre-admission checks.

2.15 Support and accommodation services at the proposed H.M.O. will be subject to a Licence Agreement and House Rules. Licence conditions and House Rules are in place to mitigate anti-social behaviour both within and beyond the premises curtilage.

2.16 In terms of potential for, and mitigation of anti-social behaviour within the building and garden, the premises has continuous staff presence with respect to the monitoring and control of amplified music, raised voices, abusive or profane language or behaviours.

2.17 The appellant has experience of dealing with the community by way of reports and complaints arising from allegations of anti-social behaviour beyond the premises.

2.18 Consequences for beneficiaries or residents perpetrating anti-social behaviour range from sanction to eviction from the accommodation and support service to preserve the enjoyment of amenity for both the community and other people living and seeking to overcome personal challenges at the H.M.O.

Summary of Section 2 - Noise

2.19 In considering H.M Government Planning Guidance on Noise, and the Noise exposure hierarchy table, the appellant suggests that it is reasonable to consider that the appeal site falls between the categories of;

- No Observed Adverse Effect Level for the majority of the time and,
- Lowest Observed Adverse Effect Level on a small number of occasions and able to be mitigated.

This suggestion is made based on the proposed change of use and considering;

1. The coarse grain of development when compared with urban centres,
2. The layout and proximity of neighbours to the appeal site,
3. Hedges, trees, shrubs, outbuildings, and the conservation structure providing sound attenuation to the south of the appeal site,
4. The constant presence of on-site staff,
5. Mitigation measures through warning, sanction, and eviction,
6. Most beneficiaries embracing an opportunity for lifestyle change.

2.20 With respect to National Planning Policy Framework (Dec 2023) and specifically Paragraph 135 (f), appellant observations are tabulated below;

National Planning Policy Framework (Dec 2023) - 135. Planning policies and decisions should ensure that developments: (specifically at f) Create spaces that are;	G&S Services (E. Mids) CIC Observation as Appellant
safe	Subject to planning approval, building control and H.M.O. Licencing criteria being met, and the proposed HMO is governed, managed, and staffed by experienced individuals and employees respectively.
inclusive	The proposal seeks to accommodate and support those who may be considered as marginalised being homeless and/or seeking to tackle substance misuse.
accessible	Dining, lounge, garden, bathing and sleeping accommodation at ground floor level.
promote health	accommodation and support towards helping people tackle substance misuse and promotion of physical and mental health.
and well being	Support for beneficiaries designed and delivered to promote emotional, mental, and spiritual wellbeing and life-skills tuition.
with a high standard of amenity for existing and future users ⁵²	There is a public park area within a one-minute walk opposite the Primary School on Dragon Lane and extensive rear garden at the appeal site.
Identified need	As evidenced through dialogue with the Hinckley and Bosworth Borough Council Housing Options Manager and national homelessness statistical trends.
future use/future users	The site as demonstrated by its former use as a care home for the elderly and existing private residence is interchangeable with little to no modification.
where crime and disorder do not undermine the quality of life or community cohesion and resilience.	This element is covered at risk of anti-social behaviour above and was addressed in the planning application and in the Statement in Response to the Public Consultation submission.
where the fear of crime and disorder do not undermine the quality of life or community cohesion and resilience.	This element is covered at risk of anti-social behaviour above and was addressed in the planning application and in the Statement in Response to the Public Consultation submission.
⁵² Planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties. Policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified.	Need – evidenced as above comment. There is a presumption in favour of employment opportunities and mixed planning use. The appellant considers that the existing building and garden at 5A Dragon Lane provides opportunity for at least 3 different use classes, namely, residential care home for the elderly, a private residence and a H.M.O. with these being achieved without the necessity for significant construction works or change to amenity.

2.21 In concluding Section 2, the appellant believes that the proposed change of use will not have a significant adverse effect on, nor be significantly detrimental to the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration, and visual intrusion.

2.22 The risk of antisocial behaviour is able to be mitigated and the fear of such behaviour will not undermine the quality of life or community cohesion and resilience.

3 Parking Provision and Policy (DM18)

3.1 The proposed change of use is not considered as new development by the appellant.

3.2 The appeal site is situated within a coarse grain of development density and set within a rural village, in no way reflects that of Hinckley Town Centre, as referenced within DM18.

