

Recommendation: Conditional approval	
20181267	47-51 GWENDOLEN ROAD, REAR OF
Proposal:	DEMOLITION OF OUTBUILDINGS AND CONSTRUCTION OF SIX SELF CONTAINED FLATS (6 x 1 BED) WITH LANDSCAPING (CLASS C3) (AMENDED 14.05.19)
Applicant:	MRS S PATEL
View application and responses	http://rcweb.leicester.gov.uk/planning/onlinequery/Details.aspx?AppNo=20181267
Expiry Date:	26 April 2019
TEI	WARD: Spinney Hills



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Summary

- The application is before committee because seven objections have been received.
- The main issues are highways and traffic impacts of the proposal, the residential amenity of future occupiers and of occupiers of neighbouring properties.
- The recommendation is for approval.

Introduction

The application relates to the land at the rear of three residential properties that form part of a two storey terrace in a residential part of the city. There are two narrow driveways that lead through the terrace to the land at the rear. The land is currently used for car sales and appears to have been so for some time. Aerial photos show the east side of the site with a large number of vehicles on site since at 2002 and the west side with a large number of vehicles on site since 2013. This part of Gwendolen Road is a mix between residential and industrial/workshop uses with the latter appearing to have developed around the former in something of an incremental and piecemeal fashion.

Background

In relation to the land at the rear of 51 Gwendolen Road an application (20101471) for a change of use from vehicle repair and MOT centre (no use class) to three flats (Class C3) and for a single storey extension at the front was refused in November 2010. The reason for refusal was that insufficient information had been provided to demonstrate that the development would not contribute to flooding in the area nor be at risk of flooding. The proposal was considered acceptable in all other respects.

In relation to the land at the rear of 47 and 49 Gwendolen Road conditional approval (20121099) was granted in February 2013 for a two-storey detached building hosting two flats and for landscaping. Conditions were attached requiring a noise insulation scheme to be installed, that the flats be built in accordance with Lifetime Homes standards, that the development be carried out in accordance with the measures detailed in the approved Flood Risk Assessment and that there be an agreed flooding evacuation plan, that an agreed SUDs scheme be installed, that the windows to the rear be obscure glazed and that the parts of the building allocated for office use remain in that use.

The Proposal

The proposal as amended is for the demolition of the existing buildings at the rear and the construction of two single storey buildings with dormers to the front to host six flats. The four ground floor flats will have a bedroom, a bathroom and a kitchen/diner/living room. The flats in the loft space will have a bedroom, a bathroom, a kitchen and a living room.

The buildings will be L shaped mirroring each other. They will have a footprint of 12.9 metres in depth and 11.7 metres in width. The wings will project 4.5 metres forward (towards the north east) of the main part of the buildings and will be 4.8 metres in width. The main part of the buildings will be 6.4 metres in height and 2.8 metres to the eaves.

The wings will be 4.3 metres in height and 2.8 metres to the eaves. The ground floor flats in the wings of the building will have a glazed double door to the rear, and the principal door and a window to the side (inward facing) elevation. The ground floor flats in the main part of the buildings will have their principal door and a window to the front elevation. They will have a glazed double door, a secondary door and a smaller obscure glazed window to the rear.

The flats in the loft space will be served by two dormers, one being a smaller pitched dormer at 2.1 metres in height and 1.1 metres to the eaves and the other a larger flat roofed dormer measuring 5.6 metres in width and 2.5 metres in height. They will also have four rooflights each to the rear and one rooflight to the front.

There will be two ramps to serve the properties to give them level access.

An indicative landscaping scheme has been submitted showing areas that will be landscaped which includes an amenity area immediately to the front and to the rear of number 47. It shows a covered bicycle storage and bin storage area. There will be no vehicular access to the site and the flats will not have parking.

A Flood Risk Assessment and Sequential Test have also been submitted.

Further amended plans have been received that improve the appearance of the dormers.

