

Leicester
City Council

MEETING OF THE PLANNING AND DEVELOPMENT CONTROL COMMITTEE

DATE: WEDNESDAY, 26 JANUARY 2022

TIME: 5:30 pm

**PLACE: Meeting Rooms G.01 and G.02, Ground Floor, City Hall, 115
Charles Street, Leicester, LE1 1FZ**

Members of the Committee

Councillor Riyait (Chair)

Councillor Aldred (Vice-Chair)

Councillors Joel, Dr Moore, Pandya, Thalukdar, Valand and Whittle

One unallocated Labour group place

One unallocated Non group place.

Members of the Committee are summoned to attend the above meeting to consider the items of business listed overleaf.

For Monitoring Officer

Officer contact:

Aqil Sarang, tel: 0116 454 5591 / Jacob Mann, tel: 0116 454 5843 /

e-mail: aqil.sarang@leicester.gov.uk / jacob.mann@leicester.gov.uk

Democratic Support, Leicester City Council, City Hall, 115 Charles Street, Leicester, LE1 1FZ

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Further information

If you have any queries about any of the above or the business to be discussed, please contact:
Aqil Sarang, tel: 0116 454 5591 / Jacob Mann, tel: 0116 454 5843 or , Democratic Support Officers.
Alternatively, email aqil.sarang@leicester.gov.uk / jacob.mann@leicester.gov.uk, or call in at City Hall.

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PUBLIC SESSION

AGENDA

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- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST**

Members are asked to declare any interests they may have in the business to be discussed on the Agenda.

Members will be aware of the Code of Practice for Member involvement in Development Control decisions. They are also asked to declare any interest they might have in any matter on the committee agenda and/or contact with applicants, agents or third parties. The Chair, acting on advice from the Monitoring Officer, will then determine whether the interest disclosed is such to require the Member to withdraw from the committee during consideration of the relevant officer report.

Members who are not on the committee but who are attending to make representations in accordance with the Code of Practice are also required to declare any interest. The Chair, acting on advice from the Monitoring Officer, will determine whether the interest disclosed is such that the Member is not able to make representations. Members requiring guidance should contact the Monitoring Officer or the Committee's legal adviser prior to the committee meeting.

3. MINUTES OF THE PREVIOUS MEETING

Members are asked to confirm that the minutes of the meeting of the Planning and Development Control Committee held on 5 January 2022 are a correct record.

4. PLANNING APPLICATIONS AND CONTRAVENTIONS [**Appendix A**](#)

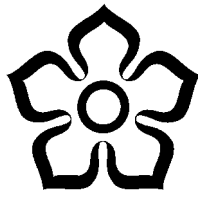
The Committee is asked to consider the recommendations of the Director, Planning, Development and Transportation contained in the attached reports, within the categories identified in the index appended with the reports.

(i) **20211792 19 EAST AVENUE** [**Appendix B**](#)

(ii) **20212642 6 ST DUNSTAN ROAD** [**Appendix C**](#)

5. ANY URGENT BUSINESS

6. CLOSE OF MEETING



Leicester
City Council

Wards:
See individual reports.

Planning & Development Control Committee

Date: 26 January 2022

REPORTS ON APPLICATIONS AND CONTRAVENTIONS

Report of the Director, Planning and Transportation

1 Introduction

- 1.1 This is a regulatory committee with a specific responsibility to make decisions on planning applications that have not been delegated to officers and decide whether enforcement action should be taken against breaches of planning control. The reports include the relevant information needed for committee members to reach a decision.
- 1.2 There are a number of standard considerations that must be covered in reports requiring a decision. To assist committee members and to avoid duplication these are listed below, together with some general advice on planning considerations that can relate to recommendations in this report. Where specific considerations are material planning considerations they are included in the individual agenda items.

2 Planning policy and guidance

- 2.1 Planning applications must be decided in accordance with National Planning Policy, the Development Plan, principally the Core Strategy, saved policies of the City of Leicester Local Plan and any future Development Plan Documents, unless these are outweighed by other material considerations. Individual reports refer to the policies relevant to that application.

3 Sustainability and environmental impact

- 3.1 The policies of the Local Plan and the LDF Core Strategy were the subject of a Sustainability Appraisal that contained the requirements of the Strategic Environmental Assessment (SEA) Directive 2001. Other Local Development Documents will be screened for their environmental impact at the start of preparation to determine whether an SEA is required. The sustainability implications material to each recommendation, including any Environmental Statement submitted with a planning application are examined in each report.
- 3.2 All applications for development falling within the remit of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 are screened to determine whether an environmental impact assessment is required.

- 3.3 The sustainability and environmental implications material to each recommendation, including any Environmental Statement submitted with a planning application are examined and detailed within each report.
- 3.4 Core Strategy Policy 2, addressing climate change and flood risk, sets out the planning approach to dealing with climate change. Saved Local Plan policies and adopted supplementary planning documents address specific aspects of climate change. These are included in individual reports where relevant.

4 Equalities and personal circumstances

- 4.1 Whilst there is a degree of information gathered and monitored regarding the ethnicity of applicants it is established policy not to identify individual applicants by ethnic origin, as this would be a breach of data protection and also it is not a planning consideration. Section 149 of the Equality Act 2010 provides that local authorities must, in exercising their functions, have regard to the need to:
 - a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 4.2 The identity or characteristics, or economic circumstances of an applicant or intended users of a development are not normally material considerations. Where there are relevant issues, such as the provision of specialist accommodation or employment opportunities these are addressed in the individual report.

5 Crime and disorder

- 5.1 Issues of crime prevention and personal safety are material considerations in determining planning applications. Where relevant these are dealt with in individual reports.

6 Finance

- 6.1 The cost of operating the development management service, including processing applications and pursuing enforcement action, is met from the Planning service budget which includes the income expected to be generated by planning application fees.
- 6.2 Development management decisions can result in appeals to the Secretary of State or in some circumstances legal challenges that can have cost implications for the City Council. These implications can be minimised by ensuring decisions taken are always based on material and supportable planning considerations. Where there are special costs directly relevant to a recommendation these are discussed in the individual reports.
- 6.3 Under the Localism Act 2011 local finance considerations may be a material planning consideration. When this is relevant it will be discussed in the individual report.

7 Planning Obligations

- 7.1 Where impacts arise from proposed development the City Council can require developers to meet the cost of dealing with those impacts, such as increased demand for school places, through planning obligations. These must arise from the council's adopted planning policies, fairly and reasonably relate to the development and its impact and cannot be used to remedy existing inadequacies in services or facilities. The council must be able to produce evidence to justify the need for the contribution and its plans to invest them in the relevant infrastructure or service, and must have regard to the Community Infrastructure Levy Regulations 2010.
- 7.2 Planning obligations cannot make an otherwise unacceptable planning application acceptable.
- 7.3 Recommendations to secure planning obligations are included in relevant individual reports, however it should be noted however that the viability of a development can lead to obligations being waived. This will be reported upon within the report where relevant.

