

Recommendation: Refusal	
20191181	20 DANESHILL ROAD
Proposal:	CHANGE OF USE FROM HOUSE (CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (8 BEDROOMS) (SUI GENERIS) AND RETROSPECTIVE APPLICATION FOR DEMOLITION OF OUTBUILDING; ALTERATIONS
Applicant:	MR AMARDIP BRAR
View application and responses	http://rcweb.leicester.gov.uk/planning/onlinequery/Details.aspx?AppNo=20191181
Expiry Date:	20 September 2019
TB	WARD: Westcotes



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Summary

- Brought to Committee to consider issues around such a change of use.
- Three objections were received concerning the number of houses in multiple occupation and flats on the road, parking, waste storage, residential amenity and living conditions.

- The main considerations are the principle of the development, residential amenity, living conditions, waste storage and collection and parking and highways.
- The application is recommended for refusal.

The Site

The application relates to a five-bedroom mid-terrace dwellinghouse located within a residential area, Critical Drainage Area and the West End Conservation Area covered by the Daneshill Article 4 Direction. The house is part of a late Victorian terrace, of architectural and historic merit. Attached to the east of the site is 18 Daneshill House, a former house in multiple occupation that has been converted to four flats (4 x 1 bed). Attached to the west of the site is 22 Daneshill Road, a former dwellinghouse that has been converted to six flats (5 x 1 bed, 1 x 2 bed). The site is located outside of the nearby area covered by the Article 4 Direction that removes permitted development for a change of use from a dwellinghouse (Class C3) to a house in multiple occupation (Class C4).

Background

19900464 - Single storey dining room w.c. and shower room rear extension. Conditional approval was granted in 1990, implemented and is present on site.

The Proposal

This planning application seeks approval for the change of use of a single household dwellinghouse (Class C3) to a house in multiple occupation for 8 bedrooms (*sui generis*). A floor space schedule has been submitted with the application alongside a bike store and bin storage area to the rear yard on a proposed site plan. There was an outbuilding within the rear garden which appears to have been present on site since at least 2008. The rear outbuilding had already been removed. No other external alterations are proposed.

The submitted Planning Statement notes that the proposal will provide living accommodation to students of De Montfort University. Leicester City Council's *Guidance on kitchens and kitchen facilities in HMOs* has also been submitted as a supporting document with the application.

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. The NPPF is a material consideration in planning decisions

Paragraph 11 contains a presumption in favour of sustainable development.

Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the NPPF taken as a whole. Leicester city Council does not currently have a 5-year housing land supply therefore the policies

relating to housing are out of date. Paragraphs 59 to 79 sets out the housing policies of the NPPF. 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.

Paragraph 92 states that policies and decisions should guard against the unnecessary loss of valued facilities and services.

In making an assessment paragraph 108 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 degree.

Paragraph 109 states that 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.

Paragraph 110 requires applications for development to give priority to pedestrians and cycle movements; address the needs of people with disabilities and reduced mobility; create place that are safe, secure and attractive; allow for the efficient delivery of goods and; be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Part 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 and requires decision makers to ensure that development proposals:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where

crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 192 – desirability to sustain & enhance significance of Heritage Assets

Paragraph 193 – great weight should be given to asset's conservation

Paragraph 200 – LPAs should look for new development to preserve or enhance significance of Heritage Assets.

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 (2008)

Other legal or policy context

Appendix 01 Parking Standards of The City of Leicester Local Plan (2006)

Leicester & Leicestershire Housing and Economic Development Needs Assessment – Executive Summary (2017) (HEDNA)

Relevant is the statutory duty of section 72(1) of the Planning (Listed buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

West End Conservation Area Character Appraisal (2015)

Consultations

Traffic and Travel Planning - The existing property has no off-street car parking, and none can be provided, therefore all car parking associated with the proposal would be on-street. The site is located on a cul de sac, where car parking would already appear to cause problems. Very few of the existing properties have off-street car parking facilities and as a result car parking takes place within the highway, including within the turning area and on the footways. They raise concerns about any proposal that would lead to an increase in demand for on-street parking to the detriment of highway safety.

Representations

Three objections have been received concerning the following: -

- The number of houses being converted into HMOs and flats on the road, resulting in a lower sense of community and ownership of the surrounding environment.
- Concerns regarding fly tipping and bins being left out. No bin storage space.
- The proposal would exacerbate parking issues on the congested road with no parking spaces and no way of limiting the additional cars as a result of the development.
- Parking issues during construction works.
- Over-development and not in-keeping with the nature of the Conservation Area.
- Impact on residential amenity including noise, general disturbance and anti-social behaviour.
- 'Shoehorning' so many people into the property. No living space provided alongside very small bedrooms resulting in a poor living environment and mental health.

