

20211792	19 East Avenue	
Proposal:	Change of use from house in multiple occupation (10 persons) (Sui Generis) to six flats (3 x 1 bed, 3 x 2 bed) (Class C3); alterations (Amended plan received 13/01/2022)	
Applicant:	Veema UK LTD	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	28 January 2022	
SSA	TEAM: PD	WARD: Castle



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Summary

- The application is at Committee because there have been more than five objections from five different City addresses and the recommendation is for an approval.
- Seven objections raise concerns relating to residential amenity, the quality of accommodation, character of the conservation area, parking, noise and trees.
- The main issues are the principle of development, impact on the character and appearance of the conservation area, the standard of accommodation, residential amenity for the future and neighbouring occupiers, parking and highways safety, trees, noise and general disturbance and drainage.
- The recommendation is for an approval with conditions.

The Site

The application relates to a three-storey building, located within the Stoneygate Conservation Area, covered by an Article 4 Direction restricting alterations to the property that could otherwise be undertaken under the permitted development provision. The site is located within an area characterised as primarily residential.

The site is also covered by Article 4 Direction restricting change of uses to houses in multiple occupation within Class C4.

Attached to the south of the site is a house in multiple occupation (HMO) at 21 East Avenue. Further to the south 25 and 27 are properties in use as Class C4- HMOs. Located to the northern side and rear of the site are dwelling houses (Class C3). Opposite the site is a primary school.

The site lies within Critical Drainage Areas and Laapc 250m Buffer (Bliss Laundry & Dry-Cleaning)

Background

19 East Avenue

20201291 - Change of use from house (Class C3) to seven self-contained flats (6x1 bed; 1x2 bed) (Class C3); demolition of outbuilding and wall to rear; hardstanding and alterations – Withdrawn- December 2020.

19-27 East Avenue

19930765 - extension to rear of nursery home to provide disabled persons toilets – Approved-16/07/1993.

19810051 – Construction of external staircase at rear of nursing home. Conditional approval was granted in 1981.

19870596 – Alterations and extension to nursing home to from lift shaft and link bridge between nos. 19 and 21 East Avenue.

19791110 - Alterations to and erection of two storey extension to nursing home - Approved 13/09/1979.

19-21 East Avenue

20031138 – Change of use from nursing home (Class D1) to two dwelling houses (Class C3). Conditional approval was granted in August 2003. Implemented.

19 - 25 East Avenue

20210206 - Notification of proposed felling of ten trees (T1-T10) within the rear garden of 19-21, and 25 East Avenue within Stoneygate Conservation Area – unconditional approval 22/03/2021– implemented.

20001451 - Change of use of nos. 23-25 from nursing home to two single dwelling houses (Class C3); two storey extension to rear of 25 East Avenue; alterations to care home at 19-21 to form laundry room - Approved- 30/11/2000.

Planning history indicates that in 2003 permission (20031138) was granted for the change of use from a nursing home (Class D1) to two dwelling houses at 19-21 East Avenue. However, it is unclear if this consent was implemented and when the HMO use commenced at the application site. However, Council Tax records shows that the property was used as a student HMO for 7 to 10 persons since July 2006, although the property has been empty since July 2020. Private Sector Housing has confirmed that 19 East Avenue has been licensed since 2007 for up to 10 people. It appears that the property has been used as a HMO (Sui Generis) for well over 10 years. On the balance of probability, I have concluded that the lawful use of the property is a larger HMO (Sui Generis).

The Proposal

The application as initially submitted was for a change of use from a house in multiple occupation (HMO) (10 persons) (Sui Generis) to seven self-contained flats (6 x 1 bed, 1 x 2 bed) (Class C3) including the demolition of the outbuilding and roof alteration to the rear single storey building. It included five parking spaces on the site: one in the front courtyard, against the window of the ground floor flat and four at the rear.

