

<b>Recommendation: Conditional approval</b>	
<b>20182635</b>	<b>120 BERNERS STREET</b>
Proposal:	CHANGE OF USE FROM HOUSE (CLASS C3) TO FOUR SELF-CONTAINED FLATS (2 x BED & 2 x STUDIO); ALTERATIONS (AMENDED PLAN RECD 05/04/19)
Applicant:	MR RAHIL
View application and responses	<a href="http://rcweb.leicester.gov.uk/planning/onlinequery/Details.aspx?AppNo=20182635">http://rcweb.leicester.gov.uk/planning/onlinequery/Details.aspx?AppNo=20182635</a>
Expiry Date:	25 April 2019
TB	WARD: Wycliffe



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**Summary**

- This application was deferred from the Committee agenda of 24<sup>th</sup> April as there had been a member request for site visit, but the bank holidays had affected arranging this.
- Brought to Committee due to the number of objections.
- 7 objections were received relating to parking/highways issues, waste storage, noise, over-population and subsidence issues.

- The main issues are the living conditions and parking/highways.
- The application is recommended for conditional approval.

### **The Site**

The application relates to a two storey end of terrace dwellinghouse (4 bed) located on a corner plot between Berners Street and Chatsworth Street. Formerly the site consisted of two dwellinghouses at 118 - 120 Berners Street. 118 Berners Street was demolished, which has left a gap between 116 and 120 Berners Street that is now used as a rear garden and a vehicle parking space. There is an existing outbuilding within the rear garden space.

### **The Proposal**

The application proposes the conversion of the house into four self-contained flats: 2 one bed flats and two studios.

The plans have been amended so that: -

- A formerly proposed two storey side extension has been removed from the plans, and the number of flats has been reduced from five to four.
- The outbuilding to the rear garden will be removed and replaced with a waste and cycle storage area.
- A window of a matching design to the existing will be installed to the front of flat 1.
- The plan has been labelled to state that the gate will be operable from the outside, so that all residents will have access to the rear yard.

### **Policy Considerations**

Paragraph 2 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions

Paragraph 11 contains a presumption in favour of sustainable development. Where the development plan is absent, silent or relevant policies are out of date, this means granting planning permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the NPPF taken as a whole.

Leicester city Council does not currently have a 5 year housing land supply therefore the policies relating to housing are out of date. Paragraphs 59 to 79 sets out the housing policies of the NPPF.

Paragraph 108 states that development proposals should take up appropriate opportunities to promote sustainable transport modes; ensure safe and suitable access can be achieved for all users and; any significant impact (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable.

Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 110 requires applications for development to give priority to pedestrians and cycle movements; address the needs of people with disabilities and reduced mobility and create place that are safe, secure and attractive.

Paragraph 127 sets out criteria for assessing planning applications which includes issues such as the long term functionality of development proposals; visual impacts; the ability of development to relate to local character; creation of a sense of place using various design tools such as building types and materials; optimising the potential of development sites; and, designing safe, secure and inclusive developments with a high standard of amenity for existing and future users.

Paragraph 179 states that the onus is on the developer and/or landowner to secure a safe development where a site is affected by contamination or land stability issues.

#### Development Plan policies

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

#### Supplementary Planning Documents (SPD)

*Residential Amenity SPD (2008)*

Other legal or policy context

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

### **Representations (Pre-Amendment)**

Seven objections have been received concerning the following: -

- On-going parking issues with congestion and illegal parking on Berners Street, which will be worsened by the proposal.
- Rented accommodation will result in waste bins being stored on parking areas.
- Noise issues from the additional and potential type of residents.
- The area will be/is already over-populated and busy.

One representation in support of the application has also been received stating that there is a high demand for the flats due to the increased costs of renting terraced houses. The flats would be able to accommodate more small families rather than the one family at present.

### **Consideration**

#### Principle of development

The site is located in a Primarily Residential Area. Core Strategy Policy CS06 states that housing requirements can be met in part by limited housing growth within

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established residential areas and small housing infill to support the development of sustainable communities. The policy also states that “*Careful consideration will be given to conversions and to further subdivision of existing flats to ensure there is no adverse impact on the character of the area or the maintenance of mixed communities.*” Saved policy H07 *Flat Conversions and New Build Flats* of The City of Leicester Local Plan (2006) states that planning permission will be granted for new flats provided that the proposal is satisfactory in a number of factors, which are considered below.

The four bedroom house is not located in an area that has been identified for the retention of larger family housing in accordance with saved policy H10 of the City of Leicester Local Plan (2006). The proposal will not result in an unacceptable loss of family accommodation given that the surrounding area will remain predominantly as traditional terraced dwellinghouses suitable for family accommodation. There appears to be no flats located on Berners Street and so the proposal will provide an alternative type, size and mix of housing to meet the needs to provide accommodation for existing and future one and two person households.

