

Recommendation: Conditional approval	
20180094	CORNER OF EGGINTON STREET AND FAIRFIELD STREET
Proposal:	CONSTRUCTION OF THREE HOUSES (3 x 2 BED) (CLASS C3) (AMENDED 17.12.18)
Applicant:	MR HUSSEIN
View application and responses	http://rcweb.leicester.gov.uk/planning/onlinequery/Details.aspx?AppNo=20180094
Expiry Date:	6 December 2018
TEI	WARD: Spinney Hills



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Summary

- The application is before committee as two separate petitions with eighteen signatories have been received objecting to the application.
- Representations largely concern the impact of the proposal on parking in the area and the potential of the proposal to result in a risk to highways safety.
- The main issues are the standard of living of future residents, the amenity of neighbouring properties, parking and highways impacts, design, waste management, flooding and the impact of the proposal on the setting of the Spinney Hill Conservation Area.
- The recommendation is for approval.

Introduction

The application relates to a vacant piece of land in a residential part of the city adjacent to the Spinney Hill Park Conservation Area. The land has been vacant for many years (with the exception of garages that stood at the rear of the site until recently). I understand that it was occupied by houses before World War II.

Background

An application (20071157) for the demolition of garages that were previously on the site and a two storey building to contain four self-contained flats was refused in 2007. The reasons for refusal were that the scale, design, siting and detailing of the development would harm the visual amenity of the street scene and the adjacent Spinney Hill Park Conservation Area, that the layout and lack of enclosure for the parking area would result in unacceptable noise, disturbance and loss of security and that the lack of parking provision and length of vehicular access would result in congestion and a risk to highway and pedestrian safety.

Since then there have been two more recent applications (20161635 and 20171181) for residential development, the former being for the construction of a three storey block of six flats and the latter for the construction of three separate dwellings. Both applications were withdrawn.

The Proposal

The proposal as amended is for three separate two storey terraced dwellings with loft space. The western and central dwelling will have a footprint of 9.5 metres in depth by 3.9 metres in width with the eastern dwelling having a footprint of 9.6 metres in depth but 5.4 metres in width at the front tapering towards the rear to a rear width similar to the other two dwellings. The height of the buildings will be staggered to reflect the land difference of Spinney Hill as it rises towards the west. As such the ridge of the western and central dwellings will be at 9.7 metres from ground level at Egginton Street while the ridge of the eastern dwelling will be 9.1 metres from ground level at Egginton Street (5.7 metres from the eaves).

The central and western properties will be accessed directly from Fairfield Street and the eastern property from Egginton Street. Each property will have a lounge at the front and a kitchen/diner at the rear of the ground floor. The kitchen/diners will each have a secondary access out to the rear gardens. The first floors will each have two bedrooms and a toilet room. The loft spaces will also each have two bedrooms.

There will be a ground floor door, a ground floor window, first floor window and dormer window to the front elevation and a secondary door, ground floor window, larger first floor window and smaller first floor window and a rooflight to the rear elevation of all three properties. The eastern property will also have two ground floor windows and two first floor windows to the side (east facing) elevation. The walls will be brickwork, the roofs tiled and the doors and windows upvc. There will be new 2 metre high fencing along the eastern boundary with Egginton Street. Each property will have a garden of approximately 70 metres² in area.

Amendments to the original scheme include changes to the internal configuration of the dwellings so that the lounge is now to the front with the kitchen/dining rooms to the rear and the east property is now accessed via Egginton Street.

Policy Considerations

The City Council does not have a five year housing land supply. Paragraph 11 of the National Planning Policy Framework describes how there is a presumption in favour of sustainable development where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date. The footnote to the paragraph adds that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year housing land supply.

Chapter 12 of the framework stresses the importance of good design to achieve high quality buildings and places. Paragraph 130 goes on to state that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 109 of the framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 127 adds that planning decisions should ensure safe, secure and inclusive developments with a high standard of amenity for existing and future users.

Paragraph 170 states that the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

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

Residential Amenity (Supplementary Planning Document)

Vehicle Parking Standards (Appendix 1 of the City of Leicester Local Plan)

Consultations

Environmental Health (land contamination) (LCC): - no objections.