The amended scheme reduces the number of flats from 7 to 6, retains the outbuilding, deletes the parking spaces at the front and rear of the site and proposes 1 parking space on the side driveway. The proposal is as follows:

Three, one bed flats (nos. 1, 2 and 3) would be located on the ground floor level:

- flat 1 (2 persons) - 53 sqm
- flat 2 (2 persons) - 57 sqm
- flat 3 (2 persons) - 51 sqm

Three two bedrooms flats (nos. 4, 5 and 6) would be located on the first and second floors:

- flat 4 (3 persons) - 58 sqm
- flat 5 (4 persons) - 81 sqm
- flat 6 (3 persons) - 64 sqm
- Removal of the external spiral staircase and the handrails on the flat roof at the rear of the second floor.
- Roof alterations and replacement windows on the rear single storey building.
- Replacement slate roof tiles to match existing.
- Timber windows to side elevations to match existing.
- Existing black timber door on the second floor (rear elevation) to be removed and replaced with a full height window.
- One-way obscure film on the bay and small windows to the side elevation serving Flat 4, on the first floor.
- The detached rear garage/outbuilding to provide secure and covered cycle parking and a bin storage.

- One parking space on the existing side driveway.
- The rear garden would be shared between all the occupants of the flats.
- Hard and soft landscaping to front and the rear garden.

Policy Considerations

National Planning Policy Framework (NPPF) 2021:

Paragraph 2. The framework requires that applications for planning permission 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.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

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.

Paragraph 38 encourages local planning authorities to approach decisions in a positive and creative way and states that they should work proactively with applicants. It goes on to state that decision makers should seek to approve applications for sustainable development where possible.

Paragraphs 110 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 111 advises 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 119 advises that planning policies and decisions should promote an 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 130 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 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance, taking in local design guidance and supplementary planning documents. Significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Paragraph 167 - When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

Paragraph 196 states that where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

Paragraph 197 requires local planning authorities to take account of: (a) sustaining heritage assets with viable uses; (b) the positive contribution heritage assets can make to communities including economic viability; and (c) the desirability of development positively contributing to local character and distinctiveness; when determining applications.

Paragraph 202 states that proposals leading to less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal.

Paragraph 206 states that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Development Plan policies:

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

Additional planning documents:

Residential Amenity: Supplementary Planning Document (2008)

City of Leicester Local Plan Appendix 1

Stoneygate Conservation Area Character Appraisal.

Other documents

Housing and Economic Development Needs Assessment (2017).

Leicester City Council Corporate Guidance – Achieving Well Designed Homes (2019).

Consultations

Conservation Advisory Panel (CAP): No additional comment made.

Local Highway Authority (LHA): Originally raised concerns that the parking arrangements were not workable. However, they acknowledge that the HMO for 10 beds provides two parking spaces and the site is in a sustainable location with good public transport and cycling network. Therefore, it be difficult to sustain a highway refusal on the basis that the lack of parking would result in severe highway impact given the existing use.

Representations

7 objections have been received to the original scheme including one from the Stoneygate Conservation Society raising the following concerns:

- Additional parking at the front; external alterations and replacement UPVC windows are detrimental to the character of this property and the character of conservation area.
- The house makes a significant contribution the Stoneygate Conservation Area and any use of premises should be sustainable.
- Retain distinctive dragon finial on the front roof elevation and decorative planters etc and add soft landscaping to the frontage.
- Inadequate parking for 7 flats which will lead to more on-street parking, congestion onto other streets resulting in highways and pedestrian safety.
- The road is used for St John's school drop-off and pickup and is already very congested during these times. Additional vehicles on the street will only make this situation worse.
- Car ownership is likely to be higher than amongst the students who lived there previously.
- The surroundings of the house would be dominated by car parking, a trend which should be discouraged both for its effect on appearance and on drainage
- Difficult to manoeuvre a vehicle in and out of the building. Proposed parking spaces are impractical and unusable.
- The earlier version of this application (20201291) was withdrawn, not approved as stated in the D & A Statement
- The local residents have already objected before to similar proposals as submitted and their concerns are still relevant.
- Planning notices were not displayed by the LCC.
- Questioned as to how many residents that border 19 East Avenue have been consulted?
- HMO restriction is in place within the area, but dwellings are still being converted to flats just outside the HMO area and within.
- Proposed flats if allowed will set a negative precedent.

