

20210149	324 Victoria Park Road	
Proposal:	Change of use from house (Class C3) to three flats (2 x 2 bed & 1 x 1bed) (Class C3) (amended plans 17.3.2021)	
Applicant:	Helen and Nicholas Naftalin	
App type:	Change of use	
Status:	Minor development	
Expiry Date:	22 April 2021	
SS1	TEAM: PD	WARD: Castle



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Summary

- The application is at committee due to more than five objections
- 24 objections on grounds of parking, residential amenity, the quality of accommodation and the principle of the change of use
- The main issues are the standard of accommodation, the residential amenity for the future occupiers and neighbouring properties, highways, parking and waste management

- The recommendation is for conditional approval.

The Site

The site is a two storey terraced dwelling. An article 4 direction covers the site which removes permitted development rights for the change of use to small houses in multiple occupation (class C4).

Background

A previous planning application 20150120 for change of use from house (class C3) to house in multiple occupation was refused in 2015 with the reason being it was likely to exacerbate the existing concentration of shared housing in the area covered by the Article 4 direction.

The Proposal

The originally submitted proposal was for conversion to four flats comprising two 2-bed flats and two studios.

The plans have been amended to reduce the number of flats to three.

There would be 1 flat on the ground floor. It would be 65m² in size and have 2 bedrooms including 1 with an en-suite, a WC/shower room, a kitchen and a living/dining room.

Flat 2 would be on the first floor. It would be 35.5m² in size and have 1 bedroom a kitchen/living room, and a WC/shower room.

There would be a duplex flat on the first and second floors. It would be 54m² in size and have an open plan kitchen/living room, 2 bedrooms, a WC and a further WC/shower room.

The amended site plans show the cycle parking spaces moved to the rear with area for the bin storage retained at the front behind the existing hedge.

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

Highways – No objections subject to a condition to ensure suitable cycle parking is installed before the change of use is commenced.

Representations

21 objections were received in response to the original plan. The issues raised were:

- There are parking issues in the area and the proposal would exacerbate this;
- There is noise and disturbance in the area and the proposal would exacerbate this;
- The area is already overpopulated;
- The proposal would result in the loss of a family house in an area where there are lots of conversions to flats already;
- The proposal would be too high density for the property;
- Concerns over amenity to occupants - the flats would be too small/not meet national space standards, have a lack of garden space, lack access to the rear for the upper floor flats;
- Concerns about alterations to the design of the property;
- Concerns over refuse storage;
- Concerns over how well maintained the property would be;
- Concerns over visual amenity in relation to bin and cycle storage;
- It is unclear how the flats will be heated;
- Fire safety/escape concerns for the duplex flat;
- Bins located at the front would lead to rubbish on the streets;
- A further 4 representations have been received following the amendments saying that the flats are still too small; parking issues would be exacerbated; noise and disturbance would be increased; and bin and cycle storage should be to the rear.

Consideration

Principle of development

The proposal is for the conversion of one existing residential property into three separate flats. It will not result in the loss of residential property to non-residential uses. Whilst one larger family house will be lost, 3 smaller dwellings would result.

The Article 4 Direction is in place to restrict the conversion of residential properties into small houses in multiple occupation for up to 6 people. The proposal is for a different type of accommodation for small flats which are not covered by the Direction.

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 in providing a supply of dwellings of varying types.

The main issues in this case are the impact on residential amenity, living environment, and highways.

Residential amenity (future occupiers):

The flats would not meet the National Space Standards however this does not necessarily warrant refusal as they are not adopted policy. I consider that the floorspace in this case is adequate given the reasonable and workable layout.

All the principal rooms of the proposed flats would have windows. Bedroom 2 on the 2nd floor would have two Velux windows which would also be acceptable. I consider each flat would generally have sufficient daylight and reasonable outlooks.

The ground floor flat would have a direct access to the rear yard and all properties have direct access to the waste bin storage area via the front door. The property is close to Victoria Park which provides good public amenity space.

The rear yard is approximately 16 sqm following the addition of the cycle storage. Appendix E of the Residential Amenity SPD advises that one bedroom flats should have minimum 1.5sqm of amenity space per flat and two bedroom flats should have minimum 2sqm of amenity space. The amenity area would therefore meet the minimum requirements of the SPD. It is usable and I consider it would offer an acceptable outdoor space for the future occupants.

Having regard to the SPD and the site context, I consider that the proposal would provide satisfactory living conditions for the future occupiers and would be consistent with Core Strategy Policy CS06 and saved Local Plan Policies H07 and PS10.

Residential amenity (neighbouring properties):

I consider the proposal would not result in significant or unreasonable harm in terms of noise and disturbance.

I conclude that the proposal would not conflict with saved Local Plan Policy PS10 and, having regard to the SPD, is acceptable in terms of the privacy and amenity of the neighbouring occupiers.

Waste storage and collection:

Waste bins would be situated at the front of the property, sited behind the existing hedge which acts as a screen at the front of the site. This is acceptable but I am suggesting a condition that requires the retention of the hedge or alternative boundary treatment to protect visual amenity. As such I consider this element of the proposal not to result in any significant detriment to the character and appearance of the site within the street scene. The proposal would not conflict with policy CS03.

Highways and Parking:

There will be a provision for 6 cycle storage spaces, but there is no provision for any vehicular parking. Neither the existing house nor the proposal meets the standard of 1 space per bedroom for developments in zone 4, as set out in the 'Vehicle Parking Standards'. The flat is located within walking distance of local centres on Welford Road

and Clarendon Park Road, as well as bus services on Victoria Park Road and Welford Road. I consider that the parking arrangements are acceptable, and the proposal would not significantly impact on highway safety or function.

The 'Vehicle Parking Standards' suggests 1 bicycle storage space per 2 bedspaces. 6 cycle storage spaces are therefore acceptable. Provision of the cycle storage can be secured by condition.

I consider that the level of parking provision is acceptable, and the proposal would comply with Policy CS15 of the Core Strategy (2014) and with saved Policy AM12 of the Local Plan (2006).

Other Issues:

Heating arrangements are not directly a planning consideration for developments of this scale.

There would be no physical alterations therefore the property's design would not be affected.

Upkeep and maintenance are matters for the applicant and not a planning consideration.

Conclusion:

The proposed conversion is acceptable in principle, is in accordance with local and national policies, and would make a small contribution to the City Council's housing supply. The flatted development would secure satisfactory living conditions for future occupiers. The parking and access arrangements would be satisfactory.

I therefore recommend that the application be APPROVED 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 development shall be occupied until secure and covered cycle parking has been provided and retained thereafter, in accordance with the approved plans. (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).
3. The existing hedge to the front of the property shall be maintained at a minimum height of 1.5 metres unless an alternative provision for screening waste bin storage has been approved by the City Council as local planning authority. (In the interests of visual amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)
4. This consent shall relate solely to the following plans: floor plans ref 0106-05b received by the City Council as local planning authority on 17.3.2021; and site plans ref 0104-04a received by the City Council on 18.3.2021, unless otherwise submitted

to and approved by the City Council as local planning authority. (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 (and/or pre-application).

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_AM11	Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01.
2006_AM12	Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
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.
2006_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
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_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.
2006_UD06	New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.