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

Residential Amenity Supplementary Planning Document

Consultations

Environmental Health (noise): - concern that noise and vibration from the adjacent unit (which retains a lawful industrial use) could have a detrimental impact on the proposed residential units. Condition recommended that no part of the development be occupied until an insulation scheme to prevent the transmission of noise to each of the flats be carried out in accordance with previously agreed details.

Environmental Health (land contamination): - no objections.

Local Highway Authority: - neither access meets current standards as they are narrow and involve cars emerging from between parked cars. The parking layout originally shown would not allow vehicles to pass through. The proposal would lack adequate off street car parking facilities, would not be served by an appropriate and safe means of access and is likely to lead to unacceptable dangers for highway users.

Environment Agency: - recommend a condition requiring that the development be carried out in accordance with the Flood Risk Assessment prepared by BlueChip Architecture Ltd dated October 2018 and in particular the mitigation measures included in the assessment including that finished floor levels shall be set no lower than 64.85m above Ordnance Datum (AOD), the flood resilient construction be implemented and that safe routes into and out of the site to an appropriate safe haven are identified and provided.

Representations

Seven objections have been received against the proposal and five representations in support of the proposal. One of those that objected asked to withdraw the previous representation in support of the proposal.

The objections raise concerns that the proposal will result in congestion and issues relating to local parking capacity with some objections noting in particular that this will have knock on effects for neighbours who are elderly or who have impaired mobility. Objections also note congestion issues in relation to visitors to the dwellings. Other concerns relating to the perceived highways and traffic impacts of the development include concerns regarding highway safety, in particular the passage of vehicles over the footway as they access and leave the site and the noise generated by traffic.

Objections also raise concerns regarding the perceived impacts of the use of the site for residential purposes on the amenity of neighbouring properties, including noise generated by additional occupiers and the use of the rear amenity area for smoking.

Concerns are also raised that this rear amenity area will result in a loss of privacy for occupiers of the Bradbourne Road properties particularly given the proposed trellis fencing boundary treatment and windows and rooflights at the rear of the buildings.

One objection notes that waste storage has not been fully taken into consideration.

Objections also raise concerns over the appearance of the buildings including that they would not appear in keeping with the character and appearance of the area and would be ugly in appearance. They also add that they would have an overbearing impact on the gardens of and loss of view from the Bradbourne Road properties and would result in a reduction of light to adjacent properties. One objection raises concerns that the proposal is akin to garden grabbing and as such contrary to the objectives of the National Planning Policy Framework with others concerns that the build period will result in an unacceptable amount of noise and dust pollution for neighbours, with particular attention on the elderly.

One objection raises concerns over the stability of the existing wall at the rear with another claiming that the underpass between numbers 47 and 49 Gwendolen Road is in their ownership.

Consideration

Principle of the development:

Notwithstanding the National Planning Policy Framework position in relation to the five year housing land supply, saved policy H07 states that planning permission will be granted for new flats provided they are satisfactory in respect of a number of factors including the nature of nearby uses, the unacceptable loss of an alternative use, the creation of a satisfactory living environment, arrangements for bin storage and car or cycle parking, the provision of communal open space and the effect of the development on the general character of the surrounding area.

The site is in a residential part of the city and I consider that the proposal is acceptable in principle. Furthermore, it will replace the existing and longstanding car sales use which is a use that is not in accordance with the development plan.

Residential amenity (future occupiers):

The windows that face towards the rear of the Bradbourne Road properties will have a limited outlook of between approximately 3 to 5.5 metres. However, both Flats 2 and 3 will have an outlook of more than 15 metres towards the rear of numbers 47 to 53 Gwendolen Road which I consider to be an acceptable level of outlook.

The distance between the inward facing windows of Flats 1 and 4 will be 15 metres and though these windows will face towards each other their position suggests that they will principally be to allow light with the primary outlook from these rooms provided by the north facing windows. These will have an outlook of approximately 15 metres to the rear of the properties along Gwendolen Road.