- Over provision of numbers of flats. A smaller number of more roomy luxury flats would solve many problems. Reducing the number of flats to 5 would lessen the effect on parking both on and off the site.
- Reversal to family home would be the ideal but, given its size and history, this would probably be difficult to achieve so have no objection to conversion from student HMO to flats
- Minimum National Space Standards must apply to the proposed flats.
- Inadequate fire escape route.
- Increase in number residents will cause further noise and disturbance.
- No outdoor provision for bins required for 7 flats.
- parking spaces at rear garden close to shared boundary would cause additional noise and disturbance and toxic fumes into adjacent rear gardens.
- The trees should be replanted instead of car parking spaces. Row of trees have already gone. Loss of the green space and trees would be detrimental to the local environment
- The demolition of the flat roofed garage building would result in loss of privacy and impact on the natural environment, wildlife habitats and drainage.
- Concerned about plasterwork in existing rooms.
- Provision of future satellite dishes should be considered to the rear, or via underground cabling.

Consideration

Principle of development

Policy CS06 of the Leicester Core Strategy (2014) undertakes to meet the City's housing requirements over the plan period through, *inter alia*, limited housing growth within established residential areas and small housing infill to support the development of sustainable communities. It goes on to require new housing developments to provide an appropriate mix of housing and in particular larger family housing.

Policy CS08 states that Neighbourhoods should be sustainable places that people choose to live and work. Within the inner-City areas, it is council priority to retain good quality housing, conversion of large houses; and local over concentration of HMO should be resisted. The Council will seek to ensure that the distinctive characteristic of existing properties are retained.

The Housing and Economic Development Needs Assessment (2017), suggests that there is a greater demand for 2 bedroomed dwellings than 4 or more bedroomed dwellings.

The Article 4 Direction is in place to restrict the conversion of residential properties into houses in multiple occupation for up to 6 people. The application site is a HMO within a sui generis use and will not result in the loss of the large house nor will it result in the loss of residential property to non-residential use.

The proposal would make a small contribution to housing supply through the conversion of this site within an established residential area. The proposal would be

consistent with the broad objectives of Core Strategy policies CS06 and CS08 in providing a supply of dwellings of varying types.

In the above policy context and having particular regard to the City's current housing supply position, I consider that the development of this site to provide six flats is acceptable in principle, subject to consideration of the amenity and privacy of neighbouring occupiers; the character and appearance of the area (including the setting of the Stoneygate Conservation Area); the quality of the proposed accommodation; access and parking provision, drainage, noise/disturbance and landscaping.

Character and Appearance of the conservation area

Policy CS03 of the Leicester Core Strategy (2014) states that development must respond positively to the surroundings and be appropriate to the local setting and context and take into account Leicester's history and heritage", as well as "Contribute positively to an area's character and appearance

Policy CS18 seeks opportunities to enhance and protect the historic environment, including the character and setting of designated heritage assets. The Policy goes on to support the sensitive reuse of high-quality historic buildings and spaces, promote the integration of heritage assets and new development to create attractive spaces and places, and encourage contemporary design rather than pastiche replicas.

The property is located in the Stoneygate Conservation Area, in relative proximity to a number of Grade II and Grade II* Listed assets. The building is a Victorian Gothic Revival property, which adds to the character and appearance of the Conservation Area.

The Stoneygate Conservation Area Character Appraisal highlights the negative impact that the loss of features such as gardens, forecourts and front boundary walls can have on the character and appearance of the conservation area, citing St. John's Road (among others) as examples where this has occurred. The Appraisal also sets out management and enhancement proposals for the conservation area, including a presumption against the demolition of buildings that make a positive contribution to the conservation area.

The amended proposal retains the detached rear garage/outbuilding, which was probably built as a coach house and is contemporary with the Villa, and therefore its retention is welcomed.

The amendments also include the removal of the parking spaces to the front and rear which was initially proposed and the retention of rear garden for the shared use by residents is welcomed. I consider that the amended scheme and proposed landscaping would protect the character and appearance of the building and the conservation area.

