

# COMMITTEE REPORT

<b>20241138</b>	<b>171-173 London Road</b>	
Proposal:	Change of use from Office to 16 serviced apartments (Class C1) together with minor external alterations and other ancillary works (retrospective) (Amendments received 18th November 2024)	
Applicant:	51 William and George Ltd	
App type:	Operational development - full application	
Status:	Change of use	
Expiry Date:	23 September 2024	
CY1	TEAM: PD	WARD: Castle



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## Summary

- The proposal is before planning committee at the request of Cllr Kitterick to discuss the matter of adequate space for occupants in line with Government Planning Guidance' National Described Space Standards.
- The main issues are the principle of the development, the quality of the accommodation, impacts on neighbouring residential properties, the

design of the proposal, and its impact on heritage and highways, servicing and waste management considerations.

- The recommendation is for conditional approval.

## The Site

The application relates to a three-storey office building on London Road opposite Victoria Park. The site is within South Highfields Conservation Area and directly adjacent to New Walk Conservation Area. The area has an Article 4 direction to prevent the permitted change from Class C3 dwellings to Class C4 houses in multiple occupation. It is also within an air quality management area and critical drainage area.

Works started to convert the property into units, but the site is currently unoccupied.

## Background

[20191195](#). In 2019, prior approval was sought under Schedule 2, Part 3, Class O, of the General Permitted Development Order to change the property from offices (use Class E) to 20 flats (Class C3). It was refused in 2019 due to a lack of information regarding highway and noise impacts to the area and occupants.

[20191815](#). Again in 2019, there was a resubmission of the scheme, this time for 18 flats. This was granted conditional approval, but not implemented within the 3 year time period.

Note: after 2021, Schedule 2, Part 3, Class O, has effectively been omitted from the General Permitted Development Order and superseded with Class MA of the same part. Class MA requires further assessment for the conversion to dwellings including the need for them to be compliant with Nationally Described Space Standards

[20212615](#). Planning permission was sought in 2021 for facade Alterations including a new porch, replacement timber windows, repairs to the roof, infill brickwork to window alterations at the rear and removal of the external staircase at office (Class E). This was granted conditional approval and has been implemented.

[20232343](#), Approval of details reserved by Conditions 4 (travel pack) and 5 (insulation scheme) attached to prior approval 20191815. This was refused in 2023, mainly due to the fact that the 20191815 application had lapsed, but also due to a lack of information regarding whether the noise mitigation would provide occupants with adequate ventilation.

[20232390](#), Approval of details reserved by Condition 2 (wall on south boundary) attached to prior approval 20191815. This was refused in 2023, mainly due to the fact that the 20191815 application had lapsed, and also due to the design of the wall.

## The Proposal

Approval is now sought for the change of use of the existing building to provide self-service apartments within use Class C1 rather than Class C3. This is because it is considered that due to the size of the units commenced, the applicants have recognised apartments would not appropriately provide long term residential living

accommodation which sits within use class C3, and use class C1 is a classification for hotels, boarding houses, and guest houses that do not offer significant care or services.

The self-service apartments would range in size from 23m<sup>2</sup> to 37m<sup>2</sup> and would include a kitchenette, bedroom, and bathroom.

The following external alterations are also proposed:

- Existing PVC ventilation extracts to be replaced with cast iron vents associated with new MVHR system.
- All trickle vents where installed to windows facing Granville Road and London Road, proposed to be removed.
- Minor variation to the approved entrance door with side lights as per the approved decision notice ref: 20212165
- Proposed new boundary treatment consisting blue brick and red facing bricks to match existing property, along with a privet hedge behind wall.

