

Recommendation: Conditional approval	
20190460	50 ROWSLEY STREET
Proposal:	CHANGE OF USE FROM RETAIL (CLASS A1) AND HOUSE (CLASS C3) (1 X 5 BED) TO BASEMENT AND PART GROUND FLOOR RETAIL (CLASS A1) AND THREE SELF-CONTAINED FLATS (CLASS C3) (3 X 1 BED) ON PART OF GROUND FLOOR, FIRST AND SECOND FLOORS; FIRST FLOOR SIDE EXTENSION; ALTERATIONS (AMENDED PLANS RECEIVED 03/06/2019)
Applicant:	MRS LOBO
View application and responses	http://rcweb.leicester.gov.uk/planning/onlinequery/Details.aspx?AppNo=20190460
Expiry Date:	20 June 2019
PK	WARD: Stoneygate



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Summary

- The application is before committee as more than 5 objections have been received;

- a total of 16 objections received concerned with parking, use as flats, impact on neighbours, noise and disturbance, loss of family accommodation and inadequate accommodation;
- the main issues are amenity and privacy, character and design, parking and sustainable drainage;
- recommended for approval.

The Site

The application relates to a three storey building situated on the corner of Rowsley Street and Normanton Road. The site comprises a corner shop with a self-contained dwelling.

The site falls within a Critical Drainage Area.

The Proposal

The proposed development relates to a sub-division of the site to create 3 self-contained flats, retention of the ground floor shop and extension at first floor.

The existing basement would be used as part of the shop, providing a store area and wc. At ground floor level the existing shop would retain its location and frontage onto both Rowsley Street and Normanton Road.

Flat 1 would be situated to the rear of the shop and would comprise a one bedroom flat with a floor area of approximately 31 square metres. The existing garage at ground floor would be converted into a communal bike and bin store.

Flat 2 would be located on the first floor and would incorporate a first floor extension above the garage. The extension would have a dual pitched roof and a footprint measuring 2.7 metres by 2.5 metres. The flat would have an approximate floor area of 31 squares.

Flat 3 would occupy part of the first floor and the entire second floor. It would be a one bedroom flat with a floor area of 37 square metres.

Alterations to the building include the provision of four roof lights within the main roof space of the building.

Amended plans have been submitted which include the critical dimensions of the proposed first floor extension only.

Policy Considerations

National planning Policy Framework NPPF (2019)

Paragraph 2 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 11 contains a presumption in favour of sustainable development.

Paragraph 59 places an emphasis on the importance of a sufficient amount and variety of land to come forward where it is needed and that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

In making an assessment Paragraph 108 of the NPPF (2019) states that development proposals should take up appropriate opportunities to promote sustainable transport modes; ensure safe and suitable access can be achieved for all users and; any significant impact (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable. Paragraph 109 advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Section 12 of the NPPF focuses on requiring good design. Paragraph 124 describes good design as a key aspect of sustainable development. Paragraph 127 sets out criteria for assessing planning applications which includes issues such as the long term functionality of development proposals; visual impacts; the ability of development to relate to local character; creation of a sense of place using various design tools such as building types and materials; optimising the potential of development sites; and, designing safe, secure and inclusive developments with a high standard of amenity for existing and future users.

Paragraph 130 states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

When determining planning applications for development within flood risk areas paragraph 163 requires local planning authorities to ensure that flood risk is not increased elsewhere.

Development Plan policies

Development plan policies relevant to this application are listed at the end of this report.

Supplementary Planning Documents (SPD)

Residential Amenity SPD

Representations

A total of 16 letters of objection have been received raising the following concerns:

- Impact on parking, traffic and highways safety;
- Appearance of a flatted development on the local area;
- Proposal is in breach of paragraph 62a of the NPPF 2019;
- Impact on light, views and overshadowing development;
- Noise, disturbance and anti-social behaviour rising from the development;

- Loss of family sized accommodation in the area;
- Size of accommodation;
- Impractical bin and cycle store; and,
- Impact on Right to Light

Consideration

Principle of Development

Policy CS06 of the Leicester Core Strategy (2014) undertakes to meet the City's housing requirements over the plan period through, *inter alia*, limited housing growth within established residential areas and small housing infill to support the development of sustainable communities. Policy CS08 seeks to ensure that suburban areas continue to thrive and recognises that small scale infill sites can play a key role in the provision of new housing, but states that backland development should be compatible with the locality and any neighbourhood buildings and spaces in terms of design, layout, scale and mass.

Policy H05 relates to the loss of family sized accommodation. The proposed development would result in the loss of a single dwelling with 5 beds; however the local area is a predominantly residential area with a very small number of flats and smaller accommodation units. The proposed development would result in the loss of family accommodation house; but would on the other hand provide a different type of accommodation within an established residential area and thus in accordance with Policy CS06 of the Core Strategy it would provide a variety of homes in the area.

In the above policy context and having particular regard to the City's current housing supply position, I conclude that the development of the site into 3 one bedroom flats with a non-residential use on part of the ground floor is acceptable in principle.