- No sound proofing included despite the significant change in how parts of the property would be used (especially important given the lack of living space).
- Views of long term are seemingly ignored.
- Work has started prior to approval.

Consideration

Principle of development

The site is located within the 'Inner Area' of Leicester in accordance with Diagram 9 of the Core Strategy (2014). Core Strategy policy CS08 *Existing Neighbourhoods* states that houses in multiple occupation will not be permitted within the inner area where they would result in a harmful overconcentration.

An Article 4 Direction, which was introduced in August 2014, restricting permitted development for a change of use from a dwellinghouse (Class C3) to a house in multiple occupation for up to six people (Class C4) is approximately 160 metres from the site, at the corner of Fosse Road North and Hinckley Road. The Article 4 Direction was informed by council tax exemption evidence that there was a concentration of houses in multiple occupation in this area.

There is an evidence base of HMO licenses and council tax exemptions indicating that there is also a concentration of properties in multiple occupancy surrounding the application site. This evidence would exclude smaller HMOs and so there could be more HMOs within the area than the evidence suggests. The further loss of a larger dwellinghouse suitable for a single household/family and its replacement with a further shared house would exacerbate the harmful concentration and demographic imbalance in the surrounding area contrary to the aims of Core Strategy policy CS08. Policy CS08 further states *"it is the Council's priority to retain good quality existing housing for which there is a demand. In particular in Spinney Hills, Belgrave and other neighbourhoods where there is an identified demand, larger houses appropriate for family use should be retained, and conversion to other types of accommodation resisted."*

Policy CS06 *Housing Strategy* states that the *"City Council will continue to work with its partners to ensure the delivery of sustainable communities to meet both current and future needs of the population as identified by the Strategic Housing Market Assessment"* (SHMA) [as updated by the new *Leicester & Leicestershire Housing and Economic Development Needs Assessment* (HEDNA) 2017] and 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, in particular, larger family housing (at least 4+ bedrooms) as identified by the SHMA"* [as updated by HEDNA 2017].

The loss of this house suitable for family accommodation is therefore contrary to the objectives of Core Strategy policies CS06 and CS08. I therefore consider the proposal to be unacceptable in principle.

Design and Heritage Assets

Strategy policy CS03 *Designing Quality Places* states that... “*Good quality design is central to the creation of attractive, successful and sustainable places. We expect high quality, well designed developments that contribute positively to the character and appearance of the local...built environment. Development must respond positively to the surroundings, be appropriate to the local setting and context*” and “*promote... an uncluttered street scene*”. Saved policy PS10 *Residential Amenity* of The City of Leicester Local Plan (2006) states that “*In determining planning applications, the following factors concerning the amenity of existing or proposed residents will be taken into account: b) the visual quality of the area including potential litter problems*”. The site is located within the ‘Outer Area’ of the *Residential Amenity* SPD within which key considerations include visual quality and “*any proposed development should relate well to the existing urban context.*”

The removal of the outbuilding has not harmed the character and appearance of the Conservation Area.

There is a shared alleyway with 22 Daneshill Road, which can be feasibly used for the transport of waste bins to the bin storage area in the rear yard. No details of waste collection have been provided, and so there is an assumption that waste will be collected in the usual manner from the front of the site on the highway. Whilst a bin storage area would be provided to the rear, there can be no assumption that such a waste storage area would be used by future residents and no waste management plan has been submitted with the application. The proposed additional bedrooms would likely increase the requirement for waste storage and collection, which would likely be stored to the front of the site to the detriment of the character and appearance of the surrounding Conservation Area.

I conclude that the proposal would not comply with policies CS03 and CS18 of the Core Strategy (2014) and would conflict with saved policy PS10 of the Local Plan (2006) and is not acceptable in terms of the character and appearance of the area with regards to waste collection.

Living conditions (*The proposal*)

The floor spaces of the bedrooms are satisfactory, on the whole utilising the floor spaces of the existing dwellinghouse. The smaller bedrooms 5 and 8 with no en-suite would alternatively have access to two shower rooms. The other six larger bedrooms would have an en-suite. All principal rooms will have access to light and outlook. Whilst the only window of bedroom 2 would be located immediately adjacent to the shared amenity space to the detriment of its privacy, this is compensated by the closer access to the living spaces and the shared amenity space. The shared amenity space, with the outbuilding removed, is of a satisfactory size at approximately 66 square metres in addition to the front yard area. Overall the living space provided would be 37 square metres in addition to the utility room and communal toilet, which again is satisfactory with reference to the HMO regulations also. Access to the house will be via the existing front door which benefits from natural; surveillance for safety and security. I therefore consider the living conditions proposed to be acceptable.

