

<b>20210286</b>	<b>9 Grace Road</b>	
Proposal:	Change of use of care home (Class C2) to three units in multiple occupation for between 3 to 6 persons(1x5 bed; 2x6 bed) (Class C4) and one unit in multiple occupation for more than 6 persons (1x7 bed) (Sui Generis); alterations; parking (amended plans received 30/07/2021)	
Applicant:	Mr S Ruparelia	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	24 May 2021	
RB	TEAM: PD	WARD: Aylestone



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### Summary

- Reported to committee as there are more than 6 objections from separate addresses within the City including Cllr Porter and Cllr Clarke.
- 21 objections raise concerns on living conditions, impacts on highways and parking.
- Main issues are design, level of accommodation, residential amenity, highway safety and parking;
- Recommended for approval

## **The Site**

The application relates to a triangular shaped site that is bounded by Park Hill Drive on the west, Grace Road to the east and terrace dwellings to the south. two-storey care home, which is not currently in use.

The site is within an area that is primarily residential area, with land allocated for employment uses to the north west and south east of the site. St George's Nursery School is located to the north of the site on the other side of Grace Road.

The site is within a 250m buffer of known sources of pollution at Nationwide Crash Repairs and a Landfill site at Aylestone Meadows, off Aylestone Road.

To the north of the site is trees that are protected by tree preservation (TPO).

## **Background**

Application 19921757 was approved on 27/07/1994 for the construction of a single storey lounge extension at front; two-storey bedroom extension and single storey conservatory at rear of nursing home.

Application 19900595 was approved on 23/05/1990 for the construction of a single storey bedroom extension at rear of nursing home.

Application 19891834 was approved on 23/11/1989 for the change of use from dwellinghouse to nursing home including two-storey extensions.

## **The Proposal**

The proposal is for the change of use of a care home (Class C2) to three units in multiple occupation for between 3 to 6 persons (1 x 5 beds) (2 x 6 beds) (Class C4) and one unit in multiple occupation for more than 6 persons (1 x 7 beds) Sui Generis.

Blocks A and B would be located on the ground floor and flats C and D on the first floor

Each unit would provide a communal kitchen/dining room and the following:

Block A (Class C4): 6 bedrooms, 2 communal shower/wc, one bedroom with shower ensuite. Rooms 5 and 6 would also have a living room in the conservatory part of the building;

Block B (Sui Generis): 7 bedrooms, 1 communal shower/wc, 4 bedrooms with shower ensuite;

Block C (Class C4): 6 bedrooms, 3 communal shower/wc,

Block D (Class C4): 5 bedrooms, 1 communal shower/wc, 3 bedrooms with shower ensuite.

Room sizes range from 8sq.m to 18sq.m

Alterations to the building comprises a new entrance door to the north elevation to provide access to the first-floor and the replacement of windows at first floor level on the south east facing elevation.

There are nine existing parking spaces that are proposed to be retained and bin storage is proposed to the south east of the site.

Amended plans have been received that proposes:

- a door on the proposed north east elevation to match the ground floor plan;
- a hedge to the north east boundary to protect the privacy of the future occupiers on the ground floor at that side of the property from pedestrians along Grace Road;
- a path from the south eastern elevation of the property to the bin storage and parking area at the eastern part of the site;
- Moving the proposed bin storage towards Grace Road and away from the rear gardens of neighbouring properties to the east;
- 14 covered cycle parking spaces, 8 near the car parking area at the eastern part of the site and 6 near the parking area off Park Hill Drive; and
- Removal of a proposed new pedestrian access to the north of the site.

## **Policy Considerations**

### National Planning Policy Framework (NPPF) 2021:

#### Chapter 2 'Achieving sustainable development'

- Paragraph 2 and 11 (Presumption in favour of Sustainable Development)

#### Chapter 4 'Decision Making'

- Paragraph 40 (prior engagement)

#### Chapter 9 'Promoting sustainable transport'

- Paragraph 110 and 111 (severe impact on road network)

#### Chapter 12 'Achieving well designed places'

- Paragraph 127 (high standard of amenity)
- Paragraph 130 and 134 (good design and amenity)

### Development Plan policies:

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

### Additional documents:

SPD Residential Amenity

Vehicle Parking Standards – Appendix 1 of the City of Leicester Local Plan

Corporate Guidance – 'Achieving Well designed Homes'

## **Consultations**

Waste Management – No objections, providing there is adequate space for residents to access the bins.