8 Legal

- 8.1 The recommendations in this report are made under powers contained in the Planning Acts. Specific legal implications, including the service of statutory notices, initiating prosecution proceedings and preparation of legal agreements are identified in individual reports. As appropriate, the City Barrister and Head of Standards has been consulted and his comments are incorporated in individual reports.
- 8.2 Provisions in the Human Rights Act 1998 relevant to considering planning applications are Article 8 (the right to respect for private and family life), Article 1 of the First Protocol (protection of property) and, where relevant, Article 14 (prohibition of discrimination).
- 8.3 The issue of Human Rights is a material consideration in the determination of planning applications and enforcement issues. Article 8 requires respect for private and family life and the home. Article 1 of the first protocol provides an entitlement to peaceful enjoyment of possessions. Article 14 deals with the prohibition of discrimination. It is necessary to consider whether refusing planning permission and/or taking enforcement action would interfere with the human rights of the applicant/developer/recipient. These rights are 'qualified', so committee must decide whether any interference is in accordance with planning law, has a legitimate aim and is proportionate.
- 8.4 The impact on the human rights of an applicant or other interested person must be balanced against the public interest in terms of protecting the environment and the rights of other people living in the area.
- 8.5 Case law has confirmed that the processes for determination of planning appeals by the Secretary of State are lawful and do not breach Article 6 (right to a fair trial).

9 Background Papers

Individual planning applications are available for inspection on line at www.leicester.gov.uk/planning. Comments and representations on individual

applications are kept on application files, which can be inspected on line in the relevant application record.

10 Consultations

Consultations with other services and external organisations are referred to in individual reports.

11 Report Author

Grant Butterworth (0116) 454 5044 (internal 37 5044).

Appendix A1

20211792	19 East Avenue	
Proposal:	Change of use from house in multiple occupation (10 persons) (Sui Generis) to six flats (3 x 1 bed, 3 x 2 bed) (Class C3); alterations (Amended plan received 13/01/2022)	
Applicant:	Veema UK LTD	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	28 January 2022	
SSA	TEAM: PD	WARD: Castle



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Summary

- The application is at Committee because there have been more than five objections from five different City addresses and the recommendation is for an approval.
- Seven objections raise concerns relating to residential amenity, the quality of accommodation, character of the conservation area, parking, noise and trees.
- The main issues are the principle of development, impact on the character and appearance of the conservation area, the standard of accommodation, residential amenity for the future and neighbouring occupiers, parking and highways safety, trees, noise and general disturbance and drainage.
- The recommendation is for an approval with conditions.

The Site

The application relates to a three-storey building, located within the Stoneygate Conservation Area, covered by an Article 4 Direction restricting alterations to the property that could otherwise be undertaken under the permitted development provision. The site is located within an area characterised as primarily residential.

The site is also covered by Article 4 Direction restricting change of uses to houses in multiple occupation within Class C4.

Attached to the south of the site is a house in multiple occupation (HMO) at 21 East Avenue. Further to the south 25 and 27 are properties in use as Class C4- HMOs. Located to the northern side and rear of the site are dwelling houses (Class C3). Opposite the site is a primary school.

The site lies within Critical Drainage Areas and Laapc 250m Buffer (Bliss Laundry & Dry-Cleaning)

Background

19 East Avenue

20201291 - Change of use from house (Class C3) to seven self-contained flats (6x1 bed; 1x2 bed) (Class C3); demolition of outbuilding and wall to rear; hardstanding and alterations – Withdrawn- December 2020.

19-27 East Avenue

19930765 - extension to rear of nursery home to provide disabled persons toilets – Approved-16/07/1993.

19810051 – Construction of external staircase at rear of nursing home. Conditional approval was granted in 1981.

19870596 – Alterations and extension to nursing home to form lift shaft and link bridge between nos. 19 and 21 East Avenue.

19791110 - Alterations to and erection of two storey extension to nursing home - Approved 13/09/1979.

19-21 East Avenue

20031138 – Change of use from nursing home (Class D1) to two dwelling houses (Class C3). Conditional approval was granted in August 2003. Implemented.

19 - 25 East Avenue

20210206 - Notification of proposed felling of ten trees (T1-T10) within the rear garden of 19-21, and 25 East Avenue within Stoneygate Conservation Area – unconditional approval 22/03/2021– implemented.

20001451 - Change of use of nos. 23-25 from nursing home to two single dwelling houses (Class C3); two storey extension to rear of 25 East Avenue; alterations to care home at 19-21 to form laundry room - Approved- 30/11/2000.

Planning history indicates that in 2003 permission (20031138) was granted for the change of use from a nursing home (Class D1) to two dwelling houses at 19-21 East Avenue. However, it is unclear if this consent was implemented and when the HMO use commenced at the application site. However, Council Tax records shows that the property was used as a student HMO for 7 to 10 persons since July 2006, although the property has been empty since July 2020. Private Sector Housing has confirmed that 19 East Avenue has been licensed since 2007 for up to 10 people. It appears that the property has been used as a HMO (Sui Generis) for well over 10 years. On the balance of probability, I have concluded that the lawful use of the property is a larger HMO (Sui Generis).

The Proposal

The application as initially submitted was for a change of use from a house in multiple occupation (HMO) (10 persons) (Sui Generis) to seven self-contained flats (6 x 1 bed, 1 x 2 bed) (Class C3) including the demolition of the outbuilding and roof alteration to the rear single storey building. It included five parking spaces on the site: one in the front courtyard, against the window of the ground floor flat and four at the rear.

The amended scheme reduces the number of flats from 7 to 6, retains the outbuilding, deletes the parking spaces at the front and rear of the site and proposes 1 parking space on the side driveway. The proposal is as follows:

Three, one bed flats (nos. 1, 2 and 3) would be located on the ground floor level:

- flat 1 (2 persons) - 53 sqm
- flat 2 (2 persons) - 57 sqm
- flat 3 (2 persons) - 51 sqm

Three two bedrooms flats (nos. 4, 5 and 6) would be located on the first and second floors:

- flat 4 (3 persons) - 58 sqm
- flat 5 (4 persons) - 81 sqm
- flat 6 (3 persons) - 64 sqm
- Removal of the external spiral staircase and the handrails on the flat roof at the rear of the second floor.
- Roof alterations and replacement windows on the rear single storey building.
- Replacement slate roof tiles to match existing.
- Timber windows to side elevations to match existing.
- Existing black timber door on the second floor (rear elevation) to be removed and replaced with a full height window.
- One-way obscure film on the bay and small windows to the side elevation serving Flat 4, on the first floor.
- The detached rear garage/outbuilding to provide secure and covered cycle parking and a bin storage.

- One parking space on the existing side driveway.
- The rear garden would be shared between all the occupants of the flats.
- Hard and soft landscaping to front and the rear garden.

Policy Considerations

National Planning Policy Framework (NPPF) 2021:

Paragraph 2. The framework requires that applications for planning permission 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.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) 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:

i. 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

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 38 encourages local planning authorities to approach decisions in a positive and creative way and states that they should work proactively with applicants. It goes on to state that decision makers should seek to approve applications for sustainable development where possible.