I note that due to the garden areas at 49 and 53 Gwendolen Road the distance from the windows of Flats 1 and 3 is much reduced if measured to the edge of the boundary of these numbers 49 and 53. I note too that permitted development rights allow for boundary treatments of up to 2 metres in height that would curtail the outlook from these windows.

Given the constraints of the site and the desirability both in terms of conformity with the development plan and in terms of residential amenity of residential use replacing the site's existing use I consider this to be on balance an acceptable arrangement. The outlook from the principal rooms of Flats 5 and 6 in the loft space will be due north east and more than 15 metres towards the rear of numbers 47 to 53 Gwendolen Road which I consider to be an acceptable level of outlook.

The floorspace of the flats are approximately 30 metres² (Flats 2 and 3), 38 metres² (Flats 1 and 4) and 65 metres² (Flats 5 and 6). I consider the individual room sizes to be sufficient to accommodate the reasonable furniture requirements of future occupiers

whilst maintaining satisfactory circulation space. I consider that all the flats will provide a satisfactory living environment.

The proposal includes shared amenity space for all the flats. This space will include areas of soft landscaping and will also provide covered bin storage and cycle storage. I consider this to be an acceptable provision of amenity space for the flats. However, as the details of the landscaping are otherwise limited I consider it appropriate to attach a condition requiring a detailed landscaping scheme be submitted.

There will be no conflict of access between the flats as they will all be accessed separately with the ground floor flats also having access via the rear to small areas of private amenity space. All flats will also have unimpeded access to the central shared amenity space.

Residential amenity (neighbouring properties):

The application proposal would replace an existing industrial use close to residential properties with a residential use. The change of use of the land in itself will improve the amenity of neighbouring residential properties as it will result in a use less likely to be harmful than the existing use.

The north facing elevation of the two wings will be approximately 25 metres away from the south facing principal room windows at the rear of the residential properties on Gwendolen Road. These are the only south facing principal room windows at these properties.

The south elevation of the building will be over 25 metres away from the north facing principal room windows at the first floor of the rear of the Bradbourne Road properties. The rear of the proposed building is approximately 19 metres away from ground floor principal room windows at 30 Bradbourne Road.

I note that there is a sizeable single storey building at the rear of this property which will obscure the view of much of the western building. Moreover, I also consider that due to the separation distances between the proposed buildings and the rear of the residential properties on Gwendolen Road it is unlikely that a residential development of reasonable size could be sited any further towards the north. As such there is no real scope to extend the separation distance between the rear of the Bradbourne Road property and the proposed building.

I consider the public benefit in allowing a compliant use to replace one with a higher potentially to have a detrimental impact on residential amenity by way of noise, comings and goings and nuisance from activities on site to outweigh the potential harm to the outlook of the rear ground floor windows of 30 Bradbourne Road of the separation distance being 2 metres shorter than that recommended in the Residential Amenity SPD. This is particularly so given the that the impact on the outlook from this property will be of a building that is one and a half storeys in height rather than a full two storeys and will be partially obscured in any case by the single storey outbuilding at number 30 as it is.

There will be windows and clear glazed doors to the rear elevation. However, they will face the existing rear boundary wall between the site and the gardens of the Bradbourne Road properties and will not have a detrimental impact by way of overlooking of these properties. The residential properties on Gwendolen Road have very limited amenity space arrangements with only numbers 49 and 53 having any meaningful amount of amenity space. The amenity spaces at these two properties are enclosed by fencing and walls and the proposal will not have an impact on the privacy of these properties.

Parking and highways issues:

The proposal as amended offers no onsite parking and taken together with the existing arrangements there is limited parking along this part of Gwendolen Road.

The existing accesses are narrow and involve cars emerging from between parked cars. They do not meet current standards and the parking layout as originally shown would not allow vehicles to pass through satisfactorily. I consider that vehicular access to the rear of the site cannot be accommodated in a way that is satisfactory.

