

Leicester
City Council

Wards:
See individual reports.

Planning & Development Control Committee

Date 8th January 2008

REPORTS ON APPLICATIONS AND CONTRAVENTIONS

Report of the Service Director, Planning & Policy

1 Introduction

- 1.1 The City Council has resolved that reports to any committee must address the implications of the action recommended in relation to finance, equal opportunities, policy, legal issues, sustainability and the environment and crime and disorder.
- 1.2 This report deals with development control matters on which the recommendations must be based on material planning considerations as set out in the Planning Acts and associated regulations, circulars and central government guidance. The following implications paragraphs relate to all the recommendations in this report.

2 Financial Implications

- 2.1 The cost of operating the development control service, including processing applications and pursuing enforcement action, is met from the Development Control Group budget which takes account of the income expected to be generated by planning application fees.
- 2.2 Development Control decisions can result in appeals to the Secretary of State or in some circumstances legal challenges which can have cost implications for the City Council. Where there are special costs directly relevant to a recommendation these are discussed in the individual reports.

3 Equal Opportunities Implications

- 3.1 To assist the City Council to identify the impact of planning application decisions, these are monitored by the ethnic group of the applicant. It is established policy not to identify individual applicants by ethnic origin as this would be against assurances of confidentiality. I am also unable to give numbers of applications in each group as in some cases these are so small that individual applicants could be identified. Regular reports are sent to Members giving the results of this monitoring.

4 Policy Implications

- 4.1 Planning applications must be decided in accordance with the provision of Development Plan, principally the City of Leicester Local Plan and the Leicestershire Structure Plan, unless these are outweighed by other material considerations. The latter include supplementary planning guidance, site specific development briefs produced by the City Council, and emerging/ updated versions of the Development Plan. Individual reports refer to the policies relevant to the recommendation.

5 Legal Implications

- 5.1 The recommendations in this report are made under powers contained in the Planning Acts. Specific legal implications, including the service of statutory notices, initiating prosecution proceedings and preparation of legal agreements are identified in individual reports. As appropriate, the Head of Legal Services has been consulted and his comments are incorporated in individual reports.

6 Human Rights Act

- 6.1 Members will be aware that the Human Rights Act 1998 is now in force. Provisions in the Act relevant to considering planning applications are Article 8 (the right to respect for private and family life), Article 1 of the First Protocol (protection of property) and, where relevant, Article 14 (prohibition of discrimination).
- 6.2 In terms of reports on enforcement action, preparatory information, including details of ownership, has been sought in the light of current case law. The Head of Legal Services takes the view that obtaining such information does not relate to a trial process and so does not breach Article 6 (the right to a fair trial).
- 6.3 The uncertainty over whether the Secretary of State can “call in” planning appeals because of potential incompatibility with the Human Rights Act has been clarified by a decision of the House of Lords. They decided that the Secretary of State’s powers to call in planning applications, or to recover planning appeals for decision by him, are lawful and do not breach Article 6. This clarification lessens the possibility of any challenge, under human rights legislation, to enforcement action.

7 Sustainability and Environmental Implications

- 7.1 The City of Leicester Local Plan has been subjected to a full sustainability appraisal. The sustainability implications material to each recommendation, including any Environmental Statement, submitted with a planning application, are examined in each report.
- 7.2 The following applications in this report are accompanied by an Environmental Statement:

8 Crime and Disorder Implications

- 8.1 Issues of crime prevention and personal safety are material considerations in development control recommendations. Where relevant these are dealt with in individual reports.

9 Consultations

- 9.1 Consultations with other departments and external organisations are referred to in individual reports.

10 Background Papers

- 10.1 Copies of individual planning applications are available for inspection in the Customer Service Centre, New Walk Centre. Representations and consultation responses on individual applications are kept on application files which can be inspected by contacting the Development Control Group, extension 7249.

