

Recommendation: Conditional approval	
20180438	92 QUEENS ROAD
Proposal:	CHANGE OF USE OF FIRST FLOOR FROM BANK (CLASS A2) TO TWO FLATS (2 X 1 BED); CONSTRUCTION OF SECOND FLOOR EXTENSION TO FORM ONE FLAT (1 X 2 BED); ALTERATIONS (AMENDED PLANS RECD 01/11/18)
Applicant:	CUE PROPERTY LTD
View application and responses	http://rcweb.leicester.gov.uk/planning/onlinequery/Details.aspx?AppNo=20180438
Expiry Date:	22 November 2018
TB	WARD: Castle



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Summary

- This application is reported to the Committee because more than 5 objections have been received;
- A total of seven objections have been received, which are concerned with the principle of development, design, parking and highways, living conditions, waste storage, and fire safety.
- The main issues are the principle of development, design, residential amenity, living conditions, waste storage/collection and parking and highways.

- The recommendation is for approval.

The Site

The application relates to a two storey vacant building that was formerly used as a bank (Class A2). The rear norther section of the building is part single storey. The former bank is located on the corner of a traffic signalled crossroad junction between Clarendon Park Road and Queens Road. Opposite the crossroads at 90-96 Clarendon Park Road is another former bank, which is listed on Leicester's Local Heritage Asset Register.

The site is also located within a Critical Drainage Area. With regards to local plan policies, the site is located within the Queens Road Local Shopping Centre. A Primarily Residential Area and the boundary of the Stoneygate Conservation Area are located in close proximity to the east of the site.

Attached to the east of the former bank is a three storey building at 117 Clarendon Park Road, which consists of a shop on the ground floor with a flat above. Non-attached to the north of the site is another three storey building at 88 Queens Road, which is in use as a hot food takeaway on the ground floor with a flat above. To the norther section of the site is a small yard, which provides access to the host building as well as the rear garden of 117 Clarendon Park Road and the upper floor flat of 88 Queens Road.

Background

20180197 – Ground floor alterations to shopfront. Conditional approval granted. The minor alterations included recessing a window on the Queens Road elevation and providing steps up a new door on the northern side of the recess. The alterations form part of a wider scheme to subdivide the ground floor of the former bank into three class A1 retail units, which is allowed under permitted development rights. The alterations have commenced but are not yet completed.

The Proposal

The vacant floor space on the first floor of the former bank will be changed to a one bedroom self-contained flat and a one bedroom studio flat. No external alterations are proposed to the first floor. A second floor extension is also proposed to create an additional two bedroom self-contained flat. The entrance to the flats will be located to the side of the building from the yard, separated from the entrance to the ground floor commercial use.

The extension will consist of a flat topped mansard roof with dormer windows to the front. The extension will be timber framed with profile sheeting to the front and bricks to the rear and sides.

Amended Plans

The plans were amended so that: -

- A third storey consisting of two additional flats has been removed.
- The second storey extension has been reduced in size to the rear and has been set back from the façade of the building by 0.5 metres.
- Accordingly, the second storey extension has been changed to a two bedroomed self-contained flat. Formerly, two one bedroom self-contained flats were proposed.
- As a result, the total number of flats proposed has decreased from six to three.
- The internal layout of flat two on the first floor has changed from a one bedroom flat to a studio flat.
- The rear window of flat two will be partially obscure glazed.
- Three wall mounted cycle parking spaces are proposed to the yard, and will be covered by a canopy. A canopy is also proposed to the entrance of the building in the yard.
- A refuse area is also proposed to the yard, screened from Queens Road by a 1.5m high closed board fenced panel.

Policy Considerations

National Planning Policy Framework (NPPF) (2012)

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 the development plan is absent, silent or relevant policies are out of date, this means granting planning 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 of the NPPF 2018, set out the housing policies. 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. Paragraph 68 of the NPPF states that small and medium sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. The policy goes stating that local authorities are required to support the development of windfall sites through decisions- giving great weight to the benefits of using sustainable sites within existing settlements for homes.