3.3 The following material at section 3 of this Statement of Case seeks to demonstrate that the proposed change of use will not exacerbate existing problems in the vicinity with increased on-street parking, should such problems exist.

Off-Street Parking

3.4 The existing off-street parking provision at the application site serves 4 number standard motor vehicles based on a parking standard space of 4.8m x 2.4m as depicted at Parking Provision Details of the planning application.

3.5 Existing off-street parking at the application site served the activities associated residential home for the elderly between 1995 and 2022 (extended to a permitted 10-bedroom facility Ref No: 99/00722/FUL | Validated: Fri 13 Aug 1999).

3.6 A typical cohort of residents at the proposed H.M.O. accommodation (adults 18 years to state retirement) has extremely low ownership of motor vehicles at this type of accommodation. Contact with a similar provider to that proposed, of support and accommodation based in Loughborough, Leicestershire on 23rd February 2024, revealed zero car ownership by beneficiaries to the services across 53-bedroom places, based on single occupancy.

3.7 The persons with freehold title to the application property, Mr and Mrs Daniel and Marie Crowfoot, were the owner/managers of the residential home for the elderly and have made the following statement at **Appendix 1** in relation to matters salient to this appeal.

3.8 Mr. and Mrs. Crowfoot have kindly given permission for inclusion of their statement in this appeal. – extracted email dated 5th February 2024 is attached as **Appendix 1**.

3.9 The applicant proposal involves 2 staff during standard office hours, and one concierge present overnight. On the basis that all three members of staff drive to work separately, there will be 3 motor vehicles present during half hour handover periods at the start and end of the working day with a maximum of 2 cars parked off-street for the majority of the day and 1 car overnight. This arrangement allows for 2 other motor vehicles to park off-street at the appeal site during the day and 3 overnight for visitors to the premises.

3.10 The appellant anticipates that there will be fewer vehicle movements and visitors to the proposed H.M.O. as the majority of residents will be ambulant and able to attend appointments by visiting amenities and service providers on foot, cycling, by public transport. On occasion, support staff may drive and accompany residents by motor vehicle.

3.11 **Appendix 2** provides an inventory of existing on-street & off-street parking as evidence, summarised below.

3.12 There is off-street parking provision for the residents of numbers 2 through 24 Dragon Lane both on Dragon Lane and to the rear of the properties extending along Bells Lane from its junction with Main Street through to its end at the rear of 22 Dragon Lane. A 1:1250 scale plan at **Appendix 3** and photographs at **Appendix 4** depict the above provision, with respect to the rear of even numbered Dragon Lane properties along Bells Lane.

3.13 There is off-street provision at numbers 3 and 7 Dragon Lane either side of the appeal site, and as indicated at Appendix 2 for every property along Dragon Lane through to Newbold Verdon Primary School on its western side, save for numbers 1 and 13 Dragon Lane. The eastern side of Dragon Lane, numbers 2 through 28 have off-street provision as indicated at Appendix 2.

3.14 There are 44 and 5 off-street parking spaces on Dragon Lane and Bells Lane respectively, serving all 29 properties between 1 and 31 Dragon Lane, including even numbers.

On-Street Parking

3.15 On-street parking is limited between the limits of the No Waiting at Any Time Traffic Regulation Order (T.R.O.) along Dragon Lane. The T.R.O. markings extend from its junction with Main Street and number 8 Dragon Lane on the eastern side of the carriageway, and on the western side of the carriageway between Main Street and just beyond the vehicular access to number 7 Dragon Lane.

3.16 There is on-street parking provision that is used to the rear of properties 2 through 24 Dragon Lane on Bells Lane as detailed on the inventory at Appendix 2, the plan at Appendix 3 and photographs at Appendix 4.

3.17 There are 14 number on-street parking spaces along Dragon Lane and 5 on-street spaces along Bells Lane serving the properties between 1 and 31 (odds) and 2 and 28 (evens) Dragon Lane, as detailed and totalled at Appendix 2.