11 Officer to Contact

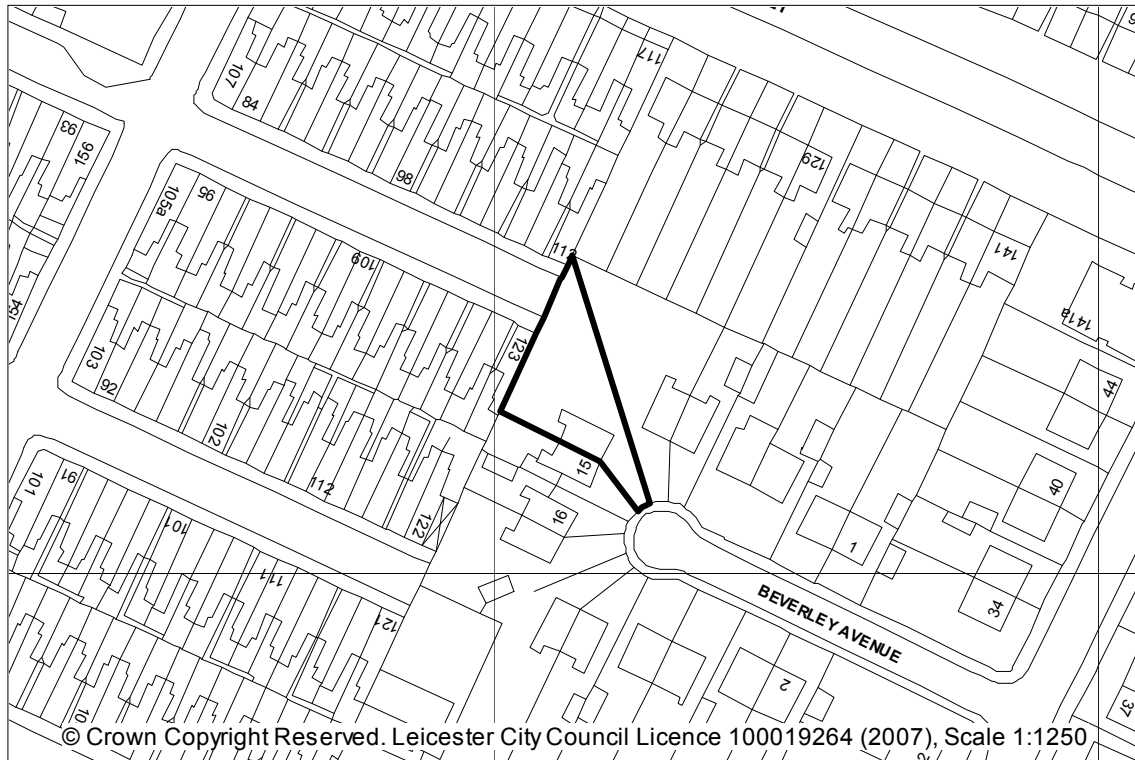
- 11.1 Authors of individual contravention and application reports, via Extension 7249 or Mike Richardson, Head of Planning Management & Delivery, Extension 7244.

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| CONTRAVENTION MATTERS | | |
|-----------------------|----------------------------|---------------|
| 20064739C | 13 BEVERLEY AVENUE | |
| Description: | USE OF PROPERTY | |
| Type: | Unauthorised motor repairs | |
| Received: | 27 November 2006 | |
| GMS | AREA: E | WARD: Latimer |



Introduction

An application (20072063) for change of use of garden and covered area to rear of house to motor vehicles repairs and servicing and sales is the subject of a report elsewhere on the agenda. This report considers the claim that there is already a lawful use for car repairs and sales at the property.

Although the applicant, Mr R Mistry, claims that a car repair and sales business has been carried on at the site since the late 1980's, due to the fact that an enforcement notice is in place relating to the property, he is unable to make a further application for a Certificate of Lawful Use (CLU). However, a quantity of documentary evidence has been submitted, seeking to demonstrate that there has been continuity of use for sales and repairs from September 1989 to July 2007 and this has been considered by officers as though it forms part of a formal application for a CLU.