Amendments were received on the 18<sup>th</sup> November with the following changes:

- Alteration to porch design so it was more in keeping with the previously approved porch.
- Providing the details of the vents and their proposed location
- Making minor alterations to the front boundary treatment including coping stone design
- Providing additional information regarding delivery and servicing

## Policy Considerations

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

### National Planning Policy Framework (NPPF)

Paragraphs 2 (Application determined in accordance with development plan and material considerations)

Paragraph 11 (Presumption in favour of Sustainable Development)

Paragraphs 39 and 40 (Pre-applications)

Paragraphs 43 (Sufficient information for good decision making)

Paragraph 56 (Six tests for planning conditions)

Paragraph 85 (Economic growth)

Paragraph 90 (Support town centres)

Paragraph 114 (Assessing transport issues)

Paragraph 115 (Unacceptable highways impact)

Paragraph 116 (Highways requirements for development)

Paragraph 135 (Good design and amenity)

Paragraph 139 (Design decisions)

Paragraph 140 (Clear and accurate plans)

Paragraph 173 (Flood risk considerations and SuDS)

Paragraph 191 (Noise and light pollution)

Paragraph 192 (Air quality considerations)

Paragraph 193 (Agent of change)

Paragraph 195 (Heritage as an irreplaceable resource)

Paragraph 200 (Heritage statement)

Paragraph 201 (Considering impact on heritage assets)  
Paragraph 203 (Sustaining significance of heritage assets)  
Paragraph 205 (Conservation of designated heritage assets)  
Paragraph 206 (Clear & convincing justification for heritage impacts)  
Paragraph 208 (Less than substantial harm)  
Paragraph 212 (Positive contribution to heritage assets)

#### Development Plan policies

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

#### Other legal or policy context

South Highfields Conservation Area Character Appraisal

### Consultations

**Air quality:** - The site is within the Air Quality Management Area (AQMA), where there is a potential for elevated levels of Nitrogen Dioxide (NO<sub>2</sub>).

During the construction phase, there is a possibility for elevated levels of dust and particulate matter (PM<sub>10</sub>), which have been linked to adverse health effects. There was little to no external construction or demolition works during this application, therefore elevated dust or PM<sub>10</sub> levels are likely not a concern.

The operational phase of the development was assessed in an Air Quality Assessment (AQA) provided by NRG consulting. The methodology was not conducted in line with the Institute of Air Quality Management (IAQM) guidance, but with LA 105, 'Air Quality of the Design manual for Roads and Bridges', along with Local Air Quality Management Technical Guidance (LAQM TG(22)). The impact of road traffic emissions on the site and surrounding areas was undertaken using the ADMS-Roads air dispersion model. The AQA concluded that 'no mitigation measures are required to protect occupants from experienced roadside or background air quality'.

Based on the size and location of the development, along with the partial assessment provided by the AQA, the Air Quality officer has no issues with this application.

**Noise:** - They have assessed the acoustic report (ref: Sanctuary Acoustics) and are satisfied with the assessment and recommendations.

As outlined by the noise and pollution team in previous applications, they require mechanical ventilation to be installed rather than trickle vents, in order to provide adequate airflow and cooling. This recommendation is provided in the report.

If all recommendations are adhered to as part of the development they would have no further comments to make.

### Representations

One objection has been received from Councillor Kitterick with concerns that the apartments would not have satisfactory living space for future occupants.

### Consideration

#### Principle of development:

The proposal site lies within the Primarily Office Area, as defined on the proposals map and referred to in Core Strategy policy CS10. These are low quality offices and were graded C on Figure 24, the City Centre Office Market Grading plan (p112 of the EDNA).

Core Strategy Policy CS10 states that “the change to residential use, including live work units, will be acceptable in principle, where premises are unsuitable for modern office use”. In this instance, the quality of the existing offices is not exceptional. The principle of the loss of office space is therefore accepted, subject to the considerations below:

#### Quality of accommodation:

The apartments in the converted existing building will all have reasonable level of outlook, light, and privacy and a reasonable level of floorspace for temporary accommodation. I note that there are concerns raised that the apartments do not meet the standards laid out in the Nationally Described Space Standards (NDSS), however given the proposed use is for use Class C1, the apartments are proposed for short stay only, I consider requiring the rooms to be NDSS compliant would be untenable for aparthotel use in planning policy terms. I do however recommend a condition is attached to ensure that the apartments are not inhabited for longer than 60 days at a time in the interests of the amenity of future occupiers.

A noise assessment was carried out and the results and recommended mitigation measures submitted to the Council. Some works such as glazing requirements have already been carried out when the internal layout was reconfigured. Further mitigation includes the removal of the installed trickle vents and installation of mechanical ventilation to provide the recommended 4 air changes per hour to allow the customers of the temporary apartments adequate ventilation without needing to keep windows open at noisier periods.