LCC Highways – No objections subject to a pre-commencement conditions to provide cycle parking and a Travel Pack for future residents.

Private Sector Housing – No objections

Pollution – noise – No objections

## **Representations**

21 objections have been received from different addresses within the City. This includes objections from Cllr Clarke and Cllr Porter.

The concerns raised are:

- A lack of parking on site would cause adverse impacts on street parking and congestion in the area.
- The bedrooms of the flats in multiple occupation would be used as flats.
- The green space within the site could be reduced to provide parking spaces.
- The Council is attempting to push through the development using loopholes and only giving local residents 21 days to object.
- Larger family-oriented apartments would be more appropriate and in keeping with the local area.
- The proposed bin store is located adjacent to the rear of 23 and 25 Grace Road, which will result in odours, disturbance of refuse vehicles and the potential of vermin. The bin store should be relocated away from any residences.
- There is a discrepancy between the number of parking spaces expected for a new house and bedsits.
- The water/sewage system has not been addressed even though there is a vast increase in the number of bathrooms and ensuite.
- Sixteen of the twenty four rooms meet the government guideline of 10.5 sqm to allow for two person occupancy bringing the likely numbers of people up to forty.
- There is no evidence that a Social, Economic and Environmental case has been made and this conflicts with the National Planning Policy Framework which does require some evidence of need.
- The scale of the development is not in keeping with the area.
- No local community consultation has been undertaken.
- The application documents submitted contain conflicting information preventing an informed decision from being made.
- The use of the site would result increased noise and disturbance.
- The density of the development would be too high.
- The development would adversely affect house prices in the area (not a material consideration)

## **Consideration**

### Principle of development:

Core strategy policy CS06 states that various measures will be taken to ensure that new housing meets the needs of city residents. The proposal is in a residential part of the city and the change of use of the site for residential purposes is acceptable in principle.

The Council cannot currently identify a supply of specific, deliverable sites sufficient to provide five years' housing. The proposal would make a modest contribution to housing supply through the redevelopment of this small site within an established residential area, and the proposal would be consistent with Policy CS06.

There are no site-specific designations or constraints to indicate that a residential development would be inappropriate or inherently harmful. In the above policy context and having particular regard to the City's current housing supply position, I conclude that the development is acceptable in principle subject to considerations of amenity, design, highways, parking and waste.

### Living Conditions:

Saved policy H07 of the City of Leicester Local Plan includes criterion to assess the living quality of residential units. The policy states that planning permission will be granted for new flats or the conversion of existing buildings into flats provided that the proposal is satisfactory in a number of factors including the nature of nearby uses, the creation of a satisfactory living environment, arrangements for bin storage and cycle parking, the provision of communal open space and the effect of the development on the general character of the surrounding area.

Policy PS10 lists a number of factors that will be taken into account concerning the amenity of existing or proposed residents. The Residential Amenity SPD provides more detail and guidance on how residential development should secure appropriate levels of amenity.

The site is located within is a primarily residential area and the proposal would not result in the loss of a large family accommodation. It would bring a large disused care home building back in to use. I consider that the proposed location of the proposed use in multiple occupation (shared accommodation) is acceptable.

The recommended minimum size for bedrooms for one person is 7.5sqm and would need to be at least 2.15m wide, as outlined in the Nationally Described Space Standards (NDSS) and the Corporate Guidance (2019). The size of the proposed bedrooms would range from 8sqm to 18sqm and would all be over 2.15m in depth, which complies with the guidance, although the NDSS is not adopted by the City Council.

Concerns have been raised by objectors that the individual bedrooms may be further subdivided as self-contained flats. This change of use would require planning permission and the continued licensing of the use of the units in multiple occupation would depend on the layout of them to comply with licensing requirements. Therefore, I consider that this could be adequately managed if an unauthorised change of use to further flats were to occur. I have however attached a condition a condition that restricts the change to the layout and use.

The Residential Amenity SPD recommends a separation distance of at least 15m between a blank wall and a principal room window to ensure adequate outlook. Due to the size of the site, there would be at least a 15m separation distance from habitable room windows, and I consider that each habitable room would have adequate outlook.

The only habitable room that would not have direct outlook is the bedroom 5 of Block A. Although this is not ideal, there would be sufficient outlook and light afforded to the private living room and a small window would be installed between the two rooms, which would allow some light from the conservatory to the bedroom and I consider this to be acceptable.

