

<b>Recommendation: Conditional approval</b>	
<b>20200178</b>	<b>19 De Montfort Street</b>
Proposal:	Construction of single storey and first storey extensions at rear to create single storey flat (1 x 1 bed) at rear of office; part change of use from offices (Class B1(a)) to two flats (2 x studios) (Class C3)
Applicant:	Mr Holt
View application and responses:	<a href="https://planning.leicester.gov.uk/Planning/Display/20200178">https://planning.leicester.gov.uk/Planning/Display/20200178</a>
Expiry Date:	11 May 2020
TEI	WARD: Castle



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## Summary

- the application is before committee as more than five objections have been received
- 6 objections on grounds of character and appearance, design, parking, highway safety, privacy, standard of accommodation and lack of amenity space.
- the main issues are the impact of the proposal on the residential amenity of future occupiers and neighbouring properties, the design of the proposal and its impact on the special significance of the New Walk Conservation Area and adjacent South Highfields Conservation Area.

## **Introduction**

The application relates to a three storey property with loft space on De Montfort Street in the New Walk Conservation Area. The site is adjacent to the South Highfields Conservation Area and is in a Critical Drainage Area.

## **Background**

Planning records indicate that the property has been in use as offices since the late 1970s. Prior approval for the change of use of the property from offices to seven flats was granted in 2019 subject to a condition that secure and covered storage for seven cycles be provided.

## **The Proposal**

The proposal is for three extensions at the rear, two to the ground floor and one to the first floor. The purpose of the extensions is to enable two of the flats allowed under prior approval 20191556 (Flat 2 and Flat 6) to be extended and to create one additional ground floor flat.

The existing ground floor flat 2 will be extended 3 metres in depth to create a living room. The extension will have a pitched roof and will measure 3.9 metres in height (2.5 metres to the eaves). Access to the flat will continue to be via De Montfort Street and a window will be added at the rear.

The first floor flat 6 will be extended 2.6 metres in depth to create a kitchen living area. It will be 6.6 metres in height (5.4 metres to the eaves). It will have two slender windows to the rear and one window to the side facing south.

The extension at the ground floor will accommodate an additional flat with a floorspace of 37 metres<sup>2</sup>. It will be accessed via De Montfort Mews and will be 7.5 metres deep taking it to 3.6 metres to the rear of the site and 4.3 metres in width, the same width as the existing single storey projection. As with the extension to Flat 2, it will have a pitched roof and will be 3.9 metres in height (2.5 metres to the eaves). It will have a bedroom at the part closer to the main building and kitchen and living facilities at the rear. There will be two new windows to the south facing elevation and a door to the north elevation. It will occupy some of the space taken up by Flat 3 (granted prior approval under application ref 20192556).

The plans note that brickwork, render, roof tiles and windows will all be to match the existing. An area for bin storage and for cycles has been shown on the plans.

The proposal has been amended to make the additional flat at the rear larger whilst still set 3.6 metres away from the rear boundary to allow for visibility for turning cars. The amendments have also resulted in the loss of the parking space that was part of the original submission.

## **Representations**

Six objections were received prior to the submission of amended plans. The objections raise the following concerns:

- that the size of the flats are too small (particularly assuming dual occupancy),
- that the proposal would have a detrimental impact on the privacy of neighbouring properties,
- that future occupiers would have no useable amenity space,
- that the outlook for future occupiers would be poor,

- that there would be safety and security concerns for future occupiers,
- that the single parking space would be insufficient and that the proposed parking spot is in any case dangerous,
- that there does not appear to be sufficient space for manoeuvring of bikes into the proposed bike storage area,
- that the proposal would result in a pinch point and reduced sight lines on an already narrow road resulting in a risk to highway safety particularly with the high pedestrian footfall at the rear (similar to the pinch point created by the existing building at the north end of the terrace)
- that the proposal would be out of keeping with the existing building and the character and appearance of the area and would obstruct views of the new Zone building at the rear from De Montfort Street and as you enter the Mews and the loss of the gable end will disrupt its complementarity with the Belmont Hotel
- and that there is no confirmation of brick type and roof tiles to be used and that the proposal is aesthetically disappointing with no windows on the north elevation.

## **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 30 (good design)

#### Chapter 16 'Conserving and enhancing the historic environment'

- Paragraph 192 (sustaining and enhancing significance of heritage assets)

### 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)

New Walk Conservation Area Character Statement

City of Leicester Local Plan Appendix 1 – Parking Standards

Corporate Guidance – 'Achieving Well designed Homes'

## **Consideration**

### Principle of Development:

Saved policy H07 states that planning permission will be granted for new flats provided the proposal is satisfactory in a number of respects including the nature of nearby uses, the creation of a satisfactory living environment, arrangements for waste bin storage and car or cycle parking and the provision, where practicable, of a garden or communal open space. Core Strategy policy CS06 notes that detailed housing issues (for example residential amenity) will be considered separately within a supplementary planning document. Consideration is given to the Residential Amenity SPD. Core Strategy policy CS18 notes the role that character appraisals and statements play in the protection and enhancement of the city's historic environment.

The proposal is for the extension of two of the existing flats that recently received prior approval and for the creation of an additional flat. It will not result in the loss of a residential property to non-residential uses.

The proposal is also consistent with the objectives of Core Strategy CS10 in supporting residential uses in the Professional Office Area where the buildings are unsuitable for office use (or in this instance when the building has recent permission for residential use).