The existing rear single storey extension is in a poor condition. The amended plans add detailing of the windows/door and a new roof to the single storey rear extension. The existing Swithland slate roof would be replaced with natural slate to match the existing as closely as practicable. I consider this part of the proposal would maintain the character and appearance of the site and the conservation area.

It is noted that some UPVC windows exist at the property, but to protect the character and appearance of the conservation area, the proposed windows and doors should be timber. The amended scheme also includes timber windows to front and side elevations to match the design and style of existing windows. At the rear, conservation style new and replacement uPVC windows are proposed. I consider the proposed

alterations to be acceptable and recommend a condition in this respect requiring joinery details and cross section drawings including details of the slate roof tiles and brick samples to be submitted for approval.

The front forecourt would remain as it appears currently with boundary treatment to the front also remaining unaltered. In addition, the metal railing around the flat roof and spiral external staircase at the rear will also be removed to improve the visual and residential amenity of future occupiers and the surrounding area, and this is welcomed.

The bins and cycle store would be contained within the existing garage/outbuilding and the attached store at the rear. Alteration are proposed to facilitate this, but they would be relatively minor. I am satisfied that they would not detract from the residential quality of the street scene and character and appearance of the conservation area.

The change of use of the site to flats would not materially alter the character of Stoneygate Conservation Area. However, the site would remain in residential use which is compatible with the adjacent properties. I acknowledge that the Conservation Area Character Appraisal promotes this particular Conservation Area as one which comprises of family sized dwellings, but I consider that the proposed flats would also provide a mixed of suitable size of residential accommodation as opposed to a HMO and access local to services and amenities locally.

I consider the proposal as revised to be in accordance with the aims of the paragraphs 197, 202 and 206 of the NPPF 2021, Core Strategy policies CS03 and CS18 and would not harm the character and appearance of the Conservation Area.

Living conditions (*The proposal*)

Policy CS03 of the Leicester Core Strategy (2010) states that new development should achieve the highest standards of accessibility and inclusion, whilst Policy CS06 states that new housing developments will be required to provide an appropriate mix of housing types, sizes and tenures to meet the needs of existing and future households in the City.

The criteria set out at saved Policy H07 of the Local Plan (2006) relate to new and converted self-contained flats. The criteria relate to the location of the site and nature of nearby uses; the unacceptable loss of an alternative use; creation of a satisfactory living environment; arrangements for bin, can and cycle store; provision of garden or communal open space; effect on general character and; proposed changes to the appearance of the buildings.

Section 3 of the Council's Residential Amenity SPD (2008) ("the SPD") sets out more detailed design guidance for development in outer areas of the City. In particular, it recommends separation distances of 15 metres between a blank wall and principal room windows and of 21 metres between facing principal room windows. The SPD also recommends the provision of a 1.5 and 2 square metres amenity space for one and two bed flats.

Whilst not adopted policy, the Nationally Described Space Standards (NDSS) requires Gross Internal Floor Area of 39 sqm (1 person) and 50 sqm (2 people) for one bed flats; 70sqm (3 person) and 79 sqm (4 person) for two bed flats (over 2 storey).

The numbers of flat have been reduced to six, three one and three two bed flats. Three one bed flats: flat one (53sq metres), flats two (57sq metres), and flat three (51sq metres), would be located on the ground floor level. The proposed one bed flats on the ground floor would meet the NDSS. All principal rooms to these flats would have reasonable outlook to the front, side, or rear.

The two bedrooms flats: flat four (58sq metres), flat five (81sq metres), and flat six (64sq metres), would be located on the first and second floors. Whilst the two bed flat five (4 person) would meet the NDSS, two bed Flat four and Flat six (3 persons) would be marginally smaller and some rooms in flat 6 are within the roof space would have limited head heights as required by the NDSS. On balance, I consider that the sizes of the flats in this case are acceptable given the reasonable and workable layout of the building.

Although some principal rooms of the first floor flat four have side facing windows that faces 21 East Avenue, these windows are existing that served principal rooms of the HMO. However, one-way obscure film has been proposed on the bay and small window to the side windows serving flat four, located on first floor. The windows in the side elevations which serves non habitable rooms or serves as secondary windows will have obscure glazing to protect the privacy of the existing future occupiers. A condition is being recommended in this respect.

