

Recommendation: Conditional approval	
20190269	64-66 ASFORDBY STREET
Proposal:	CHANGE OF USE FROM SHOP (CLASS A1) AND TWO FLATS (1 x 2 BED; 1 x 3 BED) TO SHOP (CLASS A1) AND FIVE FLATS (1 x 1 BED; 4 x 2 BED); FIRST FLOOR EXTENSION TO REAR; HIP TO GABLE EXTENSION TO ROOF; DORMERS TO FRONT AND REAR; ALTERATIONS (AMENDED 12.11.19 and 21.11.19)
Applicant:	ZAM INVESTMENTS
View application and responses	https://planning.leicester.gov.uk/Planning/Display/20190269
Expiry Date:	8 April 2019
TEI	WARD: North Evington



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Summary

- The application is at committee due to more than five objections
- Ten objections on grounds of parking, waste, sunlight, privacy and the quality of accommodation
- The main issues are the standard of accommodation, the residential amenity of neighbouring properties, highways, parking and waste management.
- The recommendation is for conditional approval.

Introduction

The application relates to two adjacent terraced properties on the corner of Asfordby Street and Atkinson Street. No. 66 is a vacant shop with living accommodation on first floor and rear part of the ground floor. 64 is in use as a single dwelling. Both properties share a yard at the rear.

Background

There is no recent relevant planning application history.

The Proposal

The proposal as originally submitted was for the change of use of the site to seven flats (one on the ground floor and one on the first floor of number 64, two on the ground floor and two on the first floor of number 66, and one in the loft space). The extensions at first floor were previously 2 metres deep at number 64 and 7.5 metres deep at number 66 (taking it to the full depth of the site) and the original scheme included two dormers at the front, a large dormer at the side and a box dormer at the rear and above number 64.

The proposal as amended is for the change of use of the ground floors to single flats with the ground floor of 66 retaining a retail area of approximately 20 square metres.

The first floors of both properties would be single flats and the loft space over both properties would form the fifth flat.

The ground floor of number 64 will have a two bedroom flat with a bedroom at the front, a kitchen/dining/living room at the centre and a bedroom at the rear. The ground floor of number 66 will also have a two bedroom flat, again with a bedroom at the front looking out to Atkinson Street, a kitchen/dining/living room at the centre and a bedroom at the rear.

Similarly, the first floor of number 64 will have a two bedroom flat with a bedroom at the front, a kitchen at the centre and a bedroom at the rear. In the same way, the first floor of number 66 will have a two bedroom flat, again with a bedroom at the front, a kitchen at the centre and a bedroom at the rear.

The loft space will have a one bedroom flat with bedroom at the rear over number 64 and a kitchen at the rear over number 66. It will have a bathroom at the front.

The existing garage and store buildings at the rear will be demolished. The rear of number 66 will be extended at single storey level so that it extends to the rear boundary and will be made wider so that it will be 3.8 metres measured from the rear. In place of the existing store there will be an extension to the rear of number 64 measuring 3.9 metres in depth and 0.7 metres wider than the existing rear projection. As a result, more courtyard space will be made available with the wider space at the west close to the alleyway leading to Atkinson Street, a smaller courtyard area between the kitchens of the two ground floor flats and a connecting part of amenity space between the two.

The extensions at first floor level will be to increase the size of the rear first floor bedroom at number 64 and to accommodate a rear first floor bedroom at number 66. The rear of number 64 will be extended by 0.8 metres and the rear of number 66 by 3.3 metres. These extensions will be the same width as the respective ground floor parts of the properties that they sit above.

The flat in the loft will be accessed via the entrance leading from Atkinson Street. Space for this flat will be created by a hip to gable extension of number 66 facing Atkinson Street with the ridge height and the pitch of the existing roof carried through and by a dormer to the front and two larger dormers to the rear.

All dormers will have pitched roof. The one to front 1.4 metres in width and the apex of its roof 2.9 metres from the eaves of the main part of the building. The dormers to the rear will both be 3 metres in width and the apexes of their roofs at 2.9 metres from the eaves of the main part of the building.