In making an assessment Paragraph 108 states that development proposals should take up appropriate opportunities to promote sustainable transport modes.

Paragraph 109 advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 110 requires applications for development to give priority to pedestrians and cycle movements, create place that are safe, secure and attractive and allow for the efficient delivery of goods.

Paragraph 117 requires planning policies and decisions to promote the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 118 sets out criteria on land use flexibility. It requires planning policies and decisions to place substantial weight on the use of under-utilised land and buildings whilst also using sites more effectively.

Paragraph 122 places an emphasis on local planning authorities to support development that makes efficient use of land. It requires decision makers to take into account issues such as the need for different types of housing, including the availability of land suitable for accommodating; local market conditions and viability; the availability and capacity of infrastructure and services, including the potential for further improvement; the desirability of maintaining an area's prevailing character and setting (including residential gardens) and; the importance of securing well-designed, attractive and healthy places.

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 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. It further requires local planning authorities to seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.

Paragraph 192 – Desirability to sustain & enhance significance of Heritage Assets.

Paragraph 200 – Local Planning Authorities 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)

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

Other legal or policy context

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.

Consultations

Noise and Pollution Control – no objection.

Local Lead Flood Authority – no objection, provided SuDS requirements are satisfied.

Local Highways Authority (LHA) (post-amendment) – does not raise any objections, subject to conditions for the provision and retention of secure and covered cycle parking and for the provision of travel packs.

Representations

Seven objections have been received for the pre-amended proposal, concerning the following: -

- The existing building is unattractive, but would be made worse by the proposed two storey extension.
- The four storey and flat roofed 'dominant eye sore' would contrast with and be out of keeping/scale with the two and three storey pitched roof houses of the surrounding area, at the edge of the Stoneygate Conservation Area.
- The timber frame and aluminium cladding/profile sheeting proposed would be out of keeping with the slate roofs of the surrounding buildings, creating an unpleasant visual aspect. The surrounding buildings include attractive Victorian and Edwardian buildings on a prominent junction, one of them being locally listed.
- The windows on the extension do not echo those on the ground and first floor.
- The pitched roof on the northwest corner of the building is an afterthought. Not sure why the external walls of the third floor walls are angled inwards.
- The proposal is over-development and over-extension of the site.
- No outdoor space is proposed.
- No consideration has been given to waste facilities, with more waste bins being required, which would clutter up the footway to the front of the site.
- No off-street resident car parking provision is proposed, whilst the site is surrounded by double yellow lines adjacent to a traffic signalled junction. The additional two storeys would require an additional four off-street car parking spaces, and the total number of off-street car parking spaces would increase to nine for the site as whole. This would lead to further parking pressure and further obtrusive parking on the fairly narrow, but busy, footpath to the front of the site.
- Parking spaces are already in short supply in the surrounding area.

- The creation of individual flats, which it is strongly suspected will be used for 'students', would be a circumvention/avoidance of the Article 4 Direction covering the site, which removes permitted development from a use falling within Class C3 (dwellinghouses) to a use falling within Class C4 (houses in multiple occupation). The area is already saturated with rental properties.
- Not an inclusive design. Four storeys is too high to be accessed by stairs only. The proposal needs a lift.
- There would only be one staircase, creating fire safety concerns. The cladding/sheeting in particular would not be appropriate in light of the Grenfell Tower disaster.
- The conversion of the ground floor from A2 to A1 will increase car parking pressure in an already congested area. There is no loading or unloading for shops on the ground floor.

Some also state: -

- A more acceptable approach would be to create a single storey extension to echo the existing adjacent buildings with a sloping slate frontage and dormer windows.
- Encourage or do not object to the use of the first floor as accommodation, rather than standing empty.

Consideration

Principle of development

The proposed flats will be located in close proximity to a Primarily Residential Area to the east of the site. The site is also located within the 'Outer Area' of the Residential Amenity SPD, which is partly defined as an area that is primarily residential. Under Class M of Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) Order, a change of use of a use falling within Class A2, in this case a bank, to a use falling within Class C3, in this case flats, is permitted development subject to considerations of transport and highways, contamination risks, flooding risks, impacts on the adequate provision of Class A2 services and impacts on the sustainability of the shopping area.