I am satisfied with the assessment of environmental health colleagues that the recommended mitigation will alleviate noise impacts and that these can be secured by condition prior to the occupation of the proposed apartments. I note that the mechanical ventilation will be supplemented with clay air bricks and due to heritage concerns more information is needed to determine the number, location, and design of these for which a further condition is also recommended.

#### Impact on neighbouring residential amenity:

The site is within a commercial location though I note there are some flats adjacent to the site at 169a London Road. Comings and goings from occupants throughout the day and night are anticipated as with any Class C use. The customers staying in the apartments will access the building from the front elevation but also be able to access the rear cycle store via alleyway next to the Dental Surgery at 1 Granville Road with access via alleyway to the rear to the bike storage area.

Given there are only 16 apartments proposed, and the site is located in a commercial area where higher levels of footfall throughout the day to night is more common, the level of comings of goings from customers is not considered to have a harmful impact on the residential amenity of neighbouring properties.

There is some potential for any use of the bin storage area at unsociable hours to cause disturbance by way of noise. However, I consider that this can be suitable addressed in the delivery and waste management plan condition discussed below.

#### Heritage and design considerations:

The application relates to a property on a prominent corner within the South Highfields Conservation Area and adjacent to the New Walk Conservation Area. The porch as built is not ideal and a harmful addition to the building. Amendments have been received which propose to revert the design back to that which was approved under the previous 2021 application which is welcomed and a condition to ensure this is implemented is recommended, along with details of the proposed door.

The revised wall design is an improvement to that refused under application 20232390. Details still need to be provided as to how the wall would intersect with the bay window and securing appropriate materials and planting.

The application makes reference to the use of 'double brick' cast iron vents on the building in place of plastic vents for the mechanical ventilation. This is a welcome improvement to the existing units.

#### Highways, servicing and waste management considerations:

There is no parking on site. However, the site is a short walk away from the train station and on London Road which has good bus routes in and out of the city and is in a very sustainable location in terms of guest arrivals and connectivity with the rest of the city. I do not consider this to be an uncommon arrangement for C1 uses. A draft transport plan has been submitted within the transport statement. This includes a template regarding parking and public transportation routes to and from the site and recommends this should be added to the website for customers to note. I do not consider the scope of the development to warrant a need for a travel plan however I consider that this recommendation is welcomed and recommend this is secured via condition.

There is vehicular access to the rear yard however no space for loading and unloading on site. It is noted within the transport statement that: *all servicing, refuse collection and delivery vehicles will continue to use Salisbury Avenue to the rear of the building. This will continue to be the case with the development proposals.*

Further information was provided regarding delivery and servicing in an email received on the 18th November and welcoming a condition for a delivery and servicing schedule (DSS) that provides more information as to how the building will fully operate and be managed.

I consider this arrangement to be workable provided that it is carried out in accordance with an agreed servicing and waste management scheme that takes into account for example dates and timings of deliveries and collections, contingency plans in the case of delays and a designated responsible person/single point of contact who can be contacted when issues are identified. A note to applicant would be required for clarity that any changes to the plan would require a separate and new application to discharge the condition.

With a condition securing a suitable servicing and waste delivery plan attached I consider that the proposal will be acceptable in terms of impacts on parking and the function of the highway.

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. Prior to the occupation of any proposed unit, details of the proposed boundary treatment shall be submitted to and approved by the City Council as local planning authority. The details shall include:
  - a) A sample of the proposed bricks including their material, colour, mortar colour, bond type, and spacing.
  - b) A sample of the proposed coping stone including its design, material, and colour.
  - c) 1:20 drawings showing the relationship between the brick walls and the existing bay window.
  - d) The species of the proposed hedging.The boundary wall shall be constructed in accordance with these details prior to the occupation of any proposed unit, and retained thereafter with the hedging planted in the next planting season and maintained for the next 30 years. (In the interests of visual amenity and to preserve the character and appearance of the conservation area and in accordance with saved Policy UD06 and Core Strategy policies CS03 and CS18).
3. Within 6 months of the date of this development, the porch shall be fitted with timber windows and door in accordance with the approved plans (Proposed Elevations Including Retrospective Works, 1044-INK-LNR-ELEV-DR-A-01303, revision P05, received 18 November 2024) and retained as such. (The current porch is not considered a satisfactory form of development and is a harmful addition to the character of the conservation area and original building, and in accordance with Core Strategy Policy CS03).
4. Within 6 months of the date of this development, the external plastic vents shall be replaced with cast iron vents as shown on the approved plans and retained as such. No additional vents or extracts shall be installed on the building unless details of their location, material, and size are first submitted to and agreed in writing with the Local Planning Authority. (In the interests of