Paragraphs 110 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 111 advises 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 119 advises that planning policies and decisions should promote an 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 130 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 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance, taking in local design guidance and supplementary planning documents. Significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Paragraph 167 - When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

Paragraph 196 states that where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

Paragraph 197 requires local planning authorities to take account of: (a) sustaining heritage assets with viable uses; (b) the positive contribution heritage assets can make to communities including economic viability; and (c) the desirability of development positively contributing to local character and distinctiveness; when determining applications.

Paragraph 202 states that proposals leading to less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal.

Paragraph 206 states that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Development Plan policies:

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

Additional planning documents:

Residential Amenity: Supplementary Planning Document (2008)

City of Leicester Local Plan Appendix 1

Stoneygate Conservation Area Character Appraisal.

Other documents

Housing and Economic Development Needs Assessment (2017).

Leicester City Council Corporate Guidance – Achieving Well Designed Homes (2019).

Consultations

Conservation Advisory Panel (CAP): No additional comment made.

Local Highway Authority (LHA): Originally raised concerns that the parking arrangements were not workable. However, they acknowledge that the HMO for 10 beds provides two parking spaces and the site is in a sustainable location with good public transport and cycling network. Therefore, it be difficult to sustain a highway refusal on the basis that the lack of parking would result in severe highway impact given the existing use.

Representations

7 objections have been received to the original scheme including one from the Stoneygate Conservation Society raising the following concerns:

- Additional parking at the front; external alterations and replacement UPVC windows are detrimental to the character of this property and the character of conservation area.
- The house makes a significant contribution the Stoneygate Conservation Area and any use of premises should be sustainable.
- Retain distinctive dragon finial on the front roof elevation and decorative planters etc and add soft landscaping to the frontage.
- Inadequate parking for 7 flats which will lead to more on-street parking, congestion onto other streets resulting in highways and pedestrian safety.
- The road is used for St John's school drop-off and pickup and is already very congested during these times. Additional vehicles on the street will only make this situation worse.
- Car ownership is likely to be higher than amongst the students who lived there previously.
- The surroundings of the house would be dominated by car parking, a trend which should be discouraged both for its effect on appearance and on drainage
- Difficult to manoeuvre a vehicle in and out of the building. Proposed parking spaces are impractical and unusable.
- The earlier version of this application (20201291) was withdrawn, not approved as stated in the D & A Statement
- The local residents have already objected before to similar proposals as submitted and their concerns are still relevant.
- Planning notices were not displayed by the LCC.
- Questioned as to how many residents that border 19 East Avenue have been consulted?
- HMO restriction is in place within the area, but dwellings are still being converted to flats just outside the HMO area and within.
- Proposed flats if allowed will set a negative precedent.

- Over provision of numbers of flats. A smaller number of more roomy luxury flats would solve many problems. Reducing the number of flats to 5 would lessen the effect on parking both on and off the site.
- Reversal to family home would be the ideal but, given its size and history, this would probably be difficult to achieve so have no objection to conversion from student HMO to flats
- Minimum National Space Standards must apply to the proposed flats.
- Inadequate fire escape route.
- Increase in number residents will cause further noise and disturbance.
- No outdoor provision for bins required for 7 flats.
- parking spaces at rear garden close to shared boundary would cause additional noise and disturbance and toxic fumes into adjacent rear gardens.
- The trees should be replanted instead of car parking spaces. Row of trees have already gone. Loss of the green space and trees would be detrimental to the local environment
- The demolition of the flat roofed garage building would result in loss of privacy and impact on the natural environment, wildlife habitats and drainage.
- Concerned about plasterwork in existing rooms.
- Provision of future satellite dishes should be considered to the rear, or via underground cabling.

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. It goes on to require new housing developments to provide an appropriate mix of housing and in particular larger family housing.

Policy CS08 states that Neighbourhoods should be sustainable places that people choose to live and work. Within the inner-City areas, it is council priority to retain good quality housing, conversion of large houses; and local over concentration of HMO should be resisted. The Council will seek to ensure that the distinctive characteristic of existing properties are retained.

The Housing and Economic Development Needs Assessment (2017), suggests that there is a greater demand for 2 bedroomed dwellings than 4 or more bedroomed dwellings.

The Article 4 Direction is in place to restrict the conversion of residential properties into houses in multiple occupation for up to 6 people. The application site is a HMO within a sui generis use and will not result in the loss of the large house nor will it result in the loss of residential property to non-residential use.

The proposal would make a small contribution to housing supply through the conversion of this site within an established residential area. The proposal would be

consistent with the broad objectives of Core Strategy policies CS06 and CS08 in providing a supply of dwellings of varying types.

In the above policy context and having particular regard to the City's current housing supply position, I consider that the development of this site to provide six flats is acceptable in principle, subject to consideration of the amenity and privacy of neighbouring occupiers; the character and appearance of the area (including the setting of the Stoneygate Conservation Area); the quality of the proposed accommodation; access and parking provision, drainage, noise/disturbance and landscaping.

Character and Appearance of the conservation area

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 and take into account Leicester's history and heritage", as well as "Contribute positively to an area's character and appearance

Policy CS18 seeks opportunities to enhance and protect the historic environment, including the character and setting of designated heritage assets. The Policy goes on to support the sensitive reuse of high-quality historic buildings and spaces, promote the integration of heritage assets and new development to create attractive spaces and places, and encourage contemporary design rather than pastiche replicas.

The property is located in the Stoneygate Conservation Area, in relative proximity to a number of Grade II and Grade II* Listed assets. The building is a Victorian Gothic Revival property, which adds to the character and appearance of the Conservation Area.

The Stoneygate Conservation Area Character Appraisal highlights the negative impact that the loss of features such as gardens, forecourts and front boundary walls can have on the character and appearance of the conservation area, citing St. John's Road (among others) as examples where this has occurred. The Appraisal also sets out management and enhancement proposals for the conservation area, including a presumption against the demolition of buildings that make a positive contribution to the conservation area.

The amended proposal retains the detached rear garage/outbuilding, which was probably built as a coach house and is contemporary with the Villa, and therefore its retention is welcomed.

The amendments also include the removal of the parking spaces to the front and rear which was initially proposed and the retention of rear garden for the shared use by residents is welcomed. I consider that the amended scheme and proposed landscaping would protect the character and appearance of the building and the conservation area.

The existing rear single storey extension is in a poor condition. The amended plans add detailing of the windows/door and a new roof to the single storey rear extension. The existing Swithland slate roof would be replaced with natural slate to match the existing as closely as practicable. I consider this part of the proposal would maintain the character and appearance of the site and the conservation area.

It is noted that some UPVC windows exist at the property, but to protect the character and appearance of the conservation area, the proposed windows and doors should be timber. The amended scheme also includes timber windows to front and side elevations to match the design and style of existing windows. At the rear, conservation style new and replacement uPVC windows are proposed. I consider the proposed

alterations to be acceptable and recommend a condition in this respect requiring joinery details and cross section drawings including details of the slate roof tiles and brick samples to be submitted for approval.

The front forecourt would remain as it appears currently with boundary treatment to the front also remaining unaltered. In addition, the metal railing around the flat roof and spiral external staircase at the rear will also be removed to improve the visual and residential amenity of future occupiers and the surrounding area, and this is welcomed.