3.18 Street view material available in the public domain on Google Maps provides the opportunity to view the street scene and on-street parking over 4 timeline snapshots, namely; June 2009, July 2011, August 2022, and July 2023. All 4 snapshots depict on-street parking capacity both in the immediate vicinity and beyond the appeal site, primarily along Dragon Lane, and as a secondary point, on Bells Lane, and Church View.

3.19 The appellant recognises that parking associated with Newbold Verdon Primary School children being driven to and collected from school is likely to lead to pressure along Dragon Lane for short periods, particularly at the start and end of the school day. There are typically 195 school days in a year with circa 5 days out of the academic year for staff training.

Cycle Parking

3.20 The applicant accepts the Planning Officer recommendation, through condition, for cycle storage provision.

Summary of Parking

3.21 The appeal site has 4 off-street parking places, adequate for staffing and a minimum of between 1 and 3 visitors as a minimum and maximum for daytime and nighttime, respectively.

3.22 In terms of proposed use, most of the daytime hours at the appeal site allow 2 spaces for visitors off-street, and 3 places outside of normal office hours, including weekends.

3.23 In the event of the appeal site off-street parking reaching its capacity of 4 motor vehicles, there are 14 potential on-street parking places along Dragon Lane within a one-minute walk of the appeal site.

3.24 The on and off-street parking provision along and accessed/egressed from Bells Lane allows additional parking capacity for Dragon Lane, both in the vicinity of the No Waiting at Any Time T.R.O. on Dragon Lane and along the entire length of Bells Lane.

3.25 On and off-street parking on Church View enables parking for The Hall and No. 13 Dragon Lane.

3.26 The appellant considers it has demonstrated that the parking provision for operation of the H.M.O. is more than adequate, given the former history of the appeal site and the proposed change of use.

4 Conclusion

4.0 The appellant has set out the reasons for disagreement, and in considering the evidence submitted, recommends that this appeal is upheld based on the merits of the application.

Appendix 1

Extracted email dated 5th February 2024 - statement in italic font and framed with border.



5a Dragon Lane

4 messages

Alex Brogan <alexmbrogan@googlemail.com>

lynn@foxcountryproperties.co.uk <lynn@foxcountryproperties.co.uk> 5 February 2024
at 14:22 To: Alex Brogan <alexmbrogan@googlemail.com>

Hi Alex

Mr. & Mrs. Crowfoot have emailed me and asked me to send you the following email. The photographs that they mention will be coming to you on a separate email.

When the original application was submitted for 5A Dragon Lane to be changed into a residential home for the elderly it was failed on parking by Hinckley and Bosworth Borough Council. On application to highways to come and assess the situation it was demonstrated that they could see no issue

Hence the home was passed by Hinckley and Bosworth Planning committee on the second attempt. At the point of passing planning the yellow lines that are being referenced to were in force . The home in twenty five years never had any complaints or issues regarding parking.

The weekly payroll for the home was on average for 12 to 14 staff, over ninety percent drove to work, the envisaged payroll for the proposed new owners is estimated at five, which is less than half.

Residents received many friends and family visitors on a daily basis, in addition we had visits from

GP, community nurses, physiotherapists, occupational therapists, social workers, contract monitoring officers, CQC, food and hygiene inspectors, fire inspectors, chiropodist ,opticians, dentists and hairdressers.

As a separate point, residents opposite 5a Dragon Lane have facilities at the rear of their property to park on Bells Lane, the photograph (which is to follow) shows they have ample space to park if they choose to do so.

They will obviously do anything within their power to help you secure the planning permission. Kind regards

Lynn

Lynn Woodward

Associate

Fox Country Properties

Tel: 0116 279 6543

Email: lynn@foxcountryproperties.co.uk



Extracted email ends.

