

## Item No. 2

### Application Reference Number P/19/1224/2

|                          |   |                    |                     |
|--------------------------|---|--------------------|---------------------|
| <b>Application Type:</b> | Full  | <b>Date Valid:</b> | 11/06/2019          |
| <b>Applicant:</b>        | J O'Kelly                                   |                    |                     |
| <b>Proposal:</b>         | Conversion of dwelling into two flats       |                    |                     |
| <b>Location:</b>         | 33 Station Road<br>Loughborough<br>LE11 5ED |                    |                     |
| <b>Parish:</b>           | Loughborough                                | <b>Ward:</b>       | Loughborough Storer |
| <b>Case Officer:</b>     | Pat Reid                                    | <b>Tel No:</b>     | 01509 634747        |

---

This item is referred to Plans Committee at the request of Councillor Tillotson who considers that this proposal is an attempt to circumvent the HiMO saturation policy.

#### Description of the Application Site

The application site lies within an established residential area and is a mid-terraced dwelling on the eastern side of the street. It is a typical town centre property with no front garden and a rear garden accessed via a shared passage.

The dwelling currently has two bedrooms and a bathroom on the first floor, a third bedroom in the roof space and to the ground floor are a lounge and kitchen/diner.

The proposal is located within the Loughborough, Ashby Road Conservation Area.

#### Description of the Proposals

The proposal is to convert the property from a single three-bedroom house to two separate one-bedroom flats. These are all deemed to be dwellings which fall within Use Class C3.

On the ground floor of the current house the end of the kitchen/diner would be partitioned off to accommodate a shower room. The reduced kitchen/diner would become a lounge/diner with the end portion used as a kitchen. The front lounge would be a bedroom.

A new staircase would be installed to provide access to the first floor via a new entrance door. On the first floor the rear bedroom and bathroom would be re-configured to provide a kitchen/diner and a shower room. The front bedroom would become a lounge and the bedroom in the roof space would be retained as the bedroom for this flat.

Chimney breasts would be removed throughout the property to maximise the size of the accommodation.

Only two minor external changes are proposed to the building to facilitate the conversion into two flats. The first is the insertion of a window in the side of the building to provide light and ventilation to the proposed ground floor shower room. The second is a new entrance door in the side of the property, accessed via the shared passage to the rear of the property. This would provide access to a new staircase leading to the proposed first floor flat.

#### Development Plan Policies

The following Development Plan policies and guidance are relevant in the assessment of an application for the development:

Charnwood Local Plan Core Strategy ( 2015)

Policy CS1 – Development Strategy - sets out the development strategy and directions of growth for the Borough.

Policy CS2 – High Quality Design – requires new developments to make a positive contribution to Charnwood resulting in high quality inclusive design which responds positively to its context and results in places where people would wish to live. New developments should respect and enhance the character of the area, having regard to scale, density, massing, height, landscape, layout, materials and access arrangements. The policy also requires new development to protect the amenity of people who live and work nearby and those who will live in the new development.

Policy CS3 – Strategic Housing Needs –Seeks to ensure that new housing meets identified needs.

Policy CS14 – Heritage – Aims to conserve and enhance our historic assets.

Borough of Charnwood Local Plan (2004) ( saved policies)

Policy EV/1 – Design - seeks to ensure a high standard of design for developments, which, inter alia, respects and enhances the local environment, is of a design, layout, scale and mass compatible with the locality and utilises materials appropriate to the locality

Policy TR/18 - indicates that planning permission will not be granted for development unless off-street parking for vehicles, including cycles, and servicing arrangements are included to secure highway safety and minimise harm to visual and local amenities. The policy promotes standards that would require 3 parking spaces for a 4 or more bedroom dwelling, although it states that this will be used as the starting point in assessing the level of provision and represent the maximum level. The quantity of parking allowed should reflect the proposed use and the location of development, the availability of public off - street parking; the current or potential accessibility by non-car modes and the scope for practical measures to significantly reduce the use of private car trips to and from a site.

**Other material considerations**

The National Planning Policy Framework (2019)

This confirms that planning applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 8 identifies the economic and social roles of the planning system, both to build a strong responsive economy by ensuring land (and presumably buildings) is available in the right place at the right time and supporting the health of the community by ensuring housing for present needs that has a high quality built environment, which encompasses social and cultural well-being.

In considering development proposals, it should be ensured that sustainable transport modes can be taken up, and that safe and suitable access to the site can be achieved for all users.

Paragraph 109 requires that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe, that is, there would be an unacceptable impact on highway safety.

The NPPF also explains that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development being considered, enforceable, precise and reasonable in all other respects.