The change of use of the site would not introduce any new side or rear facing principal room windows and would not alter the relationship between the host property and adjacent houses to the both sides and to the rear. The existing property is 10-bedroom HMO with front, side and rear facing principal room windows. There is separation distance of between approximately 9 metres to 12 metres from the rear of the building to rear its boundary. The existing windows at the rear serving mostly principal rooms would maintain a separation distance of over 21 metres between the rear principal room windows of the host and the properties at the rear on Central Avenue.

I acknowledge that two flats out of six fall short of the recommendations of the NDSS, which is not adopted Council Planning Policy. However, when taken in combination with the size of accommodation and layout which provides reasonable outlook, light and privacy for the future occupiers. I consider that the proposal would provide an adequate living environment in accordance with the paragraphs 130 of the NPPF and saved policy H07 of the City of Leicester Local Plan.

The garage/outbuilding will be retained to provide cycle parking and a bin storage. The existing garden area and paved patio area would be retained and shared between the occupants of the flats. Total amenity space required for six flats equates to 10.5 sq. meters. I consider that the amenity space (approximately 90 sqm) would be more than adequate for the proposed flats. All resident would have access to the shared amenity area, bins and cycle storage area which is conveniently and easily accessible.

In addition, the site is within walking distance of Victoria Park, located in a good location for access to amenities, public transport routes and local services suitable for residential use. In context of the access to services and amenities in the local area combined with the good size of internal circulation I consider that the proposal would not create a cramped living environment to the detriment of the amenity of future occupiers.

The Lifetime Homes Standards have now been replaced by the requirements of the optional Building Regulations Standard M4(2) (accessible and adaptable dwellings). I consider that as this is a conversion of the property it is unreasonable to expect that the proposed development would be able to secure compliance with Building Regulations Standard M4(2).

Having regard to the Residential Amenity SPD and the site context, the proposal would not result in unacceptable loss of an alternative use or the loss of family house and the site is in a sustainable location within a predominantly residential area. I consider

that the proposed flats would be of a good size and the proposal would provide satisfactory living conditions for the future occupiers that would be consistent with Core Strategy Policies CS03 and CS06 and saved Local Plan Policies H07 and PS10.

Residential amenity (*neighbouring properties*)

Policy CS03 of the Leicester Core Strategy (2014) states that development must respond positively to the surroundings and be appropriate to the local setting and context. Saved Policy PS10 of the Local Plan (2006) sets out a number of amenity factors to be taken into account when determining planning applications, including: noise and air pollution; the visual quality of the area; additional parking and vehicle manoeuvring; privacy and overshadowing; safety and security; and the ability of the area to assimilate development.

The site is bounded by a detached two storey property (No 11 East Avenue) to north and no 21 East Avenue, an attached two storey property, 17 and 19 Central Avenue at the rear are semi-detached dwellings. An over 1.8m high fence and brick walls screen the common boundaries.

The existing property has front, side and rear facing principal room windows. The alterations and change of use of the site would not introduce any new side or rear facing principal room windows or would alter the relationship between the application site and the neighbouring properties. As such I consider the proposed use of the site being six flats would not result in any greater impacts in respect of overlooking and loss of privacy to the neighbouring properties.

Concerns have been raised by objectors that the change of use and loss of trees would further give rise to loss of privacy. Whilst hedges have been removed, the proposal still maintain over 21m separation distance to the rear, so I cannot give this concern a significant weight in this instance. The revised proposal also includes removal of railing on the flat roof at the rear and the spiral staircase in order to protect the privacy and amenity of the neighbouring properties as well as to improve the character and appearance of host property and the conservation area.

I recognise that the site would now be used as six separate units which could marginally increase the comings and goings from the site. In respect of noise and disturbance, the proposal would not increase the number of bedrooms available on site. However, proposed use relatively would not be significantly different to the existing use as a shared accommodation with approximately 10 persons occupying the site and therefore, I consider the revised proposal to be acceptable in this instance.

