

<b>Recommendation: Conditional approval</b>	
<b>20201927</b>	<b>1 The Meads</b>
Proposal:	Change of use from house (Class C3) to house in multiple occupation for more than 6 persons (8 bed) (Sui Generis); hard standing to front (amended plans 13/01/2021)
Applicant:	David McNeil
View application and responses:	<a href="https://planning.leicester.gov.uk/Planning/Display/20201927">https://planning.leicester.gov.uk/Planning/Display/20201927</a>
Expiry Date:	16 February 2021
TB	WARD: Western



©Crown Copyright Reserved. Leicester City Council Licence 100019264 (2019). Ordnance Survey mapping does not imply any ownership boundaries and does not always denote the exact ground features.

## Summary

- Brought to Committee due to the number of objections.
- 12 objections were received concerning the character and appearance of the area, parking and highways issues, residential amenity, the principle of development, living conditions, drainage and other matters.
- The main considerations are the principle of the development, character and appearance of the area, residential amenity, living conditions and highways.
- The application is recommended for conditional approval.

## **The Site**

The application relates to a two-storey detached dwelling house located within an area characterised as primarily residential. The application form states that the site has been vacant since December 2019. Western Park is located to the east of The Mead's entrance.

## **Background**

20200709 –Lawful development certificate for a permitted development single a storey extension at the rear of the house was granted in June 2020 and implemented.

An HMO licence has been granted for the property which would allow for 8 bedrooms and 9 persons to reside at the property.

## **The Proposal**

The application proposes a change of use from house (Class C3) to house in multiple occupation for more than 6 persons (8 bed) (Sui Generis).

Associated with proposal is the installation of hard standing to the front to accommodate two additional vehicle parking spaces.

The two additional bedrooms will be created from part of the existing lounge and the existing dining room. Four single bedrooms and four double bedrooms are shown.

The Design, Access and Planning Statement submitted states that the proposal is intended for 8 working professionals.

A Floor Space Schedule and photographs have also been submitted with the application.

The plans have been amended to reduce the amount of hard surfacing to the front of the site to accommodate three rather than four off-street vehicle parking spaces. The former fourth parking space proposed will be retained as grass with some new hard surfacing to form a pathway to the main entrance and rear garden. The hard surfacing has also been labelled to state that it will have a permeable finish.

The plans have also been amended to improve the living conditions of bedroom 3, which has been relocated so that it will have rear facing windows overlooking the rear garden rather than a side facing window looking onto the rear boundary fence of 73 Park View. The sitting room has been relocated to replace the former location of bedroom 3.

## **Policy Considerations**

National Planning Policy Framework (2019)

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 states:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. 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
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Presently, Leicester City Council does not have a 5-year housing land supply.

Paragraphs 59 to 79 sets out the housing policies of the NPPF. Paragraph 59 places an emphasis on the importance of a sufficient amount and variety of land to come forward where it is needed and that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraph 92 states that policies and decisions should guard against the unnecessary loss of valued facilities and services.

In making an assessment Paragraph 108 of the NPPF 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 degree.

Paragraph 109 advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are 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; create place that are safe, secure and attractive; allow for the efficient delivery of goods and; be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Paragraph 117 requires planning policies and decisions to promote the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 122 places an emphasis on local planning authorities to support development that makes efficient use of land. It requires decision makers to take into account issues such as the need for different types of housing, including the availability of land suitable for accommodating; local market conditions and viability; the availability and capacity of infrastructure and services, including the potential for further improvement; the desirability of maintaining an area's prevailing character and

setting (including residential gardens) and; the importance of securing well-designed, attractive and healthy places.

Paragraph 123 states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. The policy includes a set of criteria for both plan making and decision taking, for the latter it advises local planning authorities to refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

Part 12 of the NPPF focuses on requiring good design. Paragraph 124 describes good design as a key aspect of sustainable development.

Paragraph 127 sets out criteria for assessing planning applications and requires decision makers to ensure that development proposals:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>46</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 180 requires decision makers to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

#### 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)

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO)

Leicester City Council Corporate Guidance (2019) Achieving Well Designed Homes: Residential Space Standards, Amenities and Facilities

Residential Car Parking Research for Leicester (2011) Leicester City Council

**Representations**

Twelve objections from eleven different addresses have been received for the proposal (before amendment):

- Commercial vehicles parked to the front of the house detrimentally impacting on the appearance of the cul-de-sac.
- The detrimental aesthetic impacts of additional hard surfacing for vehicle parking to the front, in connection with other properties that have done the same, creating a mini car park.
- Lack of parking facilities.
- Potential to cause parking problems with up to 16 vehicles from the increased number of residents proposed on a cul-de-sac that already has limited on-street parking, especially on weekends due to The Meads close proximity to Western Park. This has the potential to restrict emergency vehicle and road sweeper access and lead to highways safety concerns for both pedestrians and vehicles.
- No provision of a dropped kerb.
- The photographs submitted with the application are misleading as the street is only rarely empty of on-street parking.
- Local bus services do not provide appropriate times or routes to potential future workers of Glenfield Hospital residing in the HMO.
- Additional noise, nuisance, and parties.