Core Strategy policy CS06 *Housing Strategy* states that "*The housing requirements of the Regional Spatial Strategy can be met through... conversion schemes to support the development of sustainable communities*". The proposal will not involve the loss of larger family housing and will make use of a currently vacant bank building. The provision of a one bedroom self-contained flat, a one bedroom studio flat and a two bedroom self-contained flat will provide an alternative type, size and mix of accommodation, to meet the needs of existing and future households and support the development of a sustainable community. Saved policy H07 *Flat Conversions and New Build Flats* of the Leicester Local Plan (2006) also states that "*there is a general need to... provide more units of accommodation for one and two person households*".

Core Strategy policy CS11 *Retail Hierarchy* states that "*The Council will work with partners to protect and enhance retail centres as the most sustainable location for retail development by... b) Safeguarding the retail character and function of centres by resisting development that would detract from their vitality and viability*". There are no planning policies that restrict residential uses within defined shopping centres.

Residential uses can be accommodated above A1 and A2 uses, without detriment to amenity. Whilst the proposal will involve the loss of a Class A2 bank use on the first floor, the ground floor will be retained for retail use, which will sustain an appropriate amount and mix of uses on site.

I consider that the proposed flats will safeguard the retail character and function of the Local Shopping Centre by improving its vitality and viability. The introduction of more residents and associated visitors within the local shopping centre will likely increase footfall and shoppers. Therefore, the proposal is acceptable in principle provided it will not have a significant detrimental impact on the following considerations.

Design and Heritage Asset

I consider the mixed use of the site with retail on the ground floor and residential uses above to be in-keeping with the mixed commercial/residential character of the surrounding area.

The revised proposal will relate well to the existing urban context. The adjacent buildings at 88 Queens Road and 117 Clarendon Park Road, and many of the buildings in the surrounding area, are three storey buildings with pitched roofs to the second floor and dormer windows to the front. I therefore consider that the second floor extension with a mansard roof and dormer windows to the front would be in-keeping with the buildings adjacent and the surrounding area. I also consider that the mansard roof will be an improvement upon the existing flat roof. The extension will create interest to the façades of the building and will also reduce their harshness.

The set back of the roof extension by 0.5 metres from the front building line will ensure that the extension will appear subservient to the original building, and not overly dominant within the surrounding area. The northern side of the extension that will not be set back from the existing building line will be screened by the adjacent building at 117 Clarendon Park Road.

The windows will be made of anodized aluminium to match with the existing windows of the host building. The dormer windows will align vertically with and have a matching height to the original first floor windows below. The flat sections of the roof will be made of felt, which is acceptable for a section of the building that will not be visible to the public realm. The material for the walls as stated on the application form is profile sheeting, whilst the plans also show brickwork to the side and rear. Whilst profile sheeting and brick are acceptable materials for an extension to a modern building, I consider that the acceptability of the extension will be determined by further detailing of these materials. I therefore recommend a condition to ensure that the wall and dormer materials used will be appropriate.

The revised scale of the extension will not cause a detrimental impact to the setting of the Stoneygate Conservation Area, nor the locally listed building located in close proximity. I consider that the canopies and cycle parking provision to the side, as well

as the fencing for the bin storage area will have minimal impact on the character and appearance of the area.

Living conditions

All principal rooms will have at least one window that will face the highway to the front of the site, and so will provide a good level of light and outlook to future occupants. The *Residential Amenity* SPD states that the distance between principal room windows and a blank wall should be no less than 15 metres. The rear facing window of flat 2, which faces the blank gable end of 88 Queens Road approximately 11 metres away, will be partially obscure glazed and will serve a shower room. The rear facing lounge/kitchen window of flat 3 will serve the lounge/kitchen and will be higher than the blank facing gable end of 88 Queens Road. I therefore consider these windows to be acceptable and in accordance with the *Residential Amenity* SPD, especially as the lounge/kitchen of flat three has alternative windows for access to light and outlook.