Evidence submitted

The applicant has supplied a schedule providing a summary of the available documents on a year-by-year basis, giving the number of repairs and sales, receipts

for parts and accessories, bank statements, Inland Revenue/HMRC letters, etc., amounting to some 14,943 documents in total.

The schedule shows the number of repair jobs undertaken each year, which varies from 37 to 195, with an average of 109, although it is not clear whether all of these are claimed to have been carried out at 13 Beverley Avenue or if a proportion have been carried out on a 'mobile' basis at customers' own homes or premises. Car sales from 1994 onwards are shown and vary from none (in 1996) to 100 (in 2004), with an average of 44.

A selection of the documents has been submitted for inspection by officers and includes copies of diary (job) entries, car auction (purchase) receipts, sales (customer) receipts, receipts for parts and accessories, receipts for car sales press advertisements (in the Leicester Mercury and Auto Trader), individual letters from local residents and customers confirming that the repairs and sales business has been carried on continuously for varying periods of time and/or confirming that they have had their own cars repaired at 13 Beverley Avenue.

Assessment

Had it been possible to submit a formal application for a CLU, the evidence would need to demonstrate that, on the balance of probability, a car sales and repair business has been carried on continuously at the premises for at least 10 years, that is, from 1997 onwards.

Although there is some uncertainty about the car sales use, the documentation clearly demonstrates that a car repair business has operated from the premises, in some form, over at least ten years, and possibly as long as 18 years, and in fact this has never been disputed. However, Mr Mistry has always operated under the name of 'R D Mobile Services' and officers have always been given to understand that, by definition, repairs would normally be undertaken off-site and that only a van and/or recovery truck would be based at the premises. Enforcement action has been based on this assumption, that is to say, that repairs have been undertaken at the site rather than solely on a 'mobile' basis. Officers have never found any clear evidence of car sales being undertaken from the premises and, indeed, a lawful use for car sales was only claimed for the first time on the occasion of the last CLU application in December 2006.

The main deficiency of the documentation supplied is that there is a lack of cross-referencing between the different items. Thus, there is little to relate the purchases of parts and vehicles to the application site, nor does it give any clear indication of the nature or scale of the repair and sales business, hours of use or number of vehicles stored or displayed. In respect of purchases of parts and accessories, there is little or nothing to show that they have actually been fitted to cars under repair at 13 Beverley Avenue, rather than at the homes or premises of customers, as would be expected as part of a mobile repairs business. Similarly, there is nothing to show that cars purchased at auction were taken back to, worked on or re-sold from, 13 Beverley Avenue. In particular, there are no photographs, in the press adverts or otherwise, showing cars for sale at the site, and nothing to show whether the cars

were actually displayed or just stored there pending sale, nor the number for sale at any one time. Only a handful of receipts for sales have been submitted.

Against this, copies of 28 letters have been submitted from local residents, customers and firms, confirming that Mr Mistry has carried out a car sales and repair business from 13 Beverley Avenue continuously since 1986, while some 15 or more state that they have had their cars repaired at the property.

As stated in the main report, Mr Mistry always claimed that he only used 13 Beverley Avenue as a base for the mobile repairs business and that repairs were only undertaken there for customers on an occasional basis. Following the enforcement notice coming into effect in September 1999, several site visits were made by officers which indicated that all repair activity had ceased. Mr Mistry has since challenged the veracity or thoroughness of these visits. Since the officers who made them are no longer employed by the council, it is not possible to seek further clarification at this stage. Nevertheless, they do raise serious doubts as to the claimed continuity of the repair business since 1997. In any event, bearing in mind that there is an enforcement notice in place, the evidence now submitted suggests that Mr Mistry has flagrantly ignored the requirements of the notice and has therefore committed an offence in doing so.

Conclusion

In respect of the car repair business, much depends on how much weight is attached to the site visits and photographs by officers, which cast significant doubt on the claim continuity of use since at least 1997. There is also some doubt as to what extent the business has been undertaken on a mobile basis, with 13 Beverley Avenue only used as base for the business, and how much of the repair activity has actually taken place at the property. However, had it been possible to submit a further application for a CLU, and leaving aside the disputed officer site visits, I would conclude that, on the balance of probability, that a lawful use for car repairs has been demonstrated.