The bins and cycle store would be contained within the existing garage/outbuilding and the attached store at the rear. Alteration are proposed to facilitate this, but they would be relatively minor. I am satisfied that they would not detract from the residential quality of the street scene and character and appearance of the conservation area.

The change of use of the site to flats would not materially alter the character of Stoneygate Conservation Area. However, the site would remain in residential use which is compatible with the adjacent properties. I acknowledge that the Conservation Area Character Appraisal promotes this particular Conservation Area as one which comprises of family sized dwellings, but I consider that the proposed flats would also provide a mixed of suitable size of residential accommodation as opposed to a HMO and access local to services and amenities locally.

I consider the proposal as revised to be in accordance with the aims of the paragraphs 197, 202 and 206 of the NPPF 2021, Core Strategy policies CS03 and CS18 and would not harm the character and appearance of the Conservation Area.

Living conditions (*The proposal*)

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; 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.

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. In particular, it recommends separation distances of 15 metres between a blank wall and principal room windows and of 21 metres between facing principal room windows. The SPD also recommends the provision of a 1.5 and 2 square metres amenity space for one and two bed flats.

Whilst not adopted policy, the Nationally Described Space Standards (NDSS) requires Gross Internal Floor Area of 39 sqm (1 person) and 50 sqm (2 people) for one bed flats; 70sqm (3 person) and 79 sqm (4 person) for two bed flats (over 2 storey).

The numbers of flat have been reduced to six, three one and three two bed flats. Three one bed flats: flat one (53sq metres), flats two (57sq metres), and flat three (51sq metres), would be located on the ground floor level. The proposed one bed flats on the ground floor would meet the NDSS. All principal rooms to these flats would have reasonable outlook to the front, side, or rear.

The two bedrooms flats: flat four (58sq metres), flat five (81sq metres), and flat six (64sq metres), would be located on the first and second floors. Whilst the two bed flat five (4 person) would meet the NDSS, two bed Flat four and Flat six (3 persons) would be marginally smaller and some rooms in flat 6 are within the roof space would have limited head heights as required by the NDSS. On balance, I consider that the sizes of the flats in this case are acceptable given the reasonable and workable layout of the building.

Although some principal rooms of the first floor flat four have side facing windows that faces 21 East Avenue, these windows are existing that served principal rooms of the HMO. However, one-way obscure film has been proposed on the bay and small window to the side windows serving flat four, located on first floor. The windows in the side elevations which serves non habitable rooms or serves as secondary windows will have obscure glazing to protect the privacy of the existing future occupiers. A condition is being recommended in this respect.

The change of use of the site would not introduce any new side or rear facing principal room windows and would not alter the relationship between the host property and adjacent houses to the both sides and to the rear. The existing property is 10-bedroom HMO with front, side and rear facing principal room windows. There is separation distance of between approximately 9 metres to 12 metres from the rear of the building to rear its boundary. The existing windows at the rear serving mostly principal rooms would maintain a separation distance of over 21 metres between the rear principal room windows of the host and the properties at the rear on Central Avenue.

I acknowledge that two flats out of six fall short of the recommendations of the NDSS, which is not adopted Council Planning Policy. However, when taken in combination with the size of accommodation and layout which provides reasonable outlook, light and privacy for the future occupiers. I consider that the proposal would provide an adequate living environment in accordance with the paragraphs 130 of the NPPF and saved policy H07 of the City of Leicester Local Plan.

The garage/outbuilding will be retained to provide cycle parking and a bin storage. The existing garden area and paved patio area would be retained and shared between the occupants of the flats. Total amenity space required for six flats equates to 10.5 sq. meters. I consider that the amenity space (approximately 90 sqm) would be more than adequate for the proposed flats. All resident would have access to the shared amenity area, bins and cycle storage area which is conveniently and easily accessible.

In addition, the site is within walking distance of Victoria Park, located in a good location for access to amenities, public transport routes and local services suitable for residential use. In context of the access to services and amenities in the local area combined with the good size of internal circulation I consider that the proposal would not create a cramped living environment to the detriment of the amenity of future occupiers.

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 as this is a conversion of the property it is unreasonable to expect that the proposed development would be able to secure compliance with Building Regulations Standard M4(2).

Having regard to the Residential Amenity SPD and the site context, the proposal would not result in unacceptable loss of an alternative use or the loss of family house and the site is in a sustainable location within a predominantly residential area. I consider

that the proposed flats would be of a good size and the proposal would provide satisfactory living conditions for the future occupiers that would be consistent with Core Strategy Policies CS03 and CS06 and saved Local Plan Policies H07 and PS10.

Residential amenity (*neighbouring properties*)

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.

The site is bounded by a detached two storey property (No 11 East Avenue) to north and no 21 East Avenue, an attached two storey property, 17 and 19 Central Avenue at the rear are semi-detached dwellings. An over 1.8m high fence and brick walls screen the common boundaries.

The existing property has front, side and rear facing principal room windows. The alterations and change of use of the site would not introduce any new side or rear facing principal room windows or would alter the relationship between the application site and the neighbouring properties. As such I consider the proposed use of the site being six flats would not result in any greater impacts in respect of overlooking and loss of privacy to the neighbouring properties.

Concerns have been raised by objectors that the change of use and loss of trees would further give rise to loss of privacy. Whilst hedges have been removed, the proposal still maintain over 21m separation distance to the rear, so I cannot give this concern a significant weight in this instance. The revised proposal also includes removal of railing on the flat roof at the rear and the spiral staircase in order to protect the privacy and amenity of the neighbouring properties as well as to improve the character and appearance of host property and the conservation area.

I recognise that the site would now be used as six separate units which could marginally increase the comings and goings from the site. In respect of noise and disturbance, the proposal would not increase the number of bedrooms available on site. However, proposed use relatively would not be significantly different to the existing use as a shared accommodation with approximately 10 persons occupying the site and therefore, I consider the revised proposal to be acceptable in this instance.

On balance, 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.

Parking and highway safety

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 applicant states that currently the site provides between 2 to 3 car parking spaces on the driveway and within the garage. The amended plan shows that the outbuilding building will be retained for cycle storage and one parking space will be provided on

the driveway. The policy requirement for parking provision would be 9 spaces (3 for the one-bed flats and 6 for the two-bed flats), and as such the provision of 1 space would result in a significant shortfall. Whilst this is not ideal, the site is in a sustainable location, close to London Road, Queens Road and Victoria Park Road, with good links to the public transport and cycling network. I believe that it would be difficult to sustain a highway refusal on basis of lack of parking that would result in a severe highway impact.

In addition to cycle parking to be provided on site, I recommend a travel pack condition to encourage the use sustainable modes of transport and to provide information on local amenities to the future occupiers to promote the use of more sustainable modes of travel other than by cars.

I conclude that the proposal would comply with the aims of the paragraphs 110 and 111 of the NPPF, Core Strategy Policies CS14 and 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.