Including the existing openings there will be one door, a domestic window and a shopfront window at ground floor level, two domestic windows at first floor level and the front dormer referred to above facing Asfordby Street and two doors, four domestic windows and a shopfront window at ground floor level, six domestic windows at first floor level and a smaller window serving the stairwell to the loft space leading to the loft facing Atkinson Street. The existing ground floor level corner door to the shop will also be retained. All new windows and doors and materials for the walls and roof will match the existing.

Policy Considerations

National Planning Policy Framework (NPPF) 2019:

Chapter 2 'Achieving sustainable development'

- Paragraph 11 (presumption in favour of sustainable development and 5 year housing land supply)

Chapter 9 'Promoting sustainable transport'

- Paragraph 109 (severe impact on road network)

Chapter 12 'Achieving well designed places:

- Paragraph 127 (high standard of amenity)
- Paragraph 130 (good design)

Development Plan policies:

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

Additional documents:

Residential Amenity (Supplementary Planning Document)

City of Leicester Local Plan Appendix 1

Consultations

None

Representations

Ten objections have been received:

- an unacceptable strain on the local parking capacity and an increase in traffic and congestion
- concerns over waste management, existing tipping issues (in the alleyway at the rear and the square opposite the property and directly north of the Asfordby Street Mosque), existing rodent infestation issues the potential for an unacceptable impact on hygiene,
- detrimental impact on sunlight to and privacy of adjacent properties,
- anti-social behaviour issues,
- existing noise issues from the flow of customers at the existing shop,
- insufficient cycle provision,
- low standards of accommodation and overdevelopment of the site,
- local planning authorities should be held responsible where such schemes are approved.

Consideration

Principle of Development:

The proposal is for the conversion of two existing residential properties into five separate flats. It will not result in the loss of residential property to non-residential uses.

The proposal is in keeping with the broad objectives of saved City of Leicester Local Plan policies H05 and H07 and of Core Strategy policies CS06 and CS08.

Residential amenity (future occupiers):

Most of the principal room windows of all five flats will have a good level of outlook over Asfordby Street, Atkinson Street or out west over the rear of the Halstead Street properties. The exceptions will be the rear bedroom and kitchen/dining/living room of the ground floor flat at number 64. However, the ground floor of number 64 currently has outlook only from the rear kitchen which faces the existing rear kitchen of number 66.

I consider that the proposal will improve the outlook from the ground floor of number 64 and the proposed ground floor flat will have a good level of outlook from its front bedroom. Nevertheless, the plans show bins to be stored against the rear bedroom window of the ground floor flat at number 64 which would harm the outlook from that window. There is scope for bins to be stored elsewhere in particular up against the southern wall of the ground floor flat at number 66 where there are no openings. As such, I consider it appropriate to attach a condition requiring details of waste storage to be agreed prior to the flats being occupied.

The floorspace for the flats range from 33 square metres (second floor one bed flat) to 58 metres² (ground floor flat at number 66) and I consider the flats to be of a good size.

The flats will have shared access to approximately 70 metres² of private amenity space, though given the layout of these flats it is likely that this will be used mostly by occupiers of the ground floor flat at number 64. Nevertheless, the properties are close

to Spinney Hill Park (260 metres away) which provides good albeit public amenity space.

Additionally, I consider that the benefits of providing additional and in the case of number 64, improved residential accommodation outweigh the lack of direct access to amenity space for the upper floor flats.

I consider that the proposed flats will provide an acceptable level of amenity for future residents and consider the proposal to be consistent with the objectives of saved policies PS10 and PS11.

Residential amenity (neighbouring properties):

The proposal has been amended so that the extensions at first floor level do not intersect a 45° line taken from the rear windows of adjacent properties. I do not consider that the proposal will have an overbearing impact on or an unacceptable impact on the outlook or light for neighbouring properties. There are no windows to the side elevations facing the residential Asfordby Street properties to the south and the rear dormers will be set 25 metres away from the rear of the residential properties on Halstead Street. I do not consider that the proposal will have an unacceptable impact on the privacy of neighbouring properties.