There are commercial night time uses nearby. However, I do not consider this an unreasonable amount of general disturbance to future residents of the upper floor flats.

The minimum standard of private amenity space for a one bedroom flat is 1.5 square metres, and two square metres for a two bedroom flat, in accordance with 'Appendix E Private Amenity Standards' of the *Residential Amenity* SPD. The yard to the side of the building will form the entrance to the flats, the cycle storage area and the bin storage area. It is also located immediately adjacent to a footpath on Queens Road. Therefore, whilst this yard space meets the minimum standard for private amenity space, it cannot be considered as good quality amenity space.

The provision of a balcony to the flat roof of the single storey section of the building would not be acceptable due to a substantial loss of privacy to the flat at 117 Clarendon Park Road. Balconies to the front of the second floor extension would also not be acceptable as they would reduce the visual subservience of the extension, and would create visual clutter to the simple design of the both the original building and the proposed extension. Nevertheless, the site is located in close proximity to Victoria Park and will provide other benefits, primarily helping to meet housing needs. I therefore consider the lack of good quality amenity space to be acceptable in this case.

The railings to the front of the yard, which will be retained, will ensure that the entrance can be seen from the public realm for the safety and security of future residents. The retained railing will also clearly define the public and private realm to allow future residents a sense of ownership and responsibility. The proposed flat sizes are of a good standard. Flat one will have a floor space of 35 square metres, whilst flat two will also have a floor space of 35 square metres. Flat three will cover the second floor extension with a floor space of 63 square metres. All bedrooms will also be of a good level of internal floor space. Overall, I consider the living conditions to be satisfactory.

Residential amenity

The gable end wall of 88 Queens Road is blank with no windows, nor does it have any amenity space, and so the proposal will not result in a loss of privacy or light/outlook

to the flat on the first floor of this neighbouring property. There will be no rear facing windows and so no loss of privacy to the flat and its rear garden at 117 Clarendon Park Road.

I consider that the revised second floor extension will not cause a significant loss of light or outlook to 117 Clarendon Park Road. The part of the extension closest to 117 Clarendon Park Road has been set back so that it does not create a tunnelling effect or a significant loss of light/outlook to the rear garden and principal room windows of 177 Clarendon Park Road.

Waste storage and collection

A waste storage area is proposed to the side yard of the building, and will be screened by a 1.5m high close boarded fence. I recommend a condition regarding the storage and collection of waste bins to preserve the character and appearance of the surrounding area, as well as to prevent inhibition of the footway on Queens Road.

Highways and Parking

The site is located on the corner of a traffic signalled controlled junction between Queens Road and Clarendon Park Road. Accordingly, there are double yellow line 'no waiting/loading' restrictions on all roads within the immediate vicinity of the site, which serve to regulate on-street parking.

No vehicle parking is proposed and there is no existing on-site parking provision. The site is located within Parking Standard Zone 4 of 'Appendix 01: Parking Standards' of the City of Leicester Local Plan (2006). The existing vehicle parking standard for the first floor of the former bank is three spaces. The vehicle parking standard for the proposed residential use of the first floor is two spaces. Therefore, with regards to the first floor change of use, there will be a reduction in the theoretical vehicle parking demand by one space.

The vehicle parking standard for the proposed two bedroom flat within the second floor extension is two spaces. As such, there will be a net increase in the vehicle parking demand by one space. However, I consider the lack of vehicle parking provision to be acceptable as the site is located in a sustainable location within the Queens Road Local Shopping Centre, and in very close proximity to good public transport links on Queens Road. In addition, safe and public bay parking for visitors is available along much of Queens Road. I also recommend a condition for the provision of travel packs in the interests of sustainable development.

Three secure and covered cycle parking spaces are also proposed to the side yard, in accordance with the Cycle Parking Standards of 'Appendix 01: Parking Standards' of the City of Leicester Local Plan (2006). I recommend a condition for the retention of these cycle parking spaces.

