

Recommendation: Conditional approval	
20220896	20 Brancaster Close
Proposal:	Retrospective application for change of use from house (3 bed) to two self-contained flats (2 X 1 bed) (Class C3)
Applicant:	Mr & Mrs Gawera
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20220896
Expiry Date:	7 October 2022
ACB	WARD: Abbey



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Summary

The application is at committee as more than five objections have been received

- 6 objections from 6 city addresses have been received on grounds of parking, impact on residential amenity and the impact of flats on the street.
- The main issues are the standard of accommodation, residential amenity of neighbours, parking and waste storage.
- The application is recommended for approval

The Site

The property is a two storey semi-detached house located within a residential part of the city. The property is also located within a critical drainage area.

Background

In January 2017 under application 20162423 it was determined that prior approval was not required for the construction of a single storey extension at the rear of the house. The extension would project 6 metres from the rear of the house. The extension was not constructed.

The Proposal

The proposal as amended is for retrospective permission for the change of use of the property from a house to two one bedroom flats, one on the ground floor and the other on the first floor. Both flats would have a separate kitchen, bathroom, bedroom and living room. Flat 1 would have a floor space of 38 square metres and flat 2 would have a floor space of 40.5 square metres. The existing garage would be used as a bin and bike store.

2 off street parking spaces are proposed to the front of the house.

Policy Considerations

National Planning Policy Framework (NPPF) 2021

Chapter 9. Promoting sustainable transport

Paragraph 110 (safe and suitable access)

In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 111 states that development should only be 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.

Chapter 12. Achieving well-designed places

Paragraph 130 sets out criteria for assessing planning applications and requires decision makers to ensure that development proposals function well and add to the overall quality of the area, are visually attractive as a result of good architecture, are sympathetic to local character and history, establish or maintain a strong sense of place, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible and which promote health and well-being. This paragraph, specifically 130(f), also requires development to afford a high standard of amenity for existing and future occupiers

Chapter 14. Meeting the challenge of climate change, flooding and coastal change
Paragraph 167 (mitigating flood risk)

Applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessment.

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

Appendix 01 – City of Leicester Local Plan

Other legal or policy context

Corporate Guidance – Achieving Well Designed Homes (October 2019)

Consultations

Local Highway Authority (LHA) No objections subject to conditions relating to cycle parking.

Private Sector Housing – No objections

Representations

Neighbours were notified by letter. 6 objections have been received on the following grounds:

- Overshadowing and loss of privacy
- Impact on parking due to increase in numbers of vehicles parking in the street.
- Emergency vehicles have issues accessing the close as do bin lorries
- Change of character of the close due to the loss of family houses and creation of more flats
- The change of use has already occurred
- Loss of water pressure (not a planning issue)
- Lack of sufficient bin capacity
- Lack of maintenance of the property and garden

Consideration

The issues under consideration are, principle of development, residential amenity of future occupiers, impact on the highway, Impact on residential amenity of neighbouring properties, impact on flood risk.

Principle of development

Policy CS06 of the Leicester Core Strategy states that careful consideration will be given to conversions and to further subdivision of existing flats to ensure there is no adverse impact on the character of the area or the maintenance of mixed communities. In particular, the conversion of existing large houses will be resisted where it would still be appropriate for family use and meet an identified demand for this type of accommodation and policy CS08 specifies Belgrave and Spinney Hill areas as where this focus should be applied. Similarly, Saved Local Plan Policy H10 requires retention of larger residential properties in Belgrave and Spinney Hill but not elsewhere in the City.

Furthermore, it is not also located in an area where permitted development rights for conversions to houses in multiple occupation are restricted by article four direction.

The Housing and Economic Development Needs Assessment (2017), suggests that in terms of demand across the city, there is a greater demand for 2 bedroomed dwellings than 4 or more bedroomed dwellings. However, demand across all dwelling sizes is significant, and this assessment is intended to support plan making policy in terms of housing mix as opposed to direct decision taking on individual planning applications. The latest Housing Demand assessment will be published in support of the emerging Local Plan.

Policy H05 safeguards against loss of housing, and the application will not result in the loss of residential property to non-residential uses and the provision of an additional dwelling.

The property is a house located in a residential area. As it is a three bedroom house it is not considered to be a large house and there is a demand for a mix of housing types in the area.

Therefore, I consider that 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- and at present as the City Council cannot demonstrate a 5 Year Land supply of housing, the provisions of the NPPF in favour of residential development which would increase the housing supply apply in line with the 'tilted balance'. The principle of the development is acceptable subject considerations of the impact on residential amenity, living environment, highways, drainage and third party representations.