Residential amenity (*neighbouring properties*)

Located to the rear of the site are the rear gardens of the residential properties at 25-29 Stretton Road. There will be no loss of light or outlook to neighbouring residential amenity, nor any significant loss of privacy given that no external alterations to the host house are proposed.

Saved policy PS10 *Residential Amenity* of The City of Leicester Local Plan (2006) states how in determining planning applications a number of factors concerning the amenity of existing or proposed residents will be taken into account, including noise pollution (individually or cumulatively) caused by the development and its use, the visual quality of the area including potential litter problems, additional parking and the ability of the area to assimilate development. The proposal could increase noise and general disturbance from likely additional residents and visual clutter from increased waste storage and collection at the front of the site to the significant detriment of residential amenity in the Primarily Residential Area.

I conclude that the proposal would not comply with policy CS03 of the Core Strategy (2014) and would conflict with saved policy PS10 of the Local Plan (2006) and is unacceptable in terms of the amenity of the neighbouring occupiers.

Highways and Parking

Policy PS10 states that “*in determining planning applications, the following factors concerning the amenity of existing or proposed residents will be taken into account: ... c) additional parking and vehicle manoeuvring*”. The site is located within the ‘Outer Area’ of the Residential Amenity SPD within which key considerations include parking provision.

The Planning Statement states that the tenants/De-Montfort University students that would be occupying the house are unlikely to own their own transport and there are extremely good links into the city centre/university. It cannot be assumed that more residents would result in more vehicle demand and parking requirements. There are no vehicle parking standards for houses in multiple occupation.

The site is within a sustainable location within walking distance of the city centre and near the A47 which provides good public transport links. The site is located within 250m of the Narborough Road/Hinckley Road District Shopping Centre and the Fosse Road South Local Shopping Centre. A bike store for 4-8 bikes is proposed. If permission were to be granted a condition could be recommended for the provision of eight bike storage spaces which would accord with the cycle parking standards of Appendix 01 of The City of Leicester Local Plan (2006).

I therefore consider that the lack of vehicle parking provision is acceptable. I conclude that the proposal would comply with policy CS15 of the Core Strategy (2014) and with saved policies AM02 and AM12 of the Local Plan (2006) and is acceptable in terms of parking and highways, subject to condition if approval were to be granted.

Drainage

The site is within a Critical Drainage Area. I consider that a requirement for a scheme of sustainable drainage would be onerous and that the impact of the proposal in terms of increased surface water run-off is unlikely to be significant. I conclude that the proposal would not conflict with Policy CS02 of the Core Strategy (2014) and is acceptable in terms of sustainable drainage.

Other matters

An objector has raised other concern about parking issues during construction works. However, given the relatively modest scale of the proposed development, I do not consider that the parking impacts during construction are likely to be so significant as to warrant control through the planning process.

Conclusion

The proposal would involve the loss of a needed larger dwellinghouse suitable for family accommodation within an area that already has a high provision of HMOs/non-family housing, contributing the harmful concentration of shared housing within this inner area of the city. The proposal would cause significant detriment to the residential amenity of the surrounding area by reason of noise/disturbance and waste storage. The proposal conflicts with Core Strategy policies CS03, CS06, CS08 and CS18, saved policies PS10 and PS11 of The City of Leicester Local Plan (2006) and the Residential Amenity SPD (2008).

I therefore recommend REFUSAL for the following reason:

REASONS FOR REFUSAL

1. The proposal is not acceptable as it will result in the loss of a dwellinghouse suitable for family accommodation for which there is an identified demand and will exacerbate the concentration of shared housing in an area already identified as having a harmful concentration of such uses. As such it will exacerbate the demographic imbalance in this area and significantly harm the amenity of the existing residents in the area contrary to saved policies PS10 and PS11 of the City of Leicester Local Plan (2006) and Core Strategy (2014) policies CS03, CS06, CS08 and CS18 (2014).

NOTES FOR APPLICANT

1. The City Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application advice was given during the application process. Notwithstanding that advice the City Council has determined this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. As the proposal was clearly unacceptable and could not be reasonably amended it was considered that further discussions would be unnecessary and costly for all parties.

Policies relating to this recommendation

- 2006_AM01 Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.
- 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_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2006_PS11 Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
- 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_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.
- 2014_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
- 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_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.