Local Lead Flooding Authority (LLFA): - the site is in Flood Zone 1 and not in a known flooding hotspot, is considered at low risk from fluvial. However, it is in a known flooding hotspot and a Critical Drainage Area and measures to reduce surface water flood risk and to limit surface run-off will be required. A drainage plan will be required and a design for exceedance to show flow rates if the drainage system is overwhelmed should also be worked into this plan. Sustainable Drainage solutions will be required and a number of methods including rainwater harvesting, bioretention measures and other solutions are recommended.

Representations

Two petitions totalling eighteen signatories have been received objecting to the application. The first petition was received after the receipt of the original plans, the second after the receipt of the amended plans. The covering letter for both petitions is

identical. Eight signatories signed both petitions. There were seven who signed the first petition but not the second and three who signed the second but not the first.

The covering letter to both petitions raises concerns that there is no proposed off street parking and that the proposal will result in more car ownership in an area that is already overcrowded and has limited street parking. The letter regrets that neighbouring residents are no longer able to use the site for parking as they had done previously.

It also notes that Egginton Street is one of the main thoroughfares to and from Spinney Hill Park and raises concerns that the increased vehicular use of the highway will have potential for highway safety risks for emergency services, pedestrians with limited mobility and for children.

It raises concerns regarding the accuracy and validity of the design and access statement asking that the statement's claim that 41% of households in Highfields do not own cars be substantiated and suggesting that most properties own two or three cars, a claim that the letter states the DLVA could potentially validate. It also notes that the statement claims the location benefits from thirteen off street parking spaces, describes the development as being for two bedroom properties and has no information on the type of tenure or whether the properties will be owner occupied or rented. On the last observation it adds that rented properties would have a detrimental impact on the area in terms of density.

The letter refers to a restrictive covenant preventing the development of the land as flats or houses and concludes that the development would be contrary to Planning Policy Statement 3 'Housing' (PPS 3), in particular as the proposal would be to the detriment of the quality, character and amenity value of the area.

Consideration

Principle of residential development:

Core Strategy Policy CS06 states that housing requirements can be met in part by limited housing growth within established residential areas and small housing infill. Detailed housing issues are covered within the Residential Amenity Supplementary Planning Document. Being a residential area the proposal is acceptable in principle provided it does not have a detrimental impact on its own amenity or the amenity of neighbouring properties and does not have a detrimental impact on the character and appearance of the neighbouring area.

Living conditions:

The windows to proposed lounges and front first floor and loft bedrooms will have good levels of outlook over Fairfield Street. The rear kitchen/diners and rear first floor bedrooms will have a more limited outlook which does not meet the outlook distances recommended in the Residential Amenity Supplementary Planning Document. However, this level of outlook from rear principal rooms at residential properties is not uncommon for terraced properties, particularly in this part of the city where the amount of proposed rear amenity space proposed is not uncharacteristic and I consider it to be reasonable. The rear loft bedrooms will have a rooflight only and as such limited

outlook. However, given that each of the dwellings has three other rooms with good levels and two with reasonable levels of outlook I consider this arrangement to be on balance acceptable.

The amount of proposed rear amenity space at approximately 70 metres² is below the 75 metres² recommended in the Supplementary Planning Document. However, as mentioned above, it is not uncharacteristic in this part of the city and again I consider this arrangement to be on balance acceptable. In any case I note that the site is only 40 metres away from Spinney Hill Park and as such there is useable amenity space a close distance away.

Nevertheless, in order to ensure that this limited space remain available as rear amenity space I consider it necessary in the interests of the amenity of future occupants to attach a condition removing permitted development rights for extensions to the rear of the property or for fixed outbuildings.

Amenity of neighbouring properties:

The only side windows to the development are those on the eastern property overlooking Egginton Street and from the rear the proposals look out to the plain brick wall at the rear of the Park Vale Road properties. The proposal will not have a detrimental impact on the privacy of neighbouring properties.

The Fairfield Street property (number 64) immediately to the west of the site has a large plain elevation facing east. The proposed dwellings will be built approximately to the rear of the main part of this property and will not protrude deeper so as to have an impact on the outlook from the rear windows of any of the Fairfield Street properties. The distance between the rear of the proposed dwellings and the rear of the Park Vale Road properties. However, is only 7.5 metres and the proposal will therefore have an impact on the outlook form and natural light to the rear of the Park Vale Road properties this is a characteristic arrangement for this part of the city and I consider the impact on the Park Vale Road properties in this respect to be reasonable. With the omission of the two storey rear projection that characterises other Fairfield Street properties the impact on the outlook from and natural light to the rear of the Park Vale Road properties will in fact be less than the impact from other neighbouring properties.