Drainage

Policy CS02 of the Leicester Core Strategy (2014) states 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. Saved Policy BE20 of the Local Plan (2006) undertakes only to permit development if adequate mitigation measures can be implemented to reduce the risk to an acceptable level.

The application site is within a Critical Drainage Area. The proposed development would not result in the creation of significant hardstanding area and alterations to the rear extension would be on an area which already comprises of hardstanding. As such I consider that it would unreasonable to require the submission of drainage and suds information as part of this application.

I conclude that the proposal would not have an unacceptable impact upon drainage and that the proposal would comply with Policy CS02 of the Core Strategy.

Landscaping/trees

Policy CS03 of the Leicester Core Strategy (2014) sets out an expectation for high quality, well designed development that contribute positively to the character and appearance of the local natural and built environment. Saved Policy UD06 of the Local Plan (2006) resists development that would impinge upon landscape features of amenity value and requires new development to include planting proposals.

The rear garden will be retained and together with the proposed landscaping would help to enhance the character and appearance of the building and the conservation area.

Recently permission was granted to remove ten Cypress (conifer) trees (approximately 14M in height with average crown spreads of 3.5M located across the rear boundary line of 19 – 25 East Avenue) located within the garden of 19-21. These trees were planted at less than 1M spaces and were deemed a hedge. As they were considered unsafe and did not fall under the legislation requiring formal consent or consideration for further protection.

The proposed change of use and alterations would not result in the loss of any mature trees and no significant hardstanding area is proposed on the site. As such, I consider the proposal would not have an adverse impact on wildlife or the natural environment. A condition is also recommended requiring hard and soft landscaping scheme to enhance the character and appearance of the building and the conservation area. I

consider the proposal would be in accordance with Policy CS03 of the Core Strategy and saved Policy UD06 of the Local Plan.

Other matters

The issues /concerns over the alterations and conversion of the property, residential amenity, heritage issues, access and parking, trees and wildlife issues raised by the residents have been addressed in the above relevant sections.

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

Lack of consultation and publicity. The City Council have carried out consultations with local residents and the application has been given the publicity required, a site notice was displayed near to the site, and adjoining neighbouring properties were notified and sufficient time have been allowed to submit concerns in accordance with planning legislation.

Anti-social behaviour from future occupants of the flats is unlikely to be materially different from the existing use to warrant a refusal on this ground.

Provision of fire escape routes are matters for other agencies, i.e. the fire authority/building regulations.

The type of luxury flats, management and maintenance of building are matters for the applicant.

Any provision of future satellite dishes would be considered in accordance GPDO and the current national and local plan policies.

Planning permission is not required to retain internal decor or internal plasterworks of the building.

Conclusion

The proposal 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 Stoneygate Conservation Area would be acceptable. The development would secure satisfactory living conditions for future occupiers. The parking and drainage arrangements would be acceptable. Overall, the proposal is considered acceptable and would be in accordance with the aims of the NPPF, development plan policies.

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

CONDITIONS

1. START WITHIN THREE YEARS
2. Before the development is begun, 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 the character of the Conservation Area and visual amenity, in accordance with Core Strategy policies CS03 and CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)
3. Prior to commencement of the approved development, full joinery details including horizontal and vertical cross sections of all new windows and doors (scale 1:2 / 1:5 as appropriate) shall be submitted to and approved in writing by

the City Council as local planning authority, and the works carried out in accordance with the approved details and retained as such. (In the interests of preserving and enhancing the character and appearance of the conservation area, and in accordance with Core Strategy policy CS18 Historic Environment. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

4. Before the occupation of the development the principal room windows serving flat no 4 in the north side elevation and windows serving flat no 5 and 6 in the south side elevations at first floor and at roof level levels shall be fitted with sealed one way obscure glazing (with the exception of top opening light) and retained as such, unless otherwise agreed in writing with the City Council as planning authority. (In the interests of the amenity of future occupiers and in accordance with policy PS10 of the City of Leicester Local Plan.)
5. The existing flat roof area at the rear shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority. (In the interests of the amenity of the nearby occupiers and in accordance with policy PS10 of the City of Leicester Local Plan.)
6. Before the occupation of the flats, a landscaping scheme showing the treatment of all parts of the site not to be built upon, including soft and hard surfacing and boundary treatment, shall be submitted to and approved by the City Council as local planning authority. and the approved scheme shall be implemented and retained thereafter. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3. To ensure that the details are agreed in time to be incorporated into the development.)
7. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the City Council as local planning authority. These arrangements shall be maintained thereafter. (In the interests of the amenities of the surrounding area, and in accordance with policies UD06, H07 and PS10 of the City of Leicester Local Plan and Core Strategy policy CS03.)
8. The one parking space as shown on the approved plans shall be retained and kept available for that use. (To ensure that parking/servicing can take place in a satisfactory manner; and in accordance with policies AM01 and AM12 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS14.)
9. No part of the development shall be occupied until 12 secure and covered cycle parking has been provided and retained thereafter, in accordance with written details previously approved by City Council as local planning authority. (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.)
10. 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.)

11. Development shall be carried out in accordance with the following amended approved plans:
DSA-21024-PL-EXT-01-D- Existing Plans and Elevations, Existing Roof Plan
DSA-21024-PL-PRO-01-K - Site plan, proposed plans and elevations
Received on 13/01/2022

(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 considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process. The decision 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 2021 is considered to be a positive outcome of these discussions.
2. The applicant is reminded that the site is within the Stoneygate Conservation Area and that notwithstanding this planning permission, no existing trees, shrubs or hedges on the site should be topped, lopped, uprooted, felled or wilfully damaged without the prior approval of the City Council as local planning authority.

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_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. |
| 2006_UD06 | New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria. |
| 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.

Appendix A2

20212642	6 St Dunstan Road	
Proposal:	Change of use from house in multiple occupation for 6 persons (Class C4) to house in multiple occupation for 7 persons (Sui Generis)	
Applicant:	Mr Umesh Kalra	
App type:	Operational development - full application	
Status:	Change of use	
Expiry Date:	20 December 2021	
PB	TEAM: PD	WARD: Fosse



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Summary

- The application is brought to the Committee as there have been more than five objections from more than five different City addresses and the recommendation is for approval.
- Objections relate to the concentration of houses in multiple occupation in this area and associated impacts including noise, parking, waste and the balance of the local community.

- The main issues in this case are: the principle of the change of use, amenity of existing, future and neighbouring occupiers, character of the area, parking, noise, waste and drainage
- The application is recommended for approval with conditions.

The Site

This application relates to a two-storey late 19th Century end-of-terrace dwellinghouse located on the east side of St. Dunstan Road. The dwelling has been enlarged by the addition of front and rear dormers and by a single storey extension to the rear of the original two storey outrigger. A small timber-framed canopy has been added to part of the side of the rear extension.

St. Dunstan Road is a short cul-de-sac of twelve houses. The carriageway does not have any turning head. On street parking is not controlled.

The site is located within a Critical Drainage Area. It is also within a 250 metres buffer of a former landfill site in Carlisle Street and within a 250 metres local authority air pollution control buffer of a vapour recovery site in Glenfield Road.