On balance, the proposal would comply with Core Strategy Policy CS03 and 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.

Parking and highway safety

Policy CS15 of the Leicester Core Strategy (2014) states that parking for residential development should be appropriate for the type of dwelling and its location, and take into account the amount of available existing off street and on street car parking and the availability of public transport. It also seeks the provision of high-quality cycle parking. Saved Policy AM02 of the Local Plan (2006) states that planning permission will only be granted where the needs of cyclists have been successfully incorporated into the design. Policy AM12 gives effect to published parking standards.

The applicant states that currently the site provides between 2 to 3 car parking spaces on the driveway and within the garage. The amended plan shows that the outbuilding building will be retained for cycle storage and one parking space will be provided on

the driveway. The policy requirement for parking provision would be 9 spaces (3 for the one-bed flats and 6 for the two-bed flats), and as such the provision of 1 space would result in a significant shortfall. Whilst this is not ideal, the site is in a sustainable location, close to London Road, Queens Road and Victoria Park Road, with good links to the public transport and cycling network. I believe that it would be difficult to sustain a highway refusal on basis of lack of parking that would result in a severe highway impact.

In addition to cycle parking to be provided on site, I recommend a travel pack condition to encourage the use sustainable modes of transport and to provide information on local amenities to the future occupiers to promote the use of more sustainable modes of travel other than by cars.

I conclude that the proposal would comply with the aims of the paragraphs 110 and 111 of the NPPF, Core Strategy Policies CS14 and CS15 and saved Local Plan Policies AM02 and AM12, and that any residual cumulative transport impacts of the development would not be likely to be severe.

Drainage

Policy CS02 of the Leicester Core Strategy (2014) states that all development should aim to limit surface water run-off by attenuation within the site, giving priority to the use of sustainable drainage techniques. Saved Policy BE20 of the Local Plan (2006) undertakes only to permit development if adequate mitigation measures can be implemented to reduce the risk to an acceptable level.

The application site is within a Critical Drainage Area. The proposed development would not result in the creation of significant hardstanding area and alterations to the rear extension would be on an area which already comprises of hardstanding. As such I consider that it would unreasonable to require the submission of drainage and suds information as part of this application.

I conclude that the proposal would not have an unacceptable impact upon drainage and that the proposal would comply with Policy CS02 of the Core Strategy.

Landscaping/trees

Policy CS03 of the Leicester Core Strategy (2014) sets out an expectation for high quality, well designed development that contribute positively to the character and appearance of the local natural and built environment. Saved Policy UD06 of the Local Plan (2006) resists development that would impinge upon landscape features of amenity value and requires new development to include planting proposals.

The rear garden will be retained and together with the proposed landscaping would help to enhance the character and appearance of the building and the conservation area.

Recently permission was granted to remove ten Cypress (conifer) trees (approximately 14M in height with average crown spreads of 3.5M located across the rear boundary line of 19 – 25 East Avenue) located within the garden of 19-21. These trees were planted at less than 1M spaces and were deemed a hedge. As they were considered unsafe and did not fall under the legislation requiring formal consent or consideration for further protection.

The proposed change of use and alterations would not result in the loss of any mature trees and no significant hardstanding area is proposed on the site. As such, I consider the proposal would not have an adverse impact on wildlife or the natural environment. A condition is also recommended requiring hard and soft landscaping scheme to enhance the character and appearance of the building and the conservation area. I

consider the proposal would be in accordance with Policy CS03 of the Core Strategy and saved Policy UD06 of the Local Plan.

Other matters

The issues /concerns over the alterations and conversion of the property, residential amenity, heritage issues, access and parking, trees and wildlife issues raised by the residents have been addressed in the above relevant sections.

Turning to other matters (not otherwise addressed above) raised by representation:

Lack of consultation and publicity. The City Council have carried out consultations with local residents and the application has been given the publicity required, a site notice was displayed near to the site, and adjoining neighbouring properties were notified and sufficient time have been allowed to submit concerns in accordance with planning legislation.