Amenity and Privacy

Policy CS03 of the Leicester Core Strategy (2014) states that development must respond positively to the surroundings and be appropriate to the local setting and context. Saved Policy PS10 of the Local Plan (2006) sets out a number of amenity factors to be taken into account when determining planning applications, including: noise and air pollution; the visual quality of the area; additional parking and vehicle manoeuvring; privacy and overshadowing; safety and security; and the ability of the area to assimilate development.

Section 3 of the Council's *Residential Amenity* SPD (2008) ("the SPD") sets out more detailed design guidance for development in outer areas of the City. Although Appendix G of the SPD is intended as a guide for house extensions, it provides a useful guide on acceptable separation distances and amenity area.

48 Rowsley Street

The garage at the application site adjoins the adjacent property no.48 Rowsley Street. This property has a two storey blank wall along the common boundary with the host site and therefore I consider the proposed development, including the first floor extension, would not result in any harmful impacts in terms of overlooking, privacy, daylight and outlook. Due to the layout of the site the proposed development would not result in any greater impacts of noise and disturbance to the occupants of no.48. The proposed bin and cycle store would abut the side wall of the property. I consider the use of this would not result in significant harm to the amenity of the adjoining property.

43 Normanton Road

This neighbouring property is attached to the host building with an original two storey outrigger to the rear. Beyond the outrigger is a single storey element which has a mono-pitched roof with a ridge height of 4.5 metres which forms the side/rear wall of the property. The proposed first floor extension would be situated 1.5 metres from this wall and as a result it would not intersect a 45 degree line when taken from the rear facing window at no.43. The proposed extension, by virtue of its siting and height would not result in any significant impacts on daylight to and outlook from the rear window at no.43. In addition to this the extension would not result in any harmful impacts of overshadowing to the garden of no.43 which is approximately 4.5 metres away from the side wall of the extension.

I consider the proposed change of use would not result in any significant levels of noise and disturbance to the occupants of no.43. The existing property is a five bedroom house and the provision of three flats would result in a similar number of occupants.

General Amenity

The proposed change of use to flats would result in minimal external alterations and therefore I consider the proposal would not result in significant harm to the visual amenity of the local area. The proposed extension would reduce the gap between no.50 and no.48 by half (2.4 metres); however I consider this would not be visually overbearing as viewed from the street or nearby properties.

The proposed addition of roof lights to the host property would not result in any detrimental impacts on privacy of adjacent occupants. The additional window in the first floor extension would not result in harmful levels of overlooking to the occupants of the property across the street.

The proposed mixed use of the site is compatible with the local area and not significantly different to the existing use of the site. I consider the proposed use to be compatible with the local area which would not result in detriment.

The siting of the bin store within the garage would ensure that the proposed development would not result in waste and litter within the street. I consider this to be acceptable to accommodate the development on site.

I conclude that the proposal would comply with Core Strategy Policy CS03 and would not conflict with saved Local Plan Policy PS10 and, having regard to the SPD, is acceptable in terms of the privacy and amenity of the neighbouring occupiers.

Residential Quality

Policy CS03 of the Leicester Core Strategy (2010) states that new development should achieve the highest standards of accessibility and inclusion, whilst Policy CS06 states that new housing developments will be required to provide an appropriate mix of housing types, sizes and tenures to meet the needs of existing and future households in the City.

The criteria set out at saved Policy H07 of the Local Plan (2006) relate to new and converted self-contained flats. The criteria relate to the location of the site and nature of nearby uses; the unacceptable loss of an alternative use; loss of family accommodation; creation of a satisfactory living environment; arrangements for bin, can and cycle store; provision of garden or communal open space; effect on general character and; proposed changes to the appearance of the buildings.

The proposed flats would provide good-sized accommodation. The floor areas of the flats would be either 31 square metres or 37 square metres. All of the principal rooms within the flats would have at least one window providing a source of daylight and outlook, and I consider that individual room sizes would be sufficient to accommodate the reasonable furniture requirements of future occupiers whilst maintaining satisfactory circulation space.

The Lifetime Homes Standards have now been replaced by the requirements of the optional Building Regulations Standard M4(2) (accessible and adaptable dwellings). I consider that it is unreasonable to secure compliance with Building Regulations Standard M4(2) as a condition as this is a conversion rather than a purpose-built development.

The barbers shop at ground floor is an existing use. I consider this use would not give rise to any unacceptable impacts of noise and disturbance to the future occupants of the host building.

Section 3 of the Council's *Residential Amenity* SPD (2008) sets out more detailed design guidance for development in outer areas of the City. It calls for one bedroom flats to provide an amenity area of 1.5 square metres. The application site has no existing amenity for the property and none is available for the flats. The site is situated to the south of Spinney Hill Park (situated along East Park Road) and to the north-east of Victoria Park (situated along London Road) which can be accessed by bus or by walking. Although not ideal, I consider it would be unreasonable to with-hold planning permission for the lack of outdoor amenity space for future occupants.

Provision for bins and cycles would be available within the existing garage on site. I consider this to be reasonable and adequate. Generally bin stores are communal within purpose-built flatted accommodation. It is ideal to have this within a covered and secured area. Moreover the bins would be adjacent to the highway for ease of collection by Council operatives in the conventional manner.