Background

In 2021 notification of a proposal to carry out a larger single storey rear extension was submitted and the determination was that prior approval was not required (20210494) – implemented

Also in 2021 a planning application was submitted for the construction of a dormer roof extension and the installation of rooflights at the front of the house (20210779). Planning permission was granted subject to a condition requiring finish in matching materials - Implemented

There is no record relating to the rear dormer although this is indicated in outline on the proposed drawing for application 20210799 with an annotation that it was to be constructed under permitted development rights for householders – implemented.

There is no record relating to the change of use from a Class C3 dwellinghouse to a Class C4 house in multiple occupation. However, the site is not currently within a part of the city to which the Article 4 Direction, controlling otherwise permitted changes from Class C3 to C4 use, applies. However, permission is required from Class C4 that allows for small shared houses occupied by between three and six unrelated individuals, whereas a house occupied by seven unrelated individuals falls outside of Class C4 and falls within a Sui Generis use class.

The Proposal

The proposal is for a change the use of the property from a house in multiple occupation for 6 persons (Class C4) to a house in multiple occupation for 7 persons (Sui Generis).

The application existing drawing shows that there are two bedrooms on the ground floor and three bedrooms on the first floor, each with an *en-suite*, and that there is a

further bedroom within the front attic space served by a separate shower room. The bedroom sizes range from 8.8m² to 13.8m² and all are marked as single-occupancy rooms for 6 persons. The proposal shows that the seventh bedroom would be provided within the rear dormer. This would have an area of 10m² and would share the separate shower room with the front attic space room.

Policy Considerations

National Planning Policy Framework (NPPF) (2021)

Paragraph 8 establishes three, overarching and interdependent objectives for sustainable development. They are: an economic objective; a social objective; and an environmental objective.

Paragraph 11 states that decisions should apply a presumption in favour of sustainable development. For decision taking this means: approving development proposals that accord with an up-to-date development plan without delay; and 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:

- i. 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
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.

Paragraph 38 states that local planning authorities should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area, and that decision makers should approve applications for sustainable development where possible.

Paragraph 56 states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development, enforceable, precise and reasonable.

Paragraph 69 states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and that local planning authorities should give great weight to the benefits of using suitable sites within existing settlements.

Paragraph 111 states that development should only be prevented on highway grounds if there would be an unacceptable impact on highway safety or severe cumulative impacts on the road network.

Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and goes on to recognise that good design is a key aspect of sustainable development.

Paragraph 130 sets out decisions criteria for achieving well designed places. It states that decisions should ensure that developments (a) will function well and add to the overall quality of the area; (b) are visually attractive as a result of good architecture; (c) are sympathetic to local character and history, including the surrounding built environment; and (f) create places with a high standard of amenity for existing and future users.

Paragraph 134 states that development that is not well designed should be refused, taking into account any local design guidance and supplementary planning documents.

Paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

Leicester Core Strategy (2014) and City of Leicester Local Plan (2006)

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

Supplementary Planning Documents

Residential Amenity SPD (2008) – Appendix G

Others

The proposed new Article 4 Direction for Conversion of Dwelling-houses (Class C3) to small Houses in Multiple Occupation (Class C4) – the 8-week consultation period closed on the 13th January 2022. As a Non-Immediate Direction is proposed, this will not come into force until November 2022, if confirmed.

Consultations

The local Highway Authority has advised that the application should be considered using Standing Advice.

The Private Sector Housing Team has advised that it has no comments on the application (but remarks that the property is already licensed as a HMO for 8 people in 7 households).

Representations

Representations have been received from 7 members of the public, raising the following issues:

- add to parking pressure/roadside disharmony
- small cul-de-sac not equipped for this level of occupation
- observed cars generally one per room
- increased traffic
- increased bins/overflowing bins
- strain on services, drains and infrastructure
- area saturated with HMOs

- house already finished and advertised/occupied as 7 bedrooms
- each room small and depressing – not good for tenants
- noise from intensive occupation impacts wellbeing of neighbours
- proposal is for profit
- noise (breaching regulations) and heritage destruction from works to property during lockdown affected mental health
- HMO concentration adversely affecting character and sustainability of neighbourhood
- studentification of area unbalancing the community
- fly tipping and vermin
- increased crime
- loss of family homes adds to housing crisis
- welcome imminent Article 4 and conservation area designation
- best left as a 6 bedroom HMO to minimise impacts
- overpopulation
- oversupply can lead to de-studentification and social, cultural and economic decline
- other local authorities impose tighter controls eg Brighton & Hove
- students not paying council tax – no financial benefit to council to cover increased costs
- answer to question 11 (assessment of flood risk) on application form should be yes
- existing arrangements for bin storage (question 14 of application form) not good enough
- this company seems intent on doing as many HMOs as possible
- disturbance and anti-social behaviour
- forcing long-term residents to move away – communities should be strengthened not destabilised

In addition, a flood map has been submitted showing the proximity of the site to land at risk of flooding, and a screenshot from a property website has been submitted purporting to show the property advertised as a 7 bedroom house on 18/10/2021.

Consideration

The main issues in this case are: the principle of the development; the amenity of neighbouring occupiers, the living conditions of future occupiers, character of the area, maintenance of mixed communities, parking, drainage, waste, noise and the representations

The principle of development

Policy CS06 of the Core Strategy (2014) states that careful consideration will be given to conversions to ensure that there is no adverse impact on the character of the area or the maintenance of mixed communities. It goes on to state that the conversion of existing large houses will be resisted where it would still be appropriate for family use and meet an identified need for this type of accommodation. Policy

Policy CS08 states that, within the inner areas of the city, it is the Council's priority to retain good quality existing housing for which there is demand, and that within neighbourhoods where there is an identified demand for larger houses appropriate for family use should be retained and conversion to other types of accommodation resisted. It also states that, within the inner areas of the city, new houses in multiple occupation requiring planning permission will not be permitted where they would result in a local over concentration.

It is the Council's position that an over-concentration of houses in multiple occupation has occurred in the wider area, and this is the basis of the proposed extension of Article 4 Direction controls (that was the subject of public consultation that closed on 13th January 2022) over future changes of use from Class C3 dwellings to Class C4 shared houses which would include St. Dunstan Road. In terms of the immediate locality, Council records show that there are other houses in multiple occupation/student properties on Glenfield Road (15 houses), Wentworth Road (7 houses) and Bramley Road (3 houses). Overall, I consider that this evidence is indicative that there is a local over-concentration.

In this instance a change of use to a six persons house in multiple occupation has already occurred, as permitted development. Consequently, the proposal does not involve the loss of an existing larger family house nor does not constitute a 'new' house in multiple occupation. I conclude that no conflict with Policy CS08 can therefore be demonstrated.

The subject property is the only house in St. Dunstan Road that appears on the Council records as being in multiple occupation and representations received from members of the public provide some indication of local perception about its impact on the character of the area and the local community. I am sympathetic to the concerns raised, particularly in view of the nature of St. Dunstan Road as a small, relatively quiet cul-de-sac. Enlarging the existing house in multiple occupation does have the potential to exacerbate its impacts and I will consider these in detail below. However, in broad terms, I conclude that the addition of one single-person bedroom would be unlikely to so significantly increase the impact of this house's occupation upon the character of the area or the population balance of the local community as to materially conflict with Policy CS06 in this regard.