Nevertheless, in order to ensure that this reasonable arrangement is maintained and the outlook from and privacy of the Park Vale Road properties is preserved at this acceptable level I consider it appropriate to attach a condition removing permitted development rights for extensions to the rear or roof of the property or for fixed outbuildings.

Design:

The proposal has been designed so that the new dwellings are in proportion to the rest of the terrace and so that they are close in design to the adjacent properties. They will not have the same lintel and eaves detailing as the existing properties which if done poorly would result in a clumsy pastiche appearance. Nevertheless, and in the interests of design quality, I consider it appropriate to attach conditions requiring a 1 metre² sample panel of the brickwork to be used including brick type, mortar and bonding, a sample of the roof tiles and sectional drawings of the windows and doors

showing the reveals alluded to in the visuals submitted as part of the application to be agreed prior to the commencement of the works.

The dormers are positioned in line with the ground and first floor windows, are well proportioned in relation to the roof and in their narrowness retain the sense of gradation in the windows from the ground floor to the roof.

The gradient of Fairfield Street rising east to west means that the properties cannot be constructed fully in accordance with 'Category 2: Accessible and adaptable dwellings' and as such I consider it unreasonable to attach a condition requiring it to be so.

Impact on Spinney Hill Park Conservation Area:

The site is not within but is adjacent to the Spinney Hill Park Conservation Area. The conservation area is bounded by areas of high density terraced housing on its north, south and west edges. The property is adjacent to the southern edge of the conservation area. I consider that by retaining the proportions and plot arrangements of terraced properties typical of these areas at the edges of the conservation area the impact on the conservation area will not be adverse. However, as the rear and east side of the development will be viewable from the corner of Egginton Street and Park Vale Road I consider it appropriate that the reasons given for the conditions referred to above requiring samples of brickwork and roof materials and removing permitted development rights for extensions to the roofs refer also to the preservation of the character and appearance of the Spinney Hill Conservation Area.

Ecology:

Core Strategy policy CS17 describes how the Council expects development to maintain, enhance or strengthen connections for wildlife both within and beyond the identified biodiversity network and that connected sites will be assessed for their biodiversity value. The site is close to Spinney Hill Park which is a Biodiversity Enhancement Site (BES) and consistent with the objectives of Core Strategy policy CS17 I consider it appropriate to attach a condition requiring biodiversity enhancements to ensure that connections for wildlife are enhanced. I consider that to achieve this two swift boxes be provided and that there be planting in gardens of locally native and insect attracting species. I consider that both enhancements can be secured be condition in accordance with written details supplied via a Landscape and Ecology Management Plan.

Highways, parking and cycles:

The site is currently vacant and the vehicle parking standards at Appendix 1 of the City of Leicester Local Plan suggests six spaces for the proposal. However, the Residential Car Parking Research for Leicester (2011) projected that by 2026 a property of this size in this ward would have an average car ownership of 1.1 cars per household for owner occupied properties or 0.7 cars for shared-ownership properties resulting in a projected need of between three and four spaces. The existing dropped kerb would be redundant as a result of the development and with a condition requiring the reinstatement of the dropped kerb the site would have a frontage of 11 metres unrestricted parking along Fairfield Street and 15 metres unrestricted parking along Egginton Street. I appreciate that there may be other neighbouring properties who

currently use some of the space along these frontages. However, I consider the provision of this space outside both frontages of the proposed dwellings to be reasonable for the proposed development and do not consider that the residual cumulative impacts of the development would be so severe as to warrant a refusal. Nor do I consider that there are any particular constraints or circumstances that would raise the potential for highway safety risk to beyond that commonly expected on residential terraced streets albeit with some commercial character and a higher level of footfall in the case of Egginton Street.

Additionally the property is approximately 40 metres away from Spinney Hill Park approximately 100 metres from the Egginton Street Local Centre and approximately 150 metres from the East Park Road Local Centre. There are bus links into the city centre and out towards the county from both East Park Road and St Peters Road. The site is in a sustainable location where the need to travel by vehicle is minimised.