visual amenity, to preserve the significance of the heritage assets and in accordance with Core Strategy policies CS03 and CS18).

5. Prior to the occupation of any unit, details of mechanical ventilation that allows for 4 air changes per hour and does not exceed the recommended noise levels set out in the noise assessment (reference Sanctuary Acoustics, Document 003, received 26th June 2024) are submitted to and approved in writing by the local planning authority.  
These measures shall be retained as such and at the same minimum performances indicated above for the lifetime of the development.  
(In the interests of the amenities of future occupiers, and in accordance with saved policies PS10 and PS11 of the City of Leicester Local Plan.)
6. Prior to the occupation of any unit, details regarding how to get to the site via car, and sustainable methods of transportation (as exemplified in page 10 of the draft Travel Plan received on the 26th June) shall be made available to all future customers when booking rooms hereafter. (To promote sustainable methods of transportation in accordance with Core Strategy policy CS14 and saved City of Leicester Local Plan policy PS10).
7. The development shall not come into use until a Delivery, Servicing and Waste Management Plan has been submitted to and approved by the City Council as local planning authority. The Delivery, Servicing and Waste Management Plan shall include:
  - a) a schedule of weekly dates and times for deliveries and waste collections along with the location for loading and unloading, including notification of vehicle arrival to staff and collection points shown on a plan and any other necessary measures
  - b) a schedule of anticipated routine servicing throughout an annual period
  - c) the name/role and contact details of the responsible person or single point of contact delegated to oversee the Delivery, Servicing and Waste Management Plan.The Delivery, Servicing and Waste Management Plan shall be operated from the date of the development coming into use and shall be maintained throughout the lifetime of the development.  
(In the interests of the proper functioning of the highway and the residential amenity of neighbouring properties and in accordance with Core Strategy policy CS14 and saved City of Leicester Local Plan policy PS10).
8. The hotel hereby approved shall only be used as a hotel (Class C1) and none of the rooms shall be occupied by any person or persons for longer than 60 consecutive days in any one calendar year, except in the instance where a room may be occupied by a member of staff employed by the hotel business occupying the site at the time and with their employment requiring primarily on-site duties. (In the interests of the amenity of future occupiers and in accordance with Saved City of Leicester Local Plan Policy PS10).
9. Development shall be carried out in accordance with the following approved plans:



Proposed Site Plan Including Retrospective Works and Wall Detail, 1044-INK-LNR-ALL-Dr-A-01302, revision P03, received 18 November 2024

Proposed Elevations Including Retrospective Works, 1044-INK-LNR-ELEV-DR-A-01303, revision P05, received 18 November 2024

Proposed Floor Plans Including Retrospective Works, 1044-INK-LNR-ALL-Dr-A-01301, revision P03, received 18 November 2024

(For the avoidance of doubt).

## NOTES FOR APPLICANT

1. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption/transitional arrangement is considered to apply:

Development below the de minimis threshold, meaning development which:

i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

2. 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 2023 is considered to be a positive outcome of these discussions.

## Policies relating to this recommendation

- |           |   |
|-----------|---|
| 2006_AM01 | Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.     |
| 2006_AM02 | Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations. |
| 2006_AM12 | Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.   |
| 2006_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.  |

- 2006\_PS11 Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
- 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\_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\_CS10 The Council will seek to ensure that Leicester has a thriving and diverse business community that attracts jobs and investment to the City. The policy sets out proposals to achieve this objective.
- 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\_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.