As such, the proposal as amended will result in planning gain as disallowing vehicular access to the rear of the site will negate the use of these accesses taking away the risk to highway safety that they currently pose and also bettering the amenity of neighbouring residential properties by reducing the noise and obstruction caused by vehicles manoeuvring at the rear of the site.

It is not uncommon for residents of flats above commercial units in local centres to have no parking available and the location of the properties mean that future occupiers would be well placed for local amenities.

The proposal is consistent with the aims of the National Planning Policy Framework and policies in the local plan. In the interests of encouraging sustainable travel I consider it appropriate to attach a condition requiring advisory travel packs to be issued to new occupiers and a condition requiring that cycle parking for six spaces be provided.

As the vehicular access to the property will become redundant I also consider it appropriate to attach a condition requiring the kerb to be reinstated.

Design:

The scale and massing of the development is nevertheless appropriate to the scale of the proposed development. As discussed above it is also of a scale that will not have an unacceptable impact on the residential amenity of neighbouring properties. I note that the proposal will not be visible from the footways of either Gwendolen Road or Bradbourne Road and as such it will not have a visual impact on these frontages.

Sitting close to equidistant between the two storey properties on Gwendolen Road and the two storey properties on Bradbourne Road this lower scale of development is more appropriate and in keeping with the lower scale of existing workshops and outbuildings

in the space between these two roads where the building type beyond the scale and massing is something of a miscellany.

Flood risk:

The site is in Flood Zone 3b as clarified both by the City Council's Strategic Flood Risk Assessment and the Environment Agency's modelled data, is in a modelled surface water flooding hotspot and in a critical drainage area. The Sequential Test submitted with the application follows the Council's guidance.

The environment agency has recommended conditions requiring that the measures detailed in the amended Flood Risk Assessment be carried out the mitigation measures included in the assessment including that finished floor levels shall be set no lower than 64.85m above Ordnance Datum (AOD), the flood resilient construction be implemented and that safe routes into and out of the site to an appropriate safe haven are identified and provided. I consider these conditions to be reasonable.

Limited drainage and SUDs details have been received with the current application and further details of a SUDs scheme and drainage modelling on 1 in 100 year storm are required. I consider it appropriate to secure these by condition.

I 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. Prior to the occupation of the development a landscaping and management scheme for the external parts of the site shall be submitted to and agreed by the City Council as local planning authority. The scheme shall include details of the treatment of all external parts of the site. The scheme shall be carried out within one year of occupation 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 residential amenity and in accordance with saved City of Leicester Local Plan policy PS10).
3. No part of the development shall be occupied until secure and covered cycle parking for six cycles has been provided and retained thereafter. (In the interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan).
4. No part of the development shall be occupied until the redundant dropped kerbs have 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 CS03.)

5. Finished floor levels within the proposed development shall be set no lower than 64.85 metres above Ordnance Datum and the recommendations regarding flood resilient construction and the identification and provision of safe routes into and out of the site to an appropriate safe haven in amended Flood Risk Assessment received by the City Council dated October 2018 shall be implemented and retained. (To minimise the risk of damage in times of flooding, and in accordance with policy BE20 of the City of Leicester Local Plan and Core Strategy policy CS02).
6. No development shall be occupied until a scheme for the provision and implementation of a Sustainable Drainage System (SUDS) has been submitted and approved in writing by the City Council as local planning authority. The scheme shall be carried out as agreed and retained thereafter. (To reduce the risk of flooding and in accordance with policy CS02 of the Core Strategy.)
7. This consent shall relate solely to the amended plans received by the City Council as local planning authority on 14.05.19. (For the avoidance of doubt.)

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_BE20 Developments that are likely to create flood risk onsite or elsewhere will only be permitted if adequate mitigation measures can be implemented.
- 2006_H07 Criteria for the development of new flats and the conversion of existing buildings to self-contained flats.
- 2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2014_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.