#### The Leicestershire Highways Design Guide (2018)

This is a guide for use by developers and published by Leicestershire County Council and provides information to developers and local planning authorities to assist in the design of road layouts. The purpose of the guidance is to help achieve development that provides for the safe and free movement of all road users, including cars, lorries, pedestrians, cyclists and public transport. Design elements are encouraged which provide road layouts which meet the needs of all users and restrain vehicle dominance, create an environment that is safe for all road users and in which people are encouraged to walk, cycle and use public transport and feel safe doing so; and help create quality developments in which to live, work and play. The document also sets out the quantum of off-street car parking required to be provided in new housing development.

#### Department for Communities and Local Government : Technical housing standards – nationally described space standard ( 2015)

This document provides guidance on minimum space standards for new dwellings.

#### Loughborough Ashby Road Conservation Area Character Appraisal

This provides a guide to the varied elements that contribute to the distinct character and appearance of the conservation area.

### **Relevant Planning History**

P/17/0323/2 - Certificate of Lawfulness – Use as a House in Multiple Occupation (Use Class C4) - Refused 17<sup>th</sup> April 2019.

### **Responses of Statutory Consultees**

No comments have been received from statutory consultees.

### **Other Comments Received**

Councillor Tillotson objects to the proposal on the grounds that the application is an attempt to circumvent the Council's HiMO saturation policy.

One neighbour, (No.34 Station Street), is concerned that flats would create noise and disturbance; that it is an attempt to bypass HiMO policy; that the road is already over-populated and that there is a lack of car parking.

## **Consideration of the Planning Issues**

The main issues to be considered in the determination of this application are:

Principle of Development  
House in Multiple Occupation  
Impact on the Character and Appearance of the Area  
Residential Amenity  
Transportation and Car Parking  
Impact on the Heritage Asset

### Principle of Development

The starting point for decision making on all planning applications is that they must be made in accordance with the development plan unless material considerations indicate otherwise. Policies in the adopted Core Strategy and the saved policies in the Borough of Charnwood Local Plan are therefore the starting point for consideration. Loughborough is considered to be a sustainable location for housing development, (the additional unit), due to its accessibility to employment, educational establishments, shops and services. The site is also well served by easy pedestrian access to bus stops and is within cycling or walking distance of the town centre. The location of the site is therefore acceptable in principle and the proposal accords with Policy CS1.

### House in Multiple Occupation

The objectors to this proposal refer to the Council's policy relating to Houses in Multiple Occupation (HiMO). It is noted that there are a mixture of houses and HiMO's on Station Street.

The property was subject to an application to establish whether a HiMO use, (Class C4), was lawful, (P/17/0323/2). This was refused because the property had been occupied for a period of time as a family dwelling, (Use Class C3). It was last used as a family dwelling and it is currently understood to be empty.

Where applications are submitted for new HiMO's those proposals must be assessed against the relevant policies and guidance. This application relates to the conversion of a single three bedroom dwelling into two separate and independent one bedroom dwellings. This falls into use class C3, (two separate C3 units), rather than use class C4, (HiMO) as there are no shared basic amenities. Therefore, the policies and guidance relating to HiMO's are not applicable in this case and a reason for refusal based around non compliance with these policies would be untenable.

### Impact on the Character and Appearance of the Area

Core Strategy policy CS2 and saved Local Plan policy EV/1 seek to ensure that new development respects and enhances the character and appearance of an area.

The conversion of this terraced dwelling into two flats would barely be perceptible from the street outside the property, with only minor external alterations proposed to the side and rear of the property.

Bin storage is sometimes a visual issue with flats and other small dwellings. However, given that there is adequate storage space at the rear of the site, it is considered that bin storage at the property will not have an adverse impact on the character of the area.

It is not considered that the creation of two C3 units to replace one dwelling would have a significant impact on the character of the area.

As such, the proposal would comply with policies CS2 of the Core Strategy and saved policy EV/1 of the Local Plan.

### Residential Amenity

The property currently has 3 bedrooms and is capable of being occupied by a family. The bedrooms in each of the proposed flats could accommodate a double bed, resulting in a total of four people living in the whole building. This number of occupants would be akin to occupation by a family. Accordingly, there would be no intensification in the use by way of occupancy numbers that would have an increased impact upon the amenities of neighbours. The application proposes the creation of new dwellings. Part E of the Building Regulations requires new dwellings, including conversions, to meet soundproofing standards.