The proposal is in keeping with the broad objectives of saved City of Leicester Local Plan policy H07 and of Core Strategy policies CS06, CS08 and CS10. The proposal would also comply with the saved policy H05 of the City of Leicester Local Plan.

### Residential amenity for occupiers:

The proposal will result in greater space for Flats 2 and 6 over that already given prior approval.

Although the additional flat will have a limited outlook towards the south De Montfort Mews is a densely built city centre environment and the level of outlook is not unreasonable. This flat will have a floorspace of 37 square metres.

The outdoor space is mostly dedicated to bin and cycle storage; however, the property is close to De Montfort Square and I consider the limited amenity space acceptable.

I consider that given the location of the site, 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 in this respect.

### Impact on neighbours

The outrigger at the adjacent property at number 17 has a single window at first floor level and there is a single south facing window to the single storey extension at the rear of this property. The proposed extensions will affect the outlook from the latter but, given the high density character of this part of De Montfort Street I consider this to be acceptable. The single storey extension will mean that the building will extend closer to the new Zone building. However, the projection will be towards the entrance and office part of this building and will not affect residential amenity.

I consider that the proposed flats will not have an unacceptable impact on the amenity of neighbouring properties and consider them to be consistent with the objectives of saved policies PS10 and PS11 in this respect.

#### Design and Impact on New Walk Conservation Area:

The character statement describes how many of the buildings along New Walk have been converted for office use but also that recently housing uses have begun to return to New Walk through conversions from offices and through new build. However, many front and back gardens have been given over to parking. The addition of another flat is in keeping with the primarily mixed residential and office use of the conservation area. The statement describes the materials characteristic of the conservation area, such as red brick, slate and timber for the windows, and how the introduction of other materials are alien to the character of the area and should be avoided in any new development.

The building itself is of a mid-nineteenth century character with all the operational development located at the rear. The design, materials and finishes are generally in keeping with the existing building. The extension will project considerably into the rear car park. However, there is precedent for projecting rear extensions including a deep extension at the north end of the terrace and I do not consider the scale of the proposal to be out of keeping with the more service like rear elevations of the De Montfort Street properties.

The proposal will not be visible from principal views within the conservation area. Nevertheless, in order to ensure that the proposal is constructed sensitive to the special character of the conservation area I consider it appropriate to attach a condition requiring a sample of the materials to be used and for joinery details of the windows and doors to be submitted and agreed.

I consider that with conditions attached the proposal will preserve the character and appearance of the New Walk Conservation Area and will satisfy the objectives of Core Strategy policy CS18.

#### Waste storage and collection:

There is some room at the rear of the property for the storage of bins. However, to store bins at the front would appear cluttered and would have an unacceptable impact on the character and appearance of the area and the character and appearance of the New Walk Conservation Area. Although bin space has been indicated at the rear there are limited details in the application on waste storage. These details can be secured by condition.

#### Highways and Parking:

The site is well placed for access to amenities and also for public transport. The proposal will result in one additional flat to those already granted prior approval and will be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. The proposal is consistent with the aims of the National Planning Policy Framework in this respect and consistent with the policies in the local plan.

Cycle storage has been indicated on the plans. I consider that details of storage for four cycles can be secured by condition.

The proposal will not result in the loss of any useable highway and will still provide sufficient visibility beyond the rear of the single storey extension for drivers to turn safely.

I consider that with conditions attached 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.

Drainage:

The site is within a critical drainage area. I consider that a requirement for a scheme of sustainable drainage would be onerous and that the impact of the proposal in terms of 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.

Other matters:

The principle of residential use at this property has already been established.

I do not consider that the proposal will have an unacceptable impact on the safety and security of future occupiers.

The proposal will part screen and reduce the visibility of the Zone building from De Montfort Street. However, the frontage of this building will still be viewable from De Montfort Mews where it is best appreciated.

Conclusion:

I recommend APPROVAL subject to the following conditions:

CONDITIONS

1. START WITHIN THREE YEARS
2. Before the commencement of the development a 1 metres<sup>2</sup> brick sample (showing brick type, bonding and mortar) shall be submitted to and agreed by the City Council as local planning authority. The works shall be carried out in accordance with these agreed details. (To preserve the character and appearance of the New Walk Conservation Area and in the interests of good design and the visual amenity of the area and 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. Before the commencement of the development a sample of the materials to be used for the roof shall be submitted to and agreed by the City Council as local planning authority. The works shall be carried out in accordance with these agreed details. (To preserve the character and appearance of the New Walk Conservation Area and in the interests of good design and the visual amenity of the area and 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.)
4. Prior to the commencement of development section details at a scale of 1:10 of the windows and doors shall be submitted to and agreed by the City Council as

local planning authority. The works shall be carried out in accordance with these agreed details and retained as such. (To preserve the character and appearance of the New Walk Conservation Area, and in accordance with Core Strategy policy CS18.) (To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

5. No waste bins shall be stored in front of the property on De Montfort Street. (In the interests of the visual amenity of the conservation area and in accordance with policy PS10 of the City of Leicester Local Plan and Core Strategy Policies CS03 and CS18.)

6. No part of the development shall be occupied until secure and covered cycle parking for four 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).

7. This consent shall relate solely to the amended plans received by the City Council as local planning authority on 17.08.20. (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 2019.

#### **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\_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'.

- 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\_CS10 The Council will seek to ensure that Leicester has a thriving and diverse business community that attracts jobs and investment to the City. The policy sets out proposals to achieve this objective.
- 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\_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.