Waste management:

The proposal has been designed so that there will be an alleyway leading from Egginton Street to the rear of each of the three properties allowing for future occupiers of these properties to present and collect bins on delivery day. As such there are arrangements in place to ensure that bins do not have a detrimental impact on the visual amenity of the area and do not result in an obstruction to pedestrians using the footway.

Sustainable drainage:

As the proposal is for new build dwellings and is in a critical drainage area I consider it necessary to attach a condition requiring both an agreed drainage plan and sustainable drainage system to be installed prior to occupation.

Conclusion:

The proposal is for residential development in a residential part of the city and is acceptable in principle. It provides a good level of amenity for future occupiers and safeguards the amenity of neighbouring residential properties. With the recommended conditions attached the proposal will be well integrated into the character and appearance of the surrounding area and will be appropriate to the character and appearance of the adjacent Spinney Hill Park Conservation Area. A condition securing a landscape and ecology management plan will provide ecological compensation and enhancement consistent with local policy. I do not consider that the proposal would have an unacceptable impact on local parking capacity or cause a significant risk to highway safety. Given the constraints of the site the dwellings could not be constructed fully in accordance with 'Category 2: Accessible and adaptable dwellings'. However, I do not consider this in itself to be sufficient grounds for refusal.

I therefore recommend APPROVAL 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. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to any dwelling house of types specified in Part 1, Classes A, B, C & E of Schedule 2 to that Order shall be carried out without express planning permission having previously been obtained. (Given the nature of the site, the form of development is such that work of these types may be visually unacceptable, may lead to an unacceptable loss of amenity to future occupiers of the proposed property or neighbouring properties or may harm the character and appearance of the Spinney Hill Conservation Area; and in accordance with policies PS10 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS18.)
3. Before any dwelling is occupied arrangements for the collection and disposal of refuse associated with the residential use shall be submitted to and approved by the City Council as local planning authority. These arrangements shall be implemented on commencement of the use and shall be retained. (In the interests of general amenity, and in accordance with policy PS10 of the City of Leicester Local Plan).
4. Before the development is begun a brick sample panel showing choice of brick, bonding and a sample of materials to be used for the roof have first been submitted to, and agreed in writing by, the local planning authority. The development shall be carried out in accordance with the details so agreed. (To ensure that the development hereby approved preserves the character and appearance of the Spinney Hill Park Conservation Area, in accordance with Policies CS03 and CS18 of the Leicester Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
5. Before the development is begun, plans at a scale of 1:10 or 1:20 shall be submitted for window & door joinery and approved by the City Council as local planning authority and implemented in accordance with the agreed details. (To ensure that the development hereby approved preserves the character and appearance of the Spinney Hill Park Conservation Area, in accordance with Policies CS03 and CS18 of the Leicester Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
6. Before the development is begun details of a Sustainable Drainage System (SuDS) shall be submitted to and agreed by the City Council as local planning authority. The system shall be implemented in accordance with the agreed details prior to the commencement of the use and shall be retained and maintained thereafter. (To reduce surface water runoff and to secure other related benefits in accordance with Core Strategy policy CS02. To ensure that

the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

7. No house shall be occupied until the redundant dropped kerb has been reinstated in accordance with the Council's standards contained in the `6Cs Design Guide` (view from www.leicester.gov.uk/6cs-design-guide). (For the safety and convenience of pedestrians and other road users, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)
8. No dwelling shall be occupied until secure and covered cycle parking for one cycle per dwelling has been provided and retained thereafter. (In the interests of the satisfactory development of the site and in accordance with policy AM02 of the City of Leicester Local Plan).
9. Before any house is occupied a detailed landscape and ecological management plan (LEMP) showing the treatment of all parts of the site which will remain unbuilt upon shall be submitted to and agreed in writing with the City Council as local planning authority. This scheme shall include details of: (i) planting of locally native and insect attracting species, including plant type, size, quantities and locations; (ii) a detailed plan of the biodiversity enhancements on the site including the type and position of two swift boxes.
The approved LEMP shall be carried out within one year of completion of the development. For a period of not less than ten years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme (In the interests of amenity, and in accordance with Core Strategy policies CS03 and CS17).
10. This consent shall relate solely to the amended plans received by the City Council as local planning authority on 17.12.18, unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

Policies relating to this recommendation

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| 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_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents. |
| 2014_CS02 | Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City. |
| 2014_CS03 | The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'. |

- 2014_CS06 The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
- 2014_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.
- 2014_CS17 The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.