The future occupants of the flats would not have direct access into the bin and cycle store areas and would need to access this from the street. Although this is not ideal I consider this is acceptable.

Having regard to the SPD and the site context, I consider that the proposal would provide satisfactory living conditions for the future occupiers and would be consistent with Core Strategy Policies CS03 and CS06 and saved Local Plan Policies AM01, H07 and PS10.

Character and Appearance

Policy CS03 of the Leicester Core Strategy (2014) states that high quality, well designed developments that contribute positively to the character and appearance of the local built environment are expected. It goes on to require development to respond positively to the surroundings and to be appropriate to the local setting and context and, at paragraph 1 (first bullet point), to contribute positively to an area's character and appearance in terms of *inter alia* urban form and high quality architecture.

The proposed development would not significantly alter the character and appearance of the site within the street scene of Rowsley Street and Normanton Road. The proposed extension would be of a minor size and scale which would not appear dominating within the street scene. The minimal external alterations to the host property means the finished development would easily assimilate into the character of the area.

I consider it is reasonable and necessary to attach a condition which would ensure the extension to be built of materials which match the host property to ensure the extension does not detract within the street scene.

I am satisfied that the development would not be too intensive or out of proportion to the surrounding suburban area. I conclude that the proposal would comply with Core Strategy Policy CS03, and would not conflict with saved Local Plan Policy PS10 and is acceptable in terms of the character and appearance of the area.

Parking and Access

Policy CS15 of the Leicester Core Strategy (2014) states that parking for residential development should be appropriate for the type of dwelling and its location and take into account the amount of available existing off street and on street car parking and the availability of public transport. It also seeks the provision of high quality cycle parking. Saved Policy AM02 of the Local Plan (2006) states that planning permission will only be granted where the needs of cyclists have been successfully incorporated into the design. Policy AM12 gives effect to published parking standards.

The application site is located within walking distance to Evington Road local centre which has a number of local services and amenities. Furthermore there are a number of local services available in the immediate area. East Park Road to the west of the site and Evington Road are well-served by public transport.

There is limited off-street parking available to the existing house and business in the form of the garage; which would not appear to be in accordance with the City's currently adopted parking size standards. The existing residential property plus the shop has a requirement of a maximum of three parking spaces. The proposed development as three one bedroom flats plus the shop has a requirement of four parking spaces which cannot be provided. The site is within a sustainable location which is well served by public transport and has a number of services and amenities in the nearby surrounding area. I do not consider that a severe impact on highways grounds can be demonstrated and I accept the parking situation.

The proposed development includes the provision of a cycle store within the site which would be covered and secure. I consider that a condition for this to be retained as a bin and cycle store is reasonable.

I conclude that the proposal would comply with Core Strategy Policy CS15 and saved Local Plan Policies AM02 and AM12, and that any residual cumulative transport impacts of the development would not be likely to be severe.

Flooding and Sustainable Drainage

Policy CS02 of the Leicester Core Strategy (2014) states that development should be directed to locations with the least impact upon flooding or water resources. It goes on to state that all development should aim to limit surface water run-off by attenuation within the site, giving priority to the use of sustainable drainage techniques.

The application site is less than 1 hectare in area and it is within fluvial flood zone 1. Accordingly, a flood risk assessment is not required and the site is consistent with the sequential principles of planning policies.

The site and surrounding area is, however, within a critical drainage area. The proposed development would not result in an increase in the amount of hard surfacing within the site.

I conclude that the proposal would comply with Core Strategy Policy CS02 and is acceptable in terms of flooding and drainage.

Other Matters

Turning to other matters (not otherwise addressed above) raised by objectors:

- Anti-social behaviour from one bedroom flats; I do not consider the proposed change of use would directly result in this;
- Paragraph 62a of the NPPF 2019 relates to affordable housing provision which is not relevant to the scale of this particular development;
- Right to Light issues are a legal matter and not a material planning consideration.

Conclusion

The proposed development is acceptable in principle and is in accordance with local and national policies and would make a small contribution to the City Council's housing supply. The impact upon the occupiers of neighbouring properties and upon the character and appearance of the area would be acceptable. The development would secure satisfactory living conditions for their future occupiers. There is no off street vehicle parking available but provision of cycle parking will be accommodated on site and it would be unreasonable to require the submission of SuDS details.

I therefore recommend that the application be APPROVED subject to the following conditions:

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The new walls and roof shall be constructed in materials to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
3. The secure and covered cycle parking and bin store shall be provided in accordance with the approved plans and retained thereafter. (In the interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan).
4. This consent shall relate solely to the amended plans ref. no. DSA-18051-PL-AL-01-B received by the City Council as local planning authority on 03/06/2019. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material planning considerations, including planning policies and representations that may have been received and subsequently determining to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019.

Policies relating to this recommendation

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| 2006_AM02 | Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations. |
| 2006_AM12 | Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01. |
| 2006_H07 | Criteria for the development of new flats and the conversion of existing buildings to self-contained flats. |
| 2006_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents. |

- 2014_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014_CS06 The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
- 2014_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.
- 2014_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.