With regard to the car sales use, the position is less clear. Although there are numerous receipts for cars purchased at auction and for press adverts for cars for sale, there is little to demonstrate how this relates to the nature or scale of the sales activity at 13 Beverley Avenue, nor anything to indicate continuity of sales from the site in other than an ad hoc or occasional manner. Indeed, the submitted documentation shows that the number of cars claimed to have been sold has varied considerably, with only six during the whole of 2000. I therefore conclude that, on the balance of probability, a lawful use for car sales has *not* been demonstrated.

| | |
|---|--|
| Recommendation: Conditional approval | |
| 20071815 | 104/108 WESTCOTES DRIVE |
| Proposal: | CHANGE OF USE FROM THREE HOUSES TO SIX SELF CONTAINED FLATS (3 X 2 BED; 3 X 3 BED; ;SINGLE STOREY EXTENSION AT REAR (CLASS C3) (AMENDED PLANS) (Contribution secured by conditions). |
| Applicant: | BLUE PYRAMID INVESTMENTS |
| App type: | Change of use |
| Status: | Change of use |
| Expiry Date: | 15 November 2007 |
| AS | WARD: Western Park |



Introduction

This application relates to three terrace houses located within a primarily residential area and within the Westcotes Drive Conservation Area.

The Proposal

It is proposed to change the use of each house to two self-contained flats. The ground floor of each dwelling would consist of one two bedroom flat. The first and second floor of each dwelling would consist of one three bedroom flat. A single storey extension to the rear of each dwelling is also proposed. Each extension is the same size and would have a width of 3.3 metres and a depth of 3.1 metres. Amended plans have been received which show the proposed window in each extension to be on the rear elevation. A total of 6 cycle parking spaces has also been allocated within the proposal.

Policy Considerations

City of Leicester Local Plan policies relevant to this application are listed at the end of this report.

There is additional guidance for vehicle parking contained in 'SPG for Vehicle Parking Standards' adopted 2002.

Consultations

The Highways Authority: State that the proposal would require a maximum of 9 parking spaces, whilst the existing use would require 6 parking spaces. It is recommended that the application be refused due to lack of off street parking facilities. However, the authority is willing to accept a financial contribution towards the provision of the West End Residents Parking Scheme, which currently is not programmed.

Representations

One letter and a petition containing 8 signatures has been received objecting to the proposal. They made the following comments:

- The proposal would not conform to the character of the neighbourhood.
- The houses in the street are mainly family houses.
- Will lead to poor maintenance of the properties.
- Loss of family accommodation and to be replaced with 6 flats (15 bedrooms) is unacceptable.
- Demand for car parking.
- Increase in traffic.

Consideration

The proposed conversion of the three terrace houses to flats is in principal acceptable in this location, within a primarily residential area.

It is accepted that there would be an increase in parking in the area, as no off street parking is provided. A contribution towards the provision of the West End Residents Parking Scheme can be conditioned, which would help to alleviate problems in the future.

It is regrettable that it is proposed to lose single, family dwelling houses in this area but the character of each property would remain the same from the outside.

The proposed extensions would have a minimal effect upon the amenities currently enjoyed by the occupiers of the neighbouring properties. There is sufficient amenity area to the rear to house a cycle store and to keep wheelie bins. There is a two metre high boundary wall to the rear.

I do not consider that the proposal will have a detrimental effect on the character or appearance of the Conservation Area.