There is no existing boundary treatment on the north eastern boundary in close proximity to bedrooms 3 and 4 of Block A on the ground floor. A hedge is proposed to the boundary. This would minimise overlooking from Grace Road and potential loss of privacy of the rooms on the ground floor. Bedroom 3 would have additional outlook to the north-west. However, the only outlook from bedroom 4 would be partially blocked by the hedge. Although this is not ideal, I consider that soft landscaping on the boundary would be the most suitable solution. I consider that the hedge and planting should be conditioned in the interests of the occupiers of the ground floor flats.

There is no recommendation for the size of amenity space to be provided for this type of development. For a 3 bed+ house the requirement for garden area would be 100sq.m. The existing and retained amenity space of approximately 1000sqm would be more than adequate for the proposed units in multiple occupation.

As the application is for a conversion, it is considered unfeasible in design terms to impose the National Accessible and Adaptable Standard M4(2).

#### Residential Amenity (neighbouring properties)

The bin storage area has been moved east, closer to Grace Road and away from the rear garden of 23 Grace Road to the east of the site. Although the bin storage area is still close to the common boundary with the neighbouring property, it would now be adjacent to the blank two storey rear elevation and is unlikely to result in a significantly detrimental impact in terms of its appearance and smell if it is managed in an appropriate way.

The property is situated away from residential properties, so I consider that the proposal would not result in any significant adverse impact on the amenity of neighbouring properties, including noise, overlooking and loss of privacy.

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 the neighbouring occupiers.

#### Character & Design:

Minor alterations are proposed to the external appearance of the building, including the replacement of windows on the first floor of the south eastern elevation with uPVC to match the existing and an entrance door to the first floor flats on the ground floor of the north eastern elevation.

The application form and plans indicate that the external finish materials would match those of the original property. I consider that this is an appropriate material response and can be secured as a condition of planning permission.

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 character and appearance of the area.

#### Parking and cycling:

The proposed site is situated on Grace Road with an access also from Park Hill Drive. Both roads are 2-way predominantly residential roads, with single yellow line restrictions for cricket match days 10:30am-6:30pm, along with double yellow restrictions near the junctions with Aylestone Road. On non-cricket match days, these streets are heavily used for on street parking.

The site benefits from an existing dropped kerb access to the existing site from both Park Hill Drive and Grace Road. The Leicester Street Design Guide Design Element Sheet (DES) 16 gives guidance on the required widths for private drives. Section 40. gives the minimum width for a private access for one dwelling as 3.7m. The current widths are acceptable as it is deemed that there would not be a significant intensification of their use with this development.

Paragraph 109 of the National Planning Policy Framework outlines 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.'*

Vehicle Parking Standards – Appendix 1 of the City of Leicester Local Plan does not set out parking requirements for properties used in multiple occupation. However, off-street parking requirements for a 3+bedroom dwelling house/flat would be 2 spaces. The plans show 13 car parking spaces within the site that would equate to 3 spaces each for the 3 Class C4 units and 4 spaces for the larger sui generis flat.

Furthermore, the site is well served with various bus routes nearby. I consider it necessary to attach a condition to ensure that a travel pack is submitted to provide clear information about sustainable travel options available to the residents and, where possible, incentives or similar to encourage take up of those modes of travel.

There is a requirement for 1 cycle parking space to be provided for every 2 bed spaces as set out in the Vehicle Parking Standards – Appendix 1 of the City of Leicester Local Plan. 14 cycle spaces have been provided, which would make a combined total of 25 cycle and car parking spaces (which is one more parking space than for each bed space proposed). A condition is attached to secure cycle parking.

The care home provided 8 off-street parking spaces for the 16 bed care home; four spaces were accessed off Grace Road and the other 4 off Park Hill Drive. The proposal would provide access/egress to 5 spaces off Grace Road and the remainder of the 8 spaces off Park Hill Drive. I consider that there is ample room for access and manoeuvring for vehicles as shown on the proposed site layout and the development would not result in a significant increase in additional vehicles accessing and egressing the site to have a severe impact on the road network to warrant a refusal on this ground.

Having regard to the SPG maximum car parking standards, I consider that the proposed level of parking and cycle provision is acceptable, and the development would not have an unacceptable impact on highway safety or severe impact on the road network. 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 highways and parking.

#### Waste storage and collection:

The bin area will need to be large enough to accommodate 2x 360 litre refuse bins and 2x 240 litre recycling bins per unit, for a total of 8x 360 litre refuse bins and 8x 240 litre recycling bins. The proposal shows a bin storage area would be large enough for the required number of bins to serve the development.