In addition to the impact of a proposal upon neighbours the planning system must ensure that the future occupiers of new dwellings enjoy reasonable levels of residential amenity. The Department for Communities and Local Government has produced guidance on housing space standards, (see above). This recommends that one bedroom dwellings should have a gross internal floor area of at least 50 square metres, (single storey dwellings) and 58 square metres (two storey dwellings), plus built in storage of 1.5 square metres. The proposed one bedroom flats both meet those standards with the ground floor flat having an area of approximately 51 square metres and the first/second floor flat having an area of approximately 69 square metres. Both flats have the capacity to provide storage built-in under the stairs.

Taking the above into account, it is considered that the proposal accords with Core Strategy policy CS2 and saved Local Plan policy EV/1.

### Transportation and Car Parking

Concern has been expressed about the impact of the proposal on on-street parking in the area, with worry that the proposal would exacerbate the shortage of street parking, to the detriment of highway safety and amenity. There is a residents' parking permit scheme in operation and the street and it is also subject to Traffic Regulation Order limiting parking to one hour between 8am and 6pm Monday to Saturday. These measures help to ensure that on-street parking is available for residents.

The Highway Authority has not commented on the application and standing advice has been used to calculate the recommended car parking requirement which in this case would be for 2 off-street car parking spaces for two one bedroom flats. The existing three bedroom house would also require the provision of 2 parking spaces. None are available and this proposal, in terms of those requirements, would not increase the need for parking spaces. Accordingly, there would be no change to the existing situation.

To refuse a planning application on highway safety grounds it must be demonstrated that there are severe residual cumulative impacts resulting from the proposal. The conversion would not increase the need for car parking; albeit that none is currently provided.

Additionally, the site is in a sustainable town centre location, within walking distance of a wide range of facilities and services and with good public transport links.

Having regard to the above, it is considered that the proposal accords with the National Planning Policy Framework (NPPF) and saved policy TR/18 of the adopted Local Plan and that severe impacts as described in Paragraph 109 of the NPPF would not be caused by the development.

#### Impact on the Heritage Asset

The application site is in the Loughborough, Ashby Road Conservation Area, as such there is a statutory duty to pay special attention of the desirability of preserving or enhancing the character of the Conservation Area. The proposal is considered to preserve the character of the conservation area heritage asset and as such weight should be attached to this in the planning balance for the application.

Additionally, the NPPF requires a judgement as to whether substantial or less than substantial harm would occur to the significance of the heritage asset as a result of the development. The design, form, and scale of the proposed development are compatible with the dwelling and its surroundings and would not appear prominent or incongruous in the street scene. The significance of this part of the conservation area is the layout of the streets and the relatively homogenous design and appearance of the typical late 19<sup>th</sup> century terraced houses. In accordance with the guidance contained within the NPPF, it is considered that the development, which does not significantly alter the external appearance of the dwelling, would not harm the significance of the heritage asset, that of the Ashby Road Conservation Area.

The proposal would therefore accord with Section 72 of the Planning Act 1990, paragraphs 193 and 194 of the NPPF, Policy CS14 of the Core Strategy and the Conservation Area Character Assessment.

#### **Conclusion**

Decisions on applications need to be made in accordance with the adopted development plan policies and the material considerations that support them.

It is considered that the proposal is sustainably located and that the proposed use would represent a good quality design which would be acceptable in terms of residential amenity. There would be no harm to the character and appearance of the area, the proposal would conserve the conservation area and not give rise to harm to this heritage asset.

The proposal would not result in an increased need for car parking and nor is it considered that the proposed use would not result in severe residual cumulative impacts, given the sustainable location of the site and access to alternative modes of transport.

Accordingly, the proposal complies with the provisions of the development plan and there are no material considerations that would override this. On this basis it is recommended that planning permission is granted conditionally.

### **RECOMMENDATION:-**

Grant Conditionally:

- 1 The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
  - 1:1250 and 1:500 scale site location plans
  - Proposed floor plans and elevations – Drawing number 19/3008/01 received by the Local Planning Authority 11<sup>th</sup> June 2019.

REASON: To define the terms of the planning permission.

The following advice notes will be attached to a decision:

- 1 DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies CS1,CS2,CS3 and CS14 of the Charnwood Local Plan (2011-2028) Core Strategy and Policies EV/1 and TR/18 of the Borough of Charnwood Local Plan have been taken into account in the determination of this application. The proposed development complies with the requirements of these policies and there are no other material considerations which are of significant weight in reaching a decision on this application.
- 2 Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal, it is generally in accord with the terms of the above-mentioned policies and, otherwise, no harm would arise such as to warrant the refusal of planning permission.

- 3 Discussion with the applicant to seek an acceptable solution was not considered necessary in making this decision. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.