Residential Amenity of future occupiers

Saved policy H07 of the City of Leicester Local Plan states that Planning permission will be granted for new flats and the conversion of existing buildings to self-contained flats, provided the proposal is satisfactory in respect of a number of matters including the creation of a satisfactory living environment.

Flat 1 would be located on the ground floor and would be 38 square metres. This meets the standards set out in the Nationally Described Space Standards (NDSS) which although not formally adopted by the Council can be used to assess the quality of living accommodation. There would be a living room to the front a separate bedroom and kitchen to the rear and a separate bathroom. The flat would also have direct access to the rear garden.

Flat 2 would be located on the first floor and is 40 square metres. The kitchen and living room would be to the front and a bedroom and bathroom to the rear. Access to the garden space would be to the side of the flat.

Both flats meet the standards set out in the NDSS and have good levels of light and outlook and space for furniture and storage.

The property would retain the existing garden which is approximately 190 square metres and therefore considerably in excess of the required amenity space for self-contained flats which would be 4 square metres.

Objections have stated that the property does not have sufficient bins for the flats. The waste capacity for a standard wheeled bin is 240 litres. The flats would generate approximately 180 litres of general waste per week and therefore I consider that a standard wheeled bin would be acceptable. There is sufficient space within the garage for bin storage and amended plans have been submitted showing that bins would be stored in the garage.

I therefore consider that the residential amenity of future occupiers would be acceptable, and that the proposal is not contrary to paragraph 130 of the NPPF or saved policies H07 and PS10 of the City of Leicester Local Plan.

Impact on the highway

Paragraph 110 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.

The existing house had one off street parking space and the proposal seeks to widen the dropped kerb by 300mm to allow for two off street parking spaces to be provided. This would be in accordance with the parking standards set out in Appendix 01 of the City of Leicester Local Plan. The plans also show that there would be two cycle parking spaces in the existing garage. In addition, the property is located close to a bus route on Heacham Drive.

Objectors state that there has been an increase in car parking in the area since the change of use has occurred, however as the proposal meets the parking standards required, I do not consider that a refusal on the ground of impact on the highway can be justified and that subject to conditions relating to vehicle and cycle parking the proposal is in accordance with paragraph 110 of the NPPF.

Impact on residential amenity of neighbouring properties

The extension proposed under application 20162423 has not been constructed and no further extensions are proposed. I therefore do not consider that the proposal would result in a loss of light and outlook to any of the neighbouring properties.

An objection has been received that the occupier of one of the neighbouring properties is affected by noise from a television. Flat 2 has a living room next to where a bedroom of the adjoining property would be. However it is not uncommon for people to have televisions in bedrooms and the level of noise generated by a television would not justify a requirement for a sound insulation scheme to be installed. I therefore do not consider that the proposal would have a detrimental impact on the residential amenity of neighbours to justify refusal.

Impact on flood risk

Policy CS02 of the Leicester Core Strategy states that 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.

The property is located within a critical drainage area. A plan has been submitted which shows that there would be water butts installed to the rear of the property and that a soakaway would also be installed.

I consider that subject to a condition requiring details of maintenance of the systems the proposal is in accordance with policy CS02 of the Leicester Core Strategy.

Other matters

Objections have referred to the fact that the application is retrospective. It is not an offence for development to be carried out without planning permission and the application has been submitted following an investigation by the Compliance and Monitoring Team.

Objections have also stated that there has been a loss of water pressure in the area. This is not a planning issue and should be taken up with Severn Trent Water.

Conclusion

In conclusion I consider that the proposal is acceptable in principle and would result in an acceptable standard of living accommodation without being detrimental to existing residents and it would make a small contribution to the housing supply for the City. I therefore consider that the proposal is in accordance with planning policy. I recommend APPROVAL subject to the following conditions.

CONDITIONS

1. Within three months of the date of this permission two secure and covered cycle parking spaces shall be provided and retained thereafter, in accordance with details shown on 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).

2. One car parking space shall be provided for each dwelling as shown on the approved plans and shall be retained for vehicle parking. (To secure adequate off-street parking provision, and in accordance with policy AM12 of the City of Leicester Local Plan.)

3. Within 3 months of the date of this permission details of the implementation, long term maintenance and management of the Sustainable Drainage System (SuDS) as shown on plan PL20 A202 rev B shall be submitted to and approved by the local planning authority. The system shall be implemented within 3 months of the date of approval of the details. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall include: (i) a timetable for its implementation, and (ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy.

4. Development shall be carried out in accordance with the following approved plans:

Location Plan PL20 A203 rev A received 25 April 2022

Proposed Plans PL20 A200 rev B received 9 September 2022

Proposed Elevations PL20 A201 rev A received 25 April 2022

Proposed Site Plan PL20 A202_A rev A received 9 September 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.

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.