Appendix 2

On and Off-Street Parking Inventory - Dragon Lane, Newbold Verdon

Dragon Lane (Main Street through Newbold Verdon Primary School)

Postal Address	Property Use	On-Street provision Dragon Lane	Off-Street provision Dragon Lane	On-street provision Bells Lane	Off-Street Provision Bells Lane	Linear Distance from Appeal Site	Notes
1 Dragon Lane	Private Residence	NWAAT	no	n/a	n/a	38.0m	
2 Dragon Lane	Private Residence	NWAAT	no	no	1 space	1.0m	
Off street parking and garage area near 2 Dragon Lane			no	Appendix 3	Appendix 3		Garages & off-street from Bells Lane
3 Dragon Lane	Private Residence	NWAAT	1 space	n/a	n/a	13.0m	Distance to centre off-street space
4 Dragon Lane	Private Residence	NWAAT	no	no	1 space	4.9m	
5A Dragon Lane	Private Residence	NWAAT	4 spaces	n/a	n/a	0.0m	Application/Appeal site
6 Dragon Lane	Private Residence	NWAAT	no	no	no	8.8m	
7 Dragon Lane	Private Residence	1 space	3 spaces	n/a	n/a	12.4m	
8 Dragon Lane	Private Residence	NWAAT	no	1 space	yes	13.3m	
9 Dragon Lane	Commercial use	1 space	no	n/a	n/a	20.0m	Hall - Off-street provision Church View
10 Dragon Lane	Private Residence	NWAAT part	no	1 space	no	17.5m	
11 Dragon Lane	Commercial use	1 space	no	n/a	n/a	25.7m	Hall - Off-street provision Church View
12 Dragon Lane	Private Residence	no	no	no	1 space	22.0m	
13 Dragon Lane	Private Residence	1 space	no	n/a	n/a	46.2m	Off-street provision Church View
14 Dragon Lane	Private Residence	no	no	1 space	no	27.2m	
15 Dragon Lane	Private Residence	no	1 space	n/a	n/a	50.1m	
16 Dragon Lane	Private Residence	no	no	no	2 spaces	30.5m	
17 Dragon Lane	Private Residence	1 space	2 spaces	n/a	n/a	53.0m	Possibly 3 spaces off-street
18 Dragon Lane	Private Residence	no	no	1 space	no	34.8m	
19 Dragon Lane	Private Residence	no	2 spaces	n/a	n/a	57.5m	
20 Dragon Lane	Private Residence	1 space	2 spaces	1 space	no	40.4m	Kerbed carriageway edge

Postal Address	Property Use	On-Street provision Dragon Lane	Off-Street provision Dragon Lane	On-street provision Bells Lane	Off-Street Provision Bells Lane	Linear Distance from Appeal Site	Notes
21 Dragon Lane	Private Residence	1 space	2 spaces	n/a	n/a	65.0m	
22 Dragon Lane	Private Residence	1 space	4 spaces	no	no	48.38m	
23 Dragon Lane	Private Residence	no	2 spaces	n/a	n/a	74.8m	
24 Dragon Lane	Private Residence	2 spaces	7 spaces	no	no	62.8m	
25 Dragon Lane	Private Residence	1 space	3 spaces	n/a	n/a	85.2m	Possible more spaces off-street
27 Dragon Lane	Private Residence	1 space	4 spaces	n/a	n/a	92.8m	Inc. integral garage
28 Dragon Lane	Private Residence	2 spaces	4 spaces	n/a	n/a	83.3m	Inc. integral garage
29 Dragon Lane	Private Residence	no	2 spaces	n/a	n/a	112.6m	
31 Dragon Lane	Private Residence	no	2 spaces	n/a	n/a	116.2m	
29 properties	Total spaces	14 spaces	44 spaces	5 spaces	5 spaces	n/a	All of Dragon Lane to Primary School
Newbold Verdon Primary School	Primary School	Keep Clear markings	18 spaces	n/a	n/a	121.7m to centre line of vehicular access	Keep clear markings to both sides of the carriageway