I recommend APPROVAL subject to the following conditions:

CONDITIONS

1. START WITHIN THREE YEARS
2. The new walls and roof shall be constructed in materials to match those existing. (In the interests of visual amenity, and in accordance with policy H07 of the City of Leicester Local Plan.)
3. No waste bins shall be stored in the front yard or garden area. (In the interests of the amenities of the surrounding area, and in accordance with policies H07 and PS10 of the City of Leicester Local Plan.)
4. A minimum of 6 secure and sheltered cycle parking spaces shall be provided within the curtilage of the site prior to the occupation of the first dwelling. (To secure adequate cycle parking provision and in accordance with policy AM12 of the City of Leicester Local Plan.)
5. Prior to the occupation of the first dwelling provision shall be made for the issuing of a New Residents Travel Pack for each of the dwellings. This shall include walking, cycling and bus maps, latest relevant bus timetable information and bus travel or cycle vouchers. (In the interests of promoting sustainable transport and in accordance with policy AM12 of the City of Leicester Local Plan).
6. The development shall not be occupied until arrangements have been made, to the satisfaction of the City Council as local planning authority, towards the provision of the West End Residents Parking Scheme, unless agreed otherwise. (To limit potential parking demand in the surrounding area and in the interests of highway safety and in accordance with policies AM12 of the City of Leicester Local Plan).
7. This consent shall relate solely to the amended plans received by the City Council as local planning authority on 6th December 2007. (For the avoidance of doubt.)
8. There are public sewers, which cross the site. No building should be erected or trees planted within 2.5 metres of the public sewer. The applicant may wish to apply to Severn Trent Water to divert the sewer in accordance with Section 185 of the Water Industry Act 1991.

NOTES FOR APPLICANT

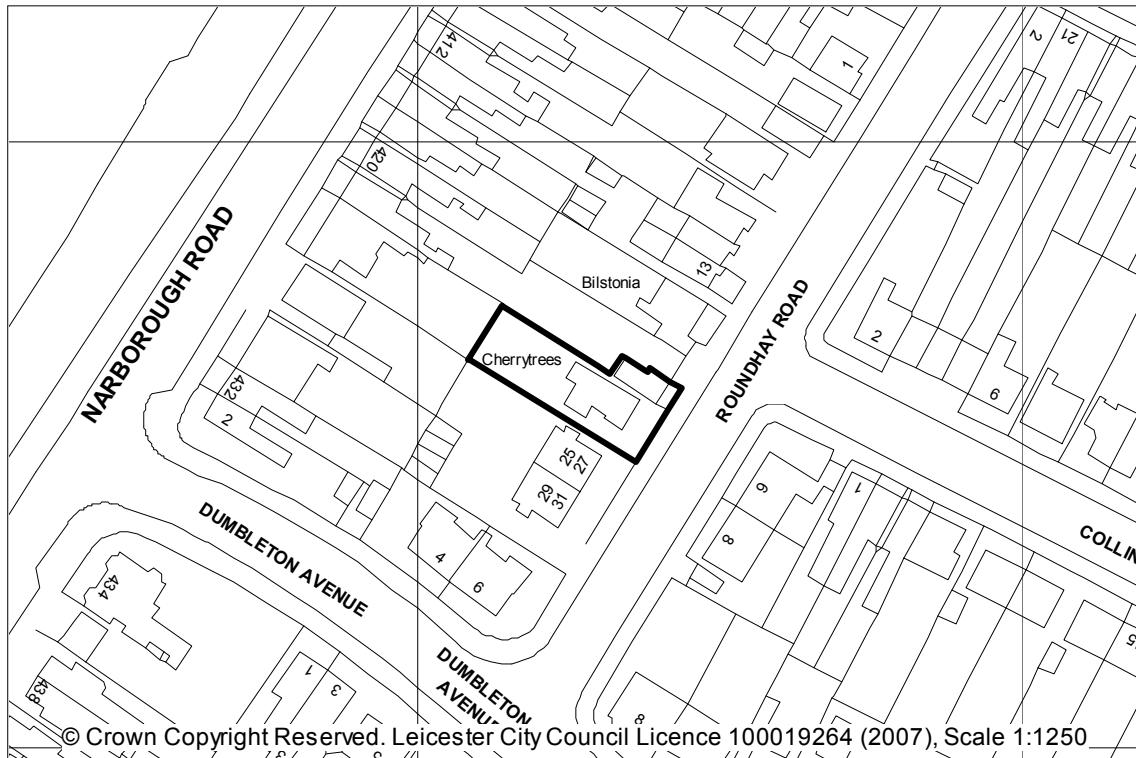
1. Condition 7 can be satisfied by a payment of £1,500 to the Department of Regeneration and Culture (Highways and Transport Division Account) to contribute to the works described in the condition. The sum to be index-linked from the date of this permission by reference to the RICS Building Cost Information Service Tender Price index or by reference to any other appropriate formula agreed with the City Council in advance.