### Design

The introduction of the window to the front will have a positive impact on the character and appearance of the host building by re-instating a window where there formerly was a door. The door was infilled to a poor quality so that it is clearly evident that there used to be a door within this location. The window will have matching design and position to the existing traditional windows, and will be in-keeping with the host building and the surrounding area. The bin and cycle storage have been labelled to confirm that they will not exceed 2.5 metres in height and so will not have an overly dominant impact on the visual amenity of the host building or surrounding area. The bin storage area will be located within the rear garden, accessible to the street from the gates and screened from the public realm to prevent harm to the visual amenity of the surrounding area. I recommend a condition for the provision and retention of this waste storage area prior to occupation of the proposed flats.

This will discourage residents from storing waste on the streets, except during collection day, and so will discourage waste blocking on-street parking. The flats will be replacing a four bedroom house, and so I do not consider that there will be a significant amount of additional waste as a result of the proposal. I therefore consider that the proposal will not conflict with Core Strategy policy CS03 or policy H07.

### Living conditions (*The proposal*)

The flats will not be located in close proximity to any noisy uses. The flats have a minimum floor space of 27.5 square metres and a maximum floor space of 34 square metres. The submitted floor plans show that there is sufficient space for necessary furniture. Access to all the flats will be gained by the front door on Berners Street, which has a good level of natural surveillance for safety and security.

Appendix E ‘Private Amenity Standards’ of the Residential Amenity SPD (2008) states a minimum standard of 1.5 square metres for each one bedroom flat, which the proposal will achieve. Whilst the amenity space provided will not be of a good quality,

having limited access to light and outlook, the site will be located in close proximity to Spinney Hill Park at the end of Berners Street, which will provide alternative access to high quality open space. All flats will have access to the amenity space either directly or by the gates adjacent to Berners Street. In this context, I consider the amenity space provision to be acceptable.

Whilst the bedroom of flat one will have a window adjacent to the shared amenity space, resulting in potential intrusion of privacy, this is considered to be balanced by the benefit of having direct access to the rear yard. The window for the bedroom of flat one is already used as a principal room window, and studio flat one will have alternative access to a good level of light and outlook from the two windows to the front. The kitchen of flat four would be considered a non-principal room window if not part of a studio flat, and the flat will again have alternative access to a good level light and outlook from the window to the front. In this context, the bedroom window of flat 1 and kitchen window of flat 4 are considered to be acceptable. All other principal rooms proposed will have a good level of light and outlook with windows fronting onto the highway. I therefore consider that the proposal will provide satisfactory living environments and in accordance with saved policy H07.

#### Residential amenity

The proposal will not adversely impact on the light, outlook or privacy of surrounding residential properties. The replacement of a four bedroom house with four one bedroom flats is not considered likely to result in a significant level of additional noise or general disturbance. I therefore consider the proposal to be in accordance with saved policy PS10 of the City of Leicester Local Plan (2006).

#### Highways and Parking

At present, the site has one limited car parking space to the rear yard, accessed via a gate off Berners Street, which will be retained as part of the amended proposal. Whilst not ideal that the vehicle parking space has poor visibility splays, this is an existing situation that has been present since at least September 2008. There is an existing dropped kerb to the front of the gate for access.

In accordance with *Appendix 01 Parking Standards of The City of Leicester Local Plan (2006)*, the existing site has a vehicle parking standard of 2. The four flats would require 4 vehicle parking spaces, creating a shortfall of 2 vehicle parking spaces. No additional vehicle parking spaces are proposed and none are possible. Access to on-street parking adjacent and surrounding the site is limited due to existing high demand. Nevertheless, the site is considered to be located within a sustainable location in close proximity to bus transport links on Melbourne Road and is also in close proximity to the Central Commercial Zone at the end of Berners Street, as part of the Inner Area of the City in accordance with Core Strategy policy CS08.

Four secure and covered cycle parking spaces are proposed within the rear yard, in accordance with the cycle parking standards of *Appendix 01 Parking Standards*. I recommend a condition for the provision and retention of the cycle parking spaces to support sustainable transport modes. Subject to the recommended condition, I do not consider that the proposal will cause severe impacts on the road network or an

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unacceptable highways safety impact with reference to paragraph 109 of the NPPF. I consider that the proposal will not conflict with saved policy AM12 of The City of Leicester Local Plan (2006).

### Conclusion

The proposal is acceptable in principle and the accommodation is satisfactory. The design is considered to have a minor positive impact on the visual amenity of the host building and surrounding area by reason of the window, subject to the waste storage condition. There would be no significantly severe impact on highway safety or function.

I recommend that this application is APPROVED subject to conditions:

### CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The use authorised by this permission shall not commence until the arrangements for the storage of bins are in place as shown on the approved plan ref no. UBD-PL-342 received by the City Council as local planning authority on 02/04/19. 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 CS3.)
3. None of the flats shall be occupied until secure and covered cycle parking has been provided and retained thereafter, in accordance the approved plan ref no. UBD-PL-342 received by the City Council as local planning authority on 02/04/19. (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. This consent shall relate solely to the amended plans ref. no. UBD-PL-342 received by the City Council as local planning authority on 05/04/19. (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 2019, is considered to be a positive outcome of these discussions.

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**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\_PS11 Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
- 2014\_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2014\_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014\_CS06 The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
- 2014\_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.