Notes/Key

Date of inventory – 24th February 2024

NWAAT – No waiting at any time traffic regulation

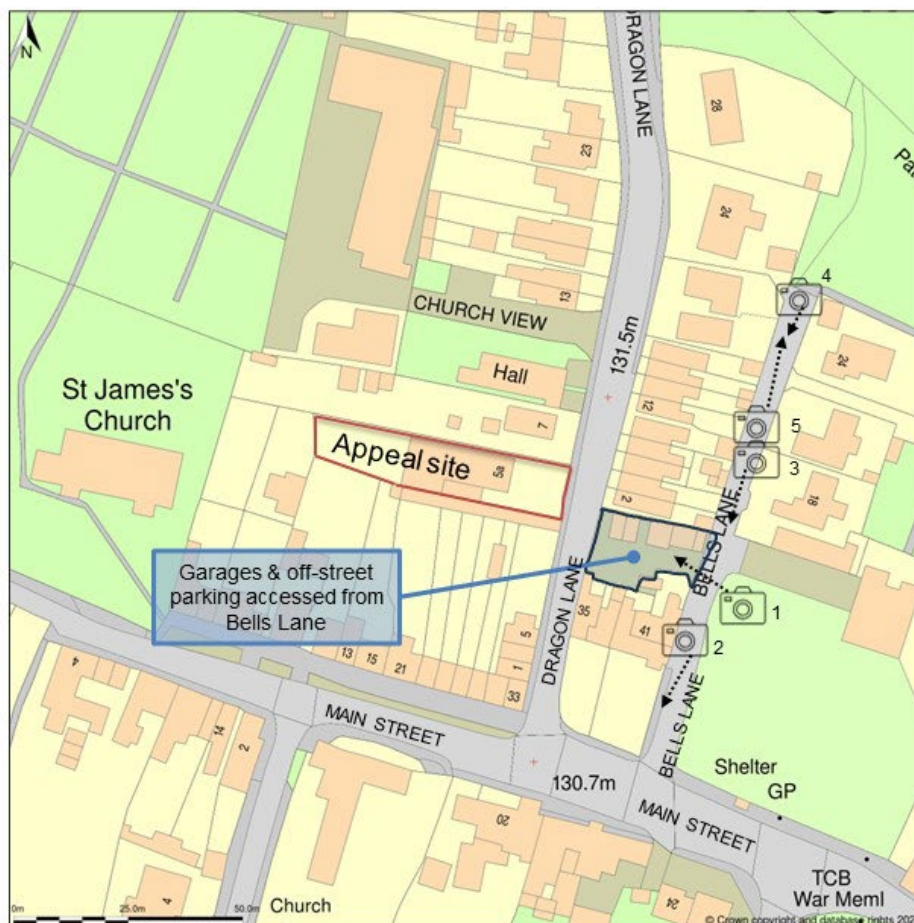
Linear distance from application/appeal site – taken at centre point of property frontage in metres.

Space/Spaces – for a standard motor vehicle

n/a – not applicable

Appendix 3 – depicts off-street and garages parking accessed/egressed from Bells Lane

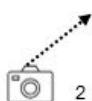
Garages & off-street parking accessed from Bells Lane and Photograph Schedule



Location Plan shows area bounded by: 444308.99, 303885.16 444508.99, 303885.16 (at a scale of 1:1250), OSGridRef: SK4440 378. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

Produced on 20th Oct 2023 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2023. Supplied by www.buyaplan.co.uk a licensed Ordnance Survey partner (100053143). Unique plan reference: #00855376-450E23.

Ordnance Survey and the OS Symbol are registered trademarks of Ordnance Survey, the national mapping agency of Great Britain. Buy A Plan® logo, pdf design and the www.buyaplan.co.uk website are Copyright © Passinc Ltd 2023.



2

Photograph vantage point and number

Appendix 4 – Photographs - On & Off-Street Parking – Bells Lane

Photographs (see vantage points at Appendix 3)



Photograph 1 – circa July 2023 – depicts garages and off-street parking provision along the eastern side of Dragon Lane (in proximity to numbers 2 to 8 inclusive)



Photograph 2 - 5th February 2024 – On-street parking on Bells Lane near junction with Main Street



Photograph 3 – Bells Lane On-Street Parking (Number 10 Dragon Lane looking south-west) 5th February 2024



Photograph 4 – On-Street Parking at end of Bells Lane looking south-west 5th February 2024



Photograph 5 – Rear of 14 Dragon Lane on Bells Lane (On and off-street parking to northern end of Bells Lane) 5th February 2024

Prepared by Alex Brogan 26th February

2024 07561 085608

G&S Services (E. Mids)

C.I.C. On behalf of:

Mr Scott Wheatley

G & S Services (E. Mids.)

C.I.C. Unit 1, Rectory Place

37 Old Parsonage Lane

Hoton

Loughborough

Leicestershire

LE12 5SG

gandsservices@hotmail.co.uk