2. REASON FOR APPROVAL. In the view of the City Council, the proposal complies with the relevant criteria in the City of Leicester Local Plan policies listed in this decision, and with SPG Vehicle Parking Standards and there are no material considerations which outweigh these policies. The City Council considers that any harm to visual and residential amenity and the street scene can be overcome by the attached conditions.

Policies relating to this recommendation

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|-----------|---|
| 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_BE06 | New development or changes of use within or adjoining a Conservation Area must preserve or enhance the character or appearance of the Area. |
| 2006_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents. |

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| Recommendation: Conditional approval | |
| 20071947 | CHERRYTREES, ROUNDHAY ROAD |
| Proposal: | CHANGE OF USE FROM HOUSE (CLASS C3) TO GUESTHOUSE (CLASS C1) |
| Applicant: | MISS L BASI |
| App type: | Change of use |
| Status: | Change of use |
| Expiry Date: | 10 December 2007 |
| AS | WARD: Braunstone Pk & Rowley Fields |



Introduction

This application relates to a detached house located within a primarily residential area.

Background

Planning permission was granted in August 2007 for a three storey building comprising 3 X 1 bed room flat on the adjacent land, which is in the same ownership as the applicant.

The Proposal

It is proposed to change the use of the house to a 5-bedroom guest house. An existing boundary wall to the front would be demolished to provide 4 off street parking spaces.

Policy Considerations

City of Leicester Local Plan policies relevant to this application are listed at the end of this report.

There is additional guidance for vehicle parking contained in 'SPG for Vehicle Parking Standards' adopted 2002.

Consultations

Highways Authority: the proposed development would demand 5 spaces and a total of 4 spaces are proposed to the front and it is considered that parking provision is acceptable.

Representations

10 letters of objection have been received from local residents and their concerns are as follows:

- Increase in noise and traffic in the area.
- There's a covenant covering the estate stating that no commercial business shall take place. (Not a material planning consideration).
- Devalue the properties in the area. (Not a material planning consideration).
- Already a number of guest houses on Narborough Road, which are not fully occupied.
- Exacerbate existing parking problems.
- Where will the cars park?
- It is a residential area.
- Increased litter.
- Safety of local children a concern.

Consideration

The proposal lies within a primarily residential area and therefore the principal of a guesthouse in this particular area is acceptable. There are no other hotels/guesthouses within Roundhay Road. Four off street parking spaces are proposed and that is considered acceptable. There would be a certain amount of noise and disturbance associated with the proposal but I do not consider it would be significant compared to the existing use.

I would consider that the use of the property as a guesthouse would have no further impact on the area compared to the use as a five bedroom house.

I therefore consider that the proposal would have a minimal effect upon the amenities currently enjoyed by the occupiers of the neighbouring properties and that it is not contrary policies contained in the local plan.

I recommend APPROVAL subject to the following conditions:

CONDITIONS

1. START WITHIN THREE YEARS

2. The development shall not be occupied until the footway crossing has been altered to the satisfaction of the City Council as local planning authority. (To achieve a satisfactory means of access to the highway, and in accordance with policy H07 and AM12 of the City of Leicester Local Plan.)
3. The garage and parking spaces shown on the approved plans shall be provided at the time of development and shall be retained. (To secure adequate off-street parking provision, and in accordance with policy AM12 of the City of Leicester Local Plan.)
4. This consent shall relate solely to the submitted pnas (ref: MCL-04521/A) received by the City Council as local planning authority on 15th October 2007. (For the avoidance of doubt).