Taking into account the above together with the section on waste management below I consider that with conditions attached the proposed flats will not have an unacceptable impact on the amenity of neighbouring properties and consider the proposal to be consistent with the objectives of saved policies PS10 and PS11.

Design:

The dormer to the front has been amended so that it is no wider than and sits aligned with the ground and first floor windows. As such I consider it is of an appropriate scale and retains the rhythm of the Asfordby Street elevation. The hip to gable conversion is appropriate to a corner terraced property. It provides a solution that is better integrated into the existing building whilst allowing sufficient space for access into the loft.

The first floor extension to the rear of number 66 is reflective of the scale of the two storey building opposite on the other side of Atkinson Street and the openings of this extension have been designed so that they align effectively with those on the ground floor. The roof of this extension has been designed so that it sits lower than and is subservient to the proposed gable end. The dormers at the rear are bulkier. However, their visual impact from views along Atkinson Street will be softened by the partial screening provided by the two storey extension over number 66.

To ensure that the proposal is fully integrated with the existing building I consider it appropriate to attach conditions requiring that the materials for the extensions and the cheeks and roofs of dormers are to match the existing.

I consider that with conditions attached the proposal will be in keeping with the character and appearance of the area and consistent with the objectives of Core Strategy policy CS03. I consider it appropriate to attach conditions requiring the materials for the extensions and the cheeks and roofs of the dormers to match the existing.

Waste storage and collection:

The plans show sufficient space within the rear yard for bins to be stored. Nevertheless, I appreciate concerns raised by the objectors over mismanaged storage of waste. Given the shared use and limited access to the rear yard I consider it appropriate to require that details of waste storage and a waste management plan be submitted and agreed before occupation of the flats. As the site includes the shop at the corner of Asfordby Street and Atkinson Street the plan should include provision for the storage of waste from the shop.

Highways and Parking:

Appendix 1 of the City of Leicester Local Plan suggests five spaces for the current uses (one shop and two dwellings). It suggests up to nine spaces for the proposed uses (one shop and five two-bed flats). The Residential Car Parking Research for Leicester document projects a need in 2026 of three spaces for the existing uses. It projects a need of five spaces for the proposed uses were the flats to be owner occupied or three spaces were they to be rented. I do not consider that the proposal is likely to have an impact on the parking capacity of the local area that would be severe.

Notwithstanding the lack of direct access for four of the five flats to the rear yard there is scope in that rear yard area for the storage of five cycles. Given that the waste management plan referred to above will necessitate a guarantee of shared access to that rear yard I consider it appropriate to attach a condition requiring that five cycle spaces be made available within the yard.

I consider that with conditions the proposal will not conflict with the objectives of Core Strategy policy CS14 and will be consistent with the objectives of saved policy AM12 and AM02. I recommend that such conditions include a requirement that covered and secure cycle parking for five cycles (one per flat) be provided prior to occupation.

Drainage:

The site is within a critical drainage area. However, I consider that a requirement for a scheme of sustainable drainage would be unreasonable and increased surface water run-off is unlikely to be significant.

I conclude that the proposal would not conflict with Core Strategy policy CS02 and is acceptable in terms of sustainable drainage.

Conclusion:

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. Prior to the occupation of any flat, arrangements for the collection and disposal of refuse associated with both the residential use and commercial 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).

3. The approved extensions and dormers shall be constructed in materials to match the existing walls and roof. (In the interests of the visual amenity of the area and to preserve the character and appearance of the West End Conservation Area, and in accordance with Core Strategy policies CS03 and CS18.)
4. No flat shall be occupied until secure and covered cycle parking for five cycles 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).
5. This consent shall relate solely to the amended plans received by the City Council as local planning authority on 12.11.19 and 21.11.19. (For the avoidance of doubt.)

Policies relating to this recommendation

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| 2006_H05 | Planning applications involving the loss of housing will be refused unless they meet criteria. |
| 2006_H07 | Criteria for the development of new flats and the conversion of existing buildings to self-contained flats. |
| 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. |
| 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_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_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_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. |
| 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.