- The use of the property by healthcare working professionals could increase noise levels due to shift work.
- Extra vehicles increasing noise and light pollution.
- The area already has HMOs within a very close proximity to the site (two on Park Rise and one on Park View).
- The proposal will likely house single young people within an area of family housing and older people, substantially changing the demographic of the area.
- Objection to the Council's policy on HMOs and their permission being restricted in certain areas: nothing to stop a situation where more HMOs are created on the street.
- The Meads is a small cul-de-sac housing families and older people enjoying a sense of community, which will be lost.
- Overcrowding.
- Feel threatened by so many people.
- Change in the character of the area.
- Surely there are brownfield sites that the proposal would be more suited to.
- The rear garden is not spacious following the recently constructed extension.
- Concern that the loft has not been properly insulated and associated future welfare of residents at the application site.
- Self-isolation due to Covid-19 would be very difficult in the crowded HMO. Possible spread of COVID-19 to neighbouring properties
- Strain and possible blockage of the drainage systems.
- Building works during lockdown.
- Devaluation in neighbouring property values.

## **Consideration**

### Principle of development

Such housing meets the need for a range of housing types across the City. There is no evidence of a local over-concentration of houses in multiple occupation within this area of the city. The area has not been identified for the retention of larger residential properties and a large proportion of the housing in this suburban area is and would

remain as suitable for family accommodation. I therefore consider the proposal to be acceptable in principle.

### Design

Access to the side of the property would still be available for the storage of waste to the rear of the site. I would recommend a condition that provision be made for the storage of bins at the rear of the property.

There would be an increase in hard surfacing to the front of the site. However, such hard surfacing could be implemented as permitted development. Living conditions (The proposal)

It meets the requirements for HMO licensing and a licence for 9 residents has been granted for the property.

The kitchen/diner would be around 44 square metres, exceeding the HMO licencing guidance minimum of 37 square metres.

All bedrooms will have satisfactory light and outlook. The sitting room proposed is additional to the requirements of the guidance HMO licensing standards. All bedrooms are satisfactory in size.

Access to all the rooms is from the existing front entrance, which benefits from natural surveillance for safety and security.

All rooms would have access to a rear garden space via the communal living space. The amenity space is approximately 100 square metres in size which meets the minimum recommended for dwellings. The site is also in close proximity to Western Park.

### Residential amenity (neighbouring properties)

The house could be used as a 6-person house in multiple occupation without the need for planning permission.

I do not consider that the proposal would directly result in an unreasonable amount of noise, nuisance, light pollution or general disturbance.

The proposal will have no impact on neighbouring light and outlook. I do not consider that the proposal will have a significant impact on neighbouring privacy.

Given the relatively modest scale of the proposed development and the relatively unconstrained access to the site, I do not consider that disruption impacts during refurbishment work are likely to be so significant as to warrant control through the planning process.

I conclude that the proposal would comply with policy CS03 of the Core Strategy (2014) and would not conflict with saved policy PS10 of the Local Plan (2006) and is acceptable in terms of the privacy and amenity of future and neighbouring occupiers.

## Highways and Parking

A dropped kerb has been shown on the proposed site plan, which can be implemented without the need for planning permission. The site is within 250m walking distance of bus links on Park Rise.

The existing maximum vehicle parking standard for a house is two spaces in accordance with Appendix 01 Parking Standards of The City of Leicester Local Plan (2006).

The existing driveway can accommodate one vehicle parking space, whereas the proposed driveway will be able to accommodate three vehicle parking spaces. As such, there would be a net gain.

Leicester City Council projects that the average shared ownership house with more than 7 rooms in the Western Park ward would have 1.2 vehicles (on average) by 2026.

Data for a single house in that area suggests on average, one vehicle (2001).

I recommend a condition that four secure cycle parking spaces shall be provided and retained to promote sustainable transport. Subject to the recommended condition, I consider that this level of parking/cycle provision is acceptable. I conclude that the proposal would comply with Policy CS15 of the Core Strategy (2014) and with saved Policy AM12 of the Local Plan (2006) and is acceptable in terms of parking.

## Drainage

The hard surfacing to the front should have a permeable finish. 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 Policy CS02 of the Core Strategy (2014) and is acceptable in terms of sustainable drainage.

## Other matters

The proposal's impact on neighbouring property values, COVID rules for future residents and satisfactory insulation of the loft are not material planning considerations.

## Conclusion

The proposal would provide an alternative type and size of accommodation which is acceptable in this location and meets other planning considerations

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. No part of the property shall be occupied until provision has been made for the secure storage of a minimum of four cycles and that provision shall be retained thereafter. (In the interests of the satisfactory development of the site and in accordance with policies AM0 of the City of Leicester Local Plan).

3. No part of the property shall be occupied until provision has been made for storage of waste bins at the rear of the property and that provision be retained thereafter. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)

3. This consent shall relate solely to the amended plans ref. no. 256/02 Rev E and 256/11 Rev A received by the City Council as local planning authority on 13/01/2021. (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.

#### **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_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_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\_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.

## 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. No part of the property shall be occupied until provision has been made for the secure storage of a minimum of four cycles and that provision shall be retained thereafter. (In the interests of the satisfactory development of the site and in accordance with policies AM02 of the City of Leicester Local Plan).
3. No part of the property shall be occupied until provision has been made for storage of waste bins at the rear of the property and that provision be retained thereafter. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
4. This consent shall relate solely to the amended plans ref. no. 256/02 Rev E and 256/11 Rev A received by the City Council as local planning authority on 13/01/2021. (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.

## 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_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\_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\_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.