Anti-social behaviour from future occupants of the flats is unlikely to be materially different from the existing use to warrant a refusal on this ground.

Provision of fire escape routes are matters for other agencies, i.e. the fire authority/building regulations.

The type of luxury flats, management and maintenance of building are matters for the applicant.

Any provision of future satellite dishes would be considered in accordance GPDO and the current national and local plan policies.

Planning permission is not required to retain internal decor or internal plasterworks of the building.

Conclusion

The proposal would make a small contribution to the City Council's housing supply. The impact upon the occupiers of neighbouring properties and upon the character and appearance of Stoneygate Conservation Area would be acceptable. The development would secure satisfactory living conditions for future occupiers. The parking and drainage arrangements would be acceptable. Overall, the proposal is considered acceptable and would be in accordance with the aims of the NPPF, development plan policies.

I therefore recommend that the application be APPROVED subject to the following conditions:

CONDITIONS

1. START WITHIN THREE YEARS
2. Before the development is begun, the materials to be used on all external elevations and roofs shall be submitted to and approved by the City Council as local planning authority. (In the interests of the character of the Conservation Area and visual amenity, 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. Prior to commencement of the approved development, full joinery details including horizontal and vertical cross sections of all new windows and doors (scale 1:2 / 1:5 as appropriate) shall be submitted to and approved in writing by

the City Council as local planning authority, and the works carried out in accordance with the approved details and retained as such. (In the interests of preserving and enhancing the character and appearance of the conservation area, and in accordance with Core Strategy policy CS18 Historic Environment. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

4. Before the occupation of the development the principal room windows serving flat no 4 in the north side elevation and windows serving flat no 5 and 6 in the south side elevations at first floor and at roof level levels shall be fitted with sealed one way obscure glazing (with the exception of top opening light) and retained as such, unless otherwise agreed in writing with the City Council as planning authority. (In the interests of the amenity of future occupiers and in accordance with policy PS10 of the City of Leicester Local Plan.)
5. The existing flat roof area at the rear shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority. (In the interests of the amenity of the nearby occupiers and in accordance with policy PS10 of the City of Leicester Local Plan.)
6. Before the occupation of the flats, a landscaping scheme showing the treatment of all parts of the site not to be built upon, including soft and hard surfacing and boundary treatment, shall be submitted to and approved by the City Council as local planning authority. and the approved scheme shall be implemented and retained thereafter. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3. To ensure that the details are agreed in time to be incorporated into the development.)
7. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the City Council as local planning authority. 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 CS03.)
8. The one parking space as shown on the approved plans shall be retained and kept available for that use. (To ensure that parking/servicing can take place in a satisfactory manner; and in accordance with policies AM01 and AM12 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS14.)
9. No part of the development shall be occupied until 12 secure and covered cycle parking has been provided and retained thereafter, in accordance with written details previously approved by City Council as local planning authority. (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.)
10. Prior to the first occupation of each unit, the occupiers of each of the dwellings shall be provided with a 'Residents Travel Pack' details of which shall be submitted to and approved by the City Council, as the local planning authority in advance. The contents of the Travel Pack shall consist of: information

promoting the use of sustainable personal journey planners, walking and cycle maps, bus maps, the latest bus timetables applicable to the proposed development, and bus fare discount information. (In the interest of promoting sustainable development, and in accordance with policy AM02 of the City of Leicester Local Plan and policy CS14 of the Core Strategy.)

11. Development shall be carried out in accordance with the following amended approved plans:
DSA-21024-PL-EXT-01-D- Existing Plans and Elevations, Existing Roof Plan
DSA-21024-PL-PRO-01-K - Site plan, proposed plans and elevations
Received on 13/01/2022

(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 2021 is considered to be a positive outcome of these discussions.
2. The applicant is reminded that the site is within the Stoneygate Conservation Area and that notwithstanding this planning permission, no existing trees, shrubs or hedges on the site should be topped, lopped, uprooted, felled or wilfully damaged without the prior approval of the City Council as local planning authority.

Policies relating to this recommendation

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|-----------|---|
| 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_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. |
| 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.
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.