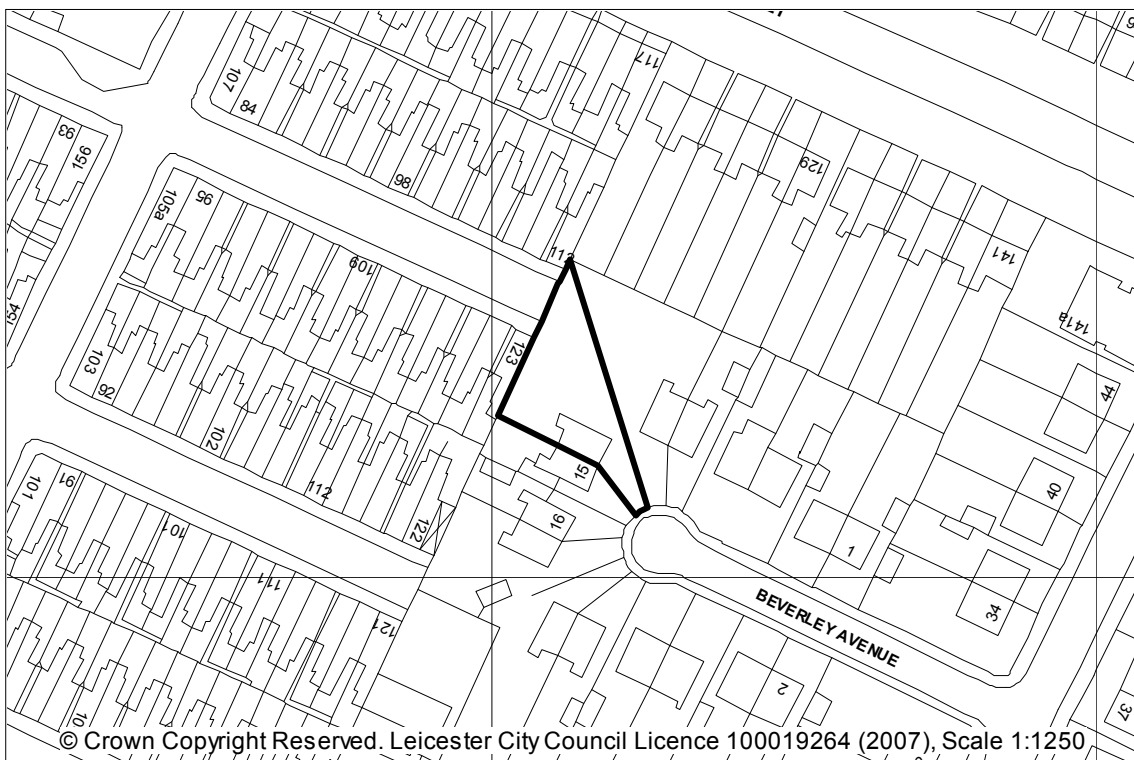
NOTES FOR APPLICANT

1. REASON FOR APPROVAL. In the view of the City Council, the proposal complies with the relevant criteria in the City of Leicester Local Plan policies listed in this decision, and with SPG Vehicle Parking Standards and there are no material considerations which outweigh these policies. The City Council considers that any harm to residential amenity can be overcome by the attached conditions.

Policies relating to this recommendation

| | |
|-----------|--|
| 2006_H17 | Planning permission will be granted for hotels, hostels and residential institutions within Primarily Residential Areas outside Restricted Zones provided criteria can be met. |
| 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. |

| | |
|--------------------------------|---|
| Recommendation: Refusal | |
| 20072063 | 13 BEVERLEY AVENUE |
| Proposal: | CHANGE OF USE OF GARDEN AND COVERED AREA TO REAR OF HOUSE (RESIDENTIAL, CLASS C3) TO MOTOR VEHICLE REPAIRS AND SERVICING AND SALES (NO USE CLASS) |
| Applicant: | MR R MISTRY |
| App type: | Change of use |
| Status: | Change of use |
| Expiry Date: | 25 December 2007 |
| SPV | WARD: Latimer |



Introduction

This application relates to a semi-detached property at the head of Beverley Avenue. The property has a large side and rear garden and is surrounded on all sides by houses. The property is within a primarily residential area. The garden of the property backs onto Moira Street and is at a higher level than the houses on this street.