Drainage

The site is located within a Critical Drainage Area. Core Strategy policy CS02 *Addressing Climate Change and Flood Risk* states that “*all development should aim to limit surface water run-off by attenuation within the site as a means to reduce overall flood risk and protect the quality of the receiving watercourse by giving priority to the use of sustainable drainage techniques in developments.*” However, the proposal will not result in an increase in building footprint or impermeable areas, and there is little feasibility of implementing sustainable drainage techniques on the constrained site. I therefore consider it onerous and unreasonable to recommend impose sustainable drainage techniques on the minor extension/change of use proposed.

Other matters

The conversion of the ground floor from A2 to A1 is permitted development, and so is outside the control of the planning system. Fire safety and inclusive design are controlled by other legislation and regulations. With reference to the objections regards the Article 4 Direction covering the site, the proposal is not for a change of use to a house in multiple occupation. The site is covered by a Regulation 7 Direction, which gives control on the number of To Let boards in areas of the city where there are high numbers of boards on display. I therefore recommend a note to applicant regarding the use of to let boards.

Conclusion

The proposal is acceptable in principle. The revised proposal will have a positive impact on the design of the host building and surrounding area, subject to the recommended materials condition. There will be accordingly be no detrimental impact to designated and non-designated heritage assets.

I do not consider that the parking and highways impacts will be severe, subject to the recommended cycle parking condition.

There are no concerns with residential amenity, drainage and waste storage/collection.

Whilst there is concern with the lack of good quality amenity space, I consider this to be acceptable given that other living conditions will be of a good level, and the benefit of the proposal in helping to meet housing requirements.

I therefore recommend that the application is APPROVED subject to 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. Prior to the commencement of any work to the new extension, the materials to be used on all external elevations and roofs shall be submitted to and approved by the City Council as local planning authority. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
3. Prior to the first occupation of each unit, the occupiers of each of the dwellings shall be provided with a 'Residents Travel Pack' details of which shall be submitted to and approved by the City Council, as the local planning authority in advance. The contents of the Travel Pack shall consist of: information promoting the use of sustainable personal journey planners, walking and cycle maps, bus maps, the latest bus timetables applicable to the proposed development, and bus fare discount information. (In the interest of promoting sustainable development, and in accordance with policy AM02 of the City of Leicester Local Plan and policy CS14 of the Core Strategy)
4. No flat shall be occupied until secure and covered cycle parking has been provided in accordance with approved plans ref no. 2963-08 Rev k and 2963-02 Rev k 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).
5. No bins or waste shall be stored to the front of the site on Queens Road or Clarendon Park Road, except on collection day. (In the interests of preserving the character and appearance of the surrounding area and preventing inhibition of the footpath on Queens Road, in accordance with Core Strategy policy CS03 and policy AM01 of the City of Leicester Local Plan).
6. This consent shall relate solely to the amended plans ref. no. 2963-02 Rev k and 2963-08 Rev k received by the City Council as local planning authority on 01/11/18, unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. With regards to the Travel Pack the contents of the pack are intended to raise the awareness and promote sustainable travel, in particularly for trips covering local amenities. The applicant should seek advice from Leicester City Council's Travel Plan Officer via telephone 0116 454 2849.
2. The site is also located within an area covered by a Regulation 7 Direction which gives control on the number of To Let boards in this area of the city where there are high numbers of boards on display. For more information please click the following link: <https://www.leicester.gov.uk/your-council/policies-plans-and-strategies/planning-and-development/to-let-boards-control/>

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_BE20 Developments that are likely to create flood risk onsite or elsewhere will only be permitted if adequate mitigation measures can be implemented.
- 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.
- 2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2006_H07 Criteria for the development of new flats and the conversion of existing buildings to self-contained flats.
- 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_CS11 The Council supports a hierarchy of retail centres in Leicester. The policy sets out measures to protect and enhance retail centres as the most sustainable location for retail development.
- 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_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.