Amenity of neighbouring occupiers

Core Strategy (2014) Policy CS03 calls for developments to contribute positively to the character and appearance of the built environment. Saved Policy PS10 of the Local Plan (2006) sets out amenity considerations for new development including (a) noise, (b) the visual quality of the area including potential littering problems, (d) privacy, (e) safety and security and (f) the ability of the area to assimilate development. I will address each of these in turn.

The extensions and alterations to the dwelling have already occurred – the front dormer & rooflight with planning permission, the rear dormer and single storey extension as permitted development. Their impact upon the character and appearance of the built environment therefore falls beyond the scope of this application.

The change of use to seven persons house in multiple occupation would be likely to increase comings and goings to the property and the intensity of residential activity within the house. I am mindful that this is a small, relatively quiet cul-de-sac which as a result may be more sensitive to additional disturbance than, for example, a main road. Nonetheless, I do not consider that it could be demonstrated that the marginal increase in comings and goings associated with one additional single person at the property would give rise to levels of external noise that would significantly harm residential amenity of nearby occupiers above the existing lawful use. In terms of internally generated noise, the applicant's Planning, Access & Design Statement ("the Statement") states that the refurbishment of the property included soundproofing (in excess of Building Regulations requirements) and a note on the application proposed drawing repeats this claim. Irrespective, I do not consider that it could be demonstrated that the marginal increase in internally generated noise associated with one additional person would so significantly affect the amenity of the occupiers of the adjoining terraced house at 8 St. Dunstan Road as to justify withholding planning permission.

The principal visual impact of the proposal is likely to be upon increased waste and recycling arising at the property. The applicant has provided a 'Guide to Living' document that, amongst other things, draws tenants' attention to considerate practice as regards bin collection and storage. In common with other terraced properties in this area, there is a passageway (shared with the adjoining house) from the front to the rear of the property, and the submitted block plan denotes a location for four wheelie bins (2 x waste, 2 x recycling) within the rear amenity space. However, at the time of my site visit, I observed one wheelie bin left indiscriminately on the forecourt and no other bins were visible at the rear. I consider that one wheelie bin for seven persons shared house would be inadequate and that four bins (if provided) left indiscriminately on the forecourt would be harmful to the visual quality of St. Dunstan's Road. I therefore recommend that the number and storage arrangements for the bins be made the subject of a condition of any planning permission for the proposal.

The rear dormer is shown as a storeroom. The proposal would bring this room into occupation as habitable space, however overlooking relationships between the rear window serving this room and surrounding neighbouring properties would be within normal parameters for a residential locality within the inner area of the city. I am satisfied overall that the proposal would minimal impact upon the privacy of any neighbouring occupiers.

Council analysis (produced as part of the current Article 4 Direction consultation) does illustrate a link between houses in multiple occupation and increased incidence of anti-social behaviour, and this appears to be reflected in the representations received from members of the public to this application. Again, however, it must be borne in mind that the subject property is already lawfully in use as a house in multiple occupation, and I do not consider that the likelihood of any material increase in crime or anti-social behaviour could be robustly attributed to one additional person at the property.

The ability of the area to assimilate the proposal is already addressed in the preceding 'principle of development' section of this report.

Living conditions of future occupiers

Policy CS03 of the Core Strategy (2014) states that new development should create buildings and spaces that are fit for purpose, and that consideration should be given to future management and maintenance. Saved Policy PS10 of the Local Plan (2006) applies to the amenity of future as well as existing neighbouring residents

The Nationally Described Space Standards (NDSS) are not yet adopted in Leicester. Nevertheless, the adequacy of internal space is part of the creation of a satisfactory living environment for future occupiers and as such remains a material consideration.

The enlarged house, as a whole, has a gross internal area (when scaled from the application drawings) of approximately 150m². This compares favourably with the NDSS which, requires 129m² for a seven persons three-storey dwelling.

The NDSS also requires that a bedroom providing one bedspace has an area of at least 7.5m² and a width of at least 2.15m. The proposed additional bedroom would have an area of 10m² and its width would be 2.3m. The other bedrooms in the property also meet and slightly exceed this NDSS in this regard.

The NDSS also requires a minimum floor to ceiling height of 2.3m for at least 75% of the gross internal area. The Statement submitted with the application states that the proposed additional bedroom has 2.3m floor to ceiling height. As the space was created by the recent dormer extension (the subject of Building Regulations checks) I have no reason to doubt this.

I am satisfied that the east-facing dormer window serving the proposed additional bedroom would provide acceptable levels of daylight and sunlight for future occupiers. The outlook provided would be over the rear amenity space of the property and more generally of neighbouring properties and sky and would, I consider, be acceptable in the context of this inner area part of the city.

In common with other occupiers of the house, future occupier of the proposed additional bedroom would have access to the communal kitchen and living space provided within the outrigger and extension on the ground floor. This provides 28.5m² space (gross) and, whilst clearly not generous, is nevertheless not unreasonable for seven occupiers to share and benefit from windows and a door onto the rear amenity space.

Approximately 25m² amenity space is provided at the rear. Appendix E of the Residential Amenity SPD is silent on amenity space expectations for houses in multiple occupation, but as a proxy it is worth noting that the SPD recommends 75m² for 2-3 bedroom terraced dwellings and 100m² for larger family homes. In this respect the application property falls short, and in practice the area available for the enjoyment of the occupiers is diminished further by the need to accommodate bin storage and cycle parking within it. However, small (substandard) rear gardens are a

common attribute of the turn-of-the-century houses in this area and, in this existing context, I do not find that the space is so small as to give rise to unacceptable living conditions for the future occupiers. It is notable that Fosse Road Recreation Ground is nearby.

I consider that adequate and convenient arrangements for the storage and collection of waste and recycling is an important attribute of a good quality living environment. In this regard I find that the condition already proposed with regards to bin storage and collection arrangements would also serve the interests of the future occupiers.

Parking

Policy CS15 of the Core Strategy (2014) states that parking for residential development should be appropriate for the type of dwelling and its location and take account of the available off-street and on-street parking and public transport. Parking standards for cars and bicycles are set out at Appendix 01 of the Local Plan (2006) and are given effect by saved Policies AM02 and AM12.

The local Highway Authority has referred to the standing Highways Advice for Planning Officers (Rev4 May 2021). In respect of houses in multiple occupation, this states that proposals should be assessed for car and cycle parking using Local Plan Parking guidance.

There is no standard specified at Appendix 01 for car parking for housing in multiple occupation. The standard for Class C3 dwellinghouses calls for two car parking spaces for 3+ bedroom properties.