The proposed bin storage area has been amended to be adjacent to Grace Road and away from 23 and 25 Grace Road to the east of the site.

#### Other Matters

Neighbours were given 21 days to submit representations. This is in line with the statutory consultation period. Any representations received after the 21 days consultation period have and would be taken into account.

The requirement of a Statement of Community Involvement is for large scale major developments, which the proposal is not. Paragraph 40 of the NPPF (2021) outlines that when pre-application advice is sought by an applicant, the Local Planning Authority should, *'where they think this would be beneficial, encourage any applicants*

*who are not already required to do so by law to engage with the local community ... before submitting their applications.'* No pre-application advice was sought prior to the application being submitted.

Any adverse impact on house prices in the locality of the development is not a material planning consideration and cannot be considered as part of this application.

Concerns have been raised regarding the current state of the Tree Preservation Order (TPO) trees to the north of the site. As the proposed change of use and associated development would be located away from the trees, the proposed development would not have an adverse impact on the TPO trees on site.

### Conclusion:

The proposal would make a modest contribution to Leicester's housing need by increasing the number of residential units. When applying the 'tilted balance', the benefits of the proposal would outweigh by the adverse impacts of the proposal when assessed against policies in the NPPF taken as a whole, as well as local policies. The balance is therefore in favour of approval.

I therefore 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 development shall be occupied until secure and covered cycle parking has been provided for a minimum of 14 cycles and retained thereafter. (In the interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan)
3. Before the occupation of the development the parking spaces shown on the approved plans shall be provided 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 and Core Strategy policy CS3.)
4. Within one month of the first occupation of any dwelling, the occupiers of each of the dwellings shall be provided with a 'New Residents Travel Pack'. The contents of this shall be submitted to and approved in advance by the City Council as local planning authority and shall include walking, cycling and bus maps, latest relevant bus timetable information and bus travel and cycle discount vouchers. (In the interest of sustainable development and in accordance with policy AM02 of the City of Leicester Local Plan and policy CS14 of the Core Strategy. This is a PRE-COMMENCEMENT condition).
5. The hedge as shown on the approved plans at the northern boundary of the site with Grace Road shall be planted prior to the occupation of the approved flats. For a period of not less than five years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in



accordance with the approved landscaping scheme. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)

7. The approved use and layout shall not be changed without the prior approval of the City Council as the local planning authority. (In the interest of the existing and future occupiers of the development in accordance with policies PS10, AM12 and AM02 of the City of Leicester Local Plan.)
6. Development shall be carried out in accordance with the following approved plans:
  - Location Plan, 0009\_PL(20)001 rev A, received 30/07/2021
  - Location Plan, 0009\_PL(20)002 rev B, received 30/07/2021
  - Location Plan, 0009\_PL(20)009 rev C, received 30/07/2021
  - Proposed Demolition Plan Ground Floor, 0009\_PL(20)109 rev B, received 30/07/2021
  - Proposed Demolition Plan First Floor, 0009\_PL(20)110 rev A, received 30/07/2021
  - Proposed Ground Floor Plan, 0009\_PL(20)102 rev A, received 30/07/2021
  - Proposed Site Ground Floor Plan, 0009\_PL(20)101 rev C, received 30/07/2021
  - Proposed First Floor Plan, 0009\_PL(20)103 rev A, received 30/07/2021
  - Proposed Roof Plan, 0009\_PL(20)104 rev A, received 30/07/2021
  - Proposed Site Roof Plan, 0009\_PL(20)100 rev C, received 30/07/2021
  - Proposed Ground Floor Plan, 0009\_PL(20)102 rev A, received 30/07/2021
  - Proposed Elevations, 0009\_PL(20)105 Rev B, received 30/07/2021
  - Proposed Elevational Comparisons, 0009\_PL(20)107 Rev B, received 30/07/2021
  - Proposed Sections, 0009\_PL(20)106 Rev A, received 30/07/2021
  - Proposed Elevations, 0009\_PL(20)105 Rev B, received 30/07/2021
  - Proposed Sectional Comparisons, 0009\_PL(20)108 Rev A, received 30/07/2021(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\_H07 Criteria for the development of new flats and the conversion of existing buildings to self-contained flats.
- 2006\_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2014\_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2014\_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014\_CS06 The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
- 2014\_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
- 2014\_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.