Background

The City Council began to receive complaints in August 1985 and carried out a series of investigations. It was found that the property was being used for the repair and sales of motor vehicles without the benefit of planning permission. A period of 21 days was given for the owner to clear the site. A site visit on 10th October 1985 confirmed that the request had been complied with and no further action was taken.

In late October 1987 fresh complaints were made and a site visit confirmed that commercial vehicle repairs was taking place. A warning letter was issued to the owner on 20th October 1987. The Environmental Health Department conducted a separate investigation at the property which led them to issuing a notice under the Control of Pollution Act 1974 on 6th January 1989. This notice required the occupier to abate the nuisance in connection with the motor vehicle repairs and prevent its reoccurrence.

An inspection on 3rd February 1989 found that the vehicle repair use appeared to have ceased and the site had been tidied. Between February 1989 and February 1997 the Council, as local planning authority, received no new complaints in connection with the property. The Community Public Health Group carried out inspections in 1993 and 1996 and records indicated no activity.

In February 1997 complaints were received regarding motor vehicle repairs. A site visit found evidence of this activity including scrap cars and car parts and a number of vehicles in various states of repair. The occupier explained that he operated a mobile business, but due to him being particularly busy, he had done some repairs at home. A warning letter was issued asking the occupier to cease all unauthorised motor vehicle repairs and remove all associated spares from the property. Further visits in June, August and October 1997 confirmed that the repairs were continuing.

The matter was reported to the Development and Control Sub-Committee on 15th December 1997, which authorised the servicing of an enforcement notice. The enforcement notice was issued on the 19th September 1998. An appeal was made against the notice which was dismissed and the notice came into effect from 24th September 1999. The notice required the occupier to cease servicing and repair of all motor vehicles and remove all materials and equipment brought on to the land in connection with the unauthorised use.

The occupier submitted an application for certificate of lawful use for the motor vehicle repair use in 2000. As the enforcement notice had taken effect on 24th September 1999, the applicant had to provide documentary evidence that the use had occurred continuously from on or before 24th September 1989 (10 years prior to the enforcement notice taking effect) up to the date of the application. Bearing in mind that several site visits had indicated that the repair use had ceased, there was insufficient evidence to demonstrate, on the balance of probability, that it had continued over the relevant period. The application was therefore refused.

Upon this decision the council issued a warning letter to the occupier to comply with the existing enforcement notice. A further site visit in October 2002 concluded that there was no sign of any vehicle repair activity.

A complaint was received in early 2004 that vehicle repairs were again being carried out. However site visits in February and April 2004 found no indication of vehicle repairs at the premises. Environmental Health received a complaint in November 2006 from a member of the public regarding noise disturbance at the premises as a result of vehicle repairs.

A further application for a certificate of lawful use to legitimise the business use at the property was refused in February 2007 on grounds of insufficient evidence of continuing the use, as previously.

As there is an outstanding enforcement notice on this property, no further application for a Certificate of Lawful Use can be considered. However, the applicant has submitted a substantial amount of documentation purporting to demonstrate a lawful use for car sales and repairs and this is the subject of a separate report elsewhere on the agenda.

The Proposal

The proposal is for a change of use of the garden and covered area at the rear of the property for car repairs, servicing and sales.

Hours of use would be:

Monday – Saturday 0900 – 1800

No use on Sundays or Bank Holidays

The applicant has submitted documentation with the application which gives a history of commercial activity at the property. This evidence is being considered separately to this planning application and I will comment further at your meeting.

Policy Considerations

City of Leicester Local Plan policies relevant to this application are listed at the end of this report.

Policy E08 states:

E08. VEHICLE REPAIR GARAGES

Planning Permission will be granted for vehicle repair garages within Key Employment Areas and Primarily Employment Areas and not within other areas, particularly Primarily Residential Areas.

Policy H13 states:

H13. NON-RESIDENTIAL USES