In common with most other properties in this area there is no off-street car parking for the site. As a Class C3 dwellinghouse the application property would have generated a standard requirement for two spaces which could not be met off-street, and this shortfall is maintained when the standard is applied by proxy to the property as house in multiple occupation. The particular circumstances St. Dunstan Road (relatively short and lacking a turning area) which create constrained on-street car parking conditions are acknowledged. On the other hand, houses in multiple occupation typically appeal to individuals (such as students and those making their first move out of the parental home) at the lower end of the income scale, for whom car ownership may be a lower economic priority. On balance, I consider that the proposed additional bedroom for an additional person would be unlikely to have a materially exacerbating impact upon on-street car parking conditions in St. Dunstan Road or the surrounding streets.

Paragraph 111 of the NPPF is clear that development should only be prevented on highway grounds if there would be an unacceptable impact on highway safety or severe cumulative impacts on the road network. In view of my conclusions about on-street car parking, I am not convinced that such magnitude of impacts could be demonstrated in this case.

Appendix 01 does not specify any standard for cycle parking for housing in multiple occupation, although it does specify 1 space per 2 bedspaces for student accommodation and this would seem to be a relevant proxy. This generates an

overall requirement for the house of 4 spaces. The submitted plan denotes four cycle parking spaces within the rear amenity space. At the time of my site visit, I observed that there was a covered space within the rear amenity space however this did not accommodate any racks/stands that would provide formalised, secure cycle parking spaces. I therefore recommend that an appropriate number of cycle racks/stands be secured for the future occupiers via a condition of any planning permission for the proposal.

Other matters

As the proposal is for a change of use and does not involve any new buildings or extensions I am satisfied that there is no risk of any material increase in surface water run-off within this critical drainage area. Similarly, given the nature of the proposal, I do not consider that the proposal raises any material issues within the buffer zones of nearby former landfill and vapour recovery sites.

Turning to the issues raised in representations by members of the public and not otherwise dealt with in the preceding sections of this report:

- *strain on services, drains and infrastructure*: noted but additional impact of one single person bedroom is unlikely to be significant
- *house already finished and advertised/occupied as 7 bedrooms*: the applicant has advised that only rooms 1,3,4,5,7 are let agreed at the present time
- *noise (breaching regulations) and heritage destruction from works to property during lockdown affected mental health*: noted with regret but this is beyond the scope of consideration of the current application
- *oversupply can lead to de-studentification and social, cultural and economic decline*: this is a matter to be considered and addressed as part of the preparation of a new Local Plan for the city
- *other local authorities impose tighter controls eg Brighton & Hove*: as above, and note current consultation on extended Article 4 Direction controlled area
- *students not paying council tax – no financial benefit to council to cover increased costs*: noted but this is beyond the scope of consideration of the current application
- *answer to question 11 (assessment of flood risk) on application form should be yes*: question 11 asks ‘Will the proposal increase flood risk elsewhere?’ and I believe that the answer provided is correct
- *this company seems intent on doing as many HMOs as possible*: noted but this is beyond the scope of consideration of the current application

The Planning Balance

Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development and sets out an explanation of what that means for decision taking. Footnote 8 to the paragraph further explains that out-of-date policies includes situations where the local planning authority cannot demonstrate a five years’ supply of deliverable housing sites (with the appropriate buffer).

The City Council cannot currently demonstrate a five years' supply of deliverable housing sites and as this planning application involves the provision of housing the so-called 'tilted balance' under paragraph 11 of the NPPF is invoked. I acknowledge that houses in multiple occupation do help to meet accommodation need, within the broader private rented sector, particularly for individuals at the lower end of the income scale. This needs to be balanced against the harmful impacts that an over-concentration of housing in multiple occupation can have on the character of an area and the balance between more settled and more transient components of local communities. In this case I have found that, subject to conditions, the impacts of an additional one-person bedroom would not be so significant as to justify withholding planning permission. With the resulting positive recommendation, I consider that there is no need to consider the so-called 'tilted balance' further.

Conclusions

The application site is located within an area that suffers from an over concentration of houses in multiple occupation. However, the applicant has quite lawfully exercised permitted development rights to enlarge the property and change its use to a six persons house in multiple occupation. The subject proposal, effectively for the addition of a further one-person bedroom, would not create a 'new' house in multiple occupation within the area nor would involve the loss of an existing larger family house. In these respects, therefore, I conclude that there would be no conflict with the relevant provisions of Policies CS06 & CS08 of the Core Strategy.

I acknowledge the local perception, as reflected in representations from members of the public, about the impact that the conversion of this property to a house in multiple occupation has had upon the character of the area, the local community and residential amenity. However I have found that the addition of a further one-person bedroom would not exacerbate most of the impacts that the permitted change of use has already had to any material or unacceptable degree, and that in respect of waste management and the provision of appropriate cycle storage these are matters that can be resolved as conditions of planning permission. I conclude that there would be no conflict with the relevant provisions of Policies CS03 & CS06 of the Core Strategy, nor with the relevant provisions of saved Policy PS10 of the Local Plan, in these regards.

I have found that the proposal would provide an acceptable standard of accommodation for its future occupiers. In reaching this finding, I have had regard to the NDSS that is not an adopted policy of the Council, the Residential Amenity SPD and the consultation response (raising no objection) from the Council's Private Sector Housing team. I conclude that there would be no conflict with the relevant provisions of Policy CS03 of the Core Strategy, nor with the relevant provisions of saved Policy PS10 of the Local Plan, in this regard.

I acknowledge the particular circumstances St. Dunstan Road but find that, on balance of the likely low propensity of future occupiers to own a car, that the proposal would not pose a significant risk of materially exacerbating local on-street car parking conditions. As noted above, the provision of appropriate cycle storage can be resolved as a condition of planning permission. I conclude that there would be no conflict with the relevant provisions of Policy CS15 of the Core Strategy, nor

with the relevant provisions of saved Policies AM02 & AM12 of the Local Plan, in this regard.

I therefore recommend that this application be APPROVED and planning permission granted 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 house shall not be occupied by more than six persons until 4 x 240 litre wheelie bins have been made available on the site in the position marked as the waste and recycling storage location on the approved drawing numbered 21,022-P-001. The bins shall be retained in that position except on the day prior to collection and the day of collection. (To ensure that arrangements are in place on site for the storage of waste and recycling material arising from the occupiers of the house, in the interests of convenience and living conditions of the occupiers of the house and to ensure that the visual quality of the area is not diminished by indiscriminate storage of bins on the forecourt, in accordance with Policy CS03 of the Leicester Core Strategy (2014) and saved Policy PS10 of the City of Leicester Local Plan (2006).
3. The house shall not be occupied by more than six persons until 4 x cycle parking stands have been installed on the site in the position marked as the covered cycle storage provision on the approved drawing numbered 21,022-P-001. The cycle parking stands shall thereafter be retained in that position. (To ensure that arrangements are in place on the site for secure and weather-protected cycle parking for the occupiers of the house, in the interests of promoting sustainable transport and in accordance with Policy CS15 of the Leicester Core Strategy (2014) and saved Policy AM02 of the City of Leicester Local Plan (2006).
4. Development shall be carried out in accordance with the following approved plans: 21,022-P-402 Rev. A (Proposed Plans and Elevations) and 22,022-P-001 (Block Plan and Location Plan). (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 2021.

Policies relating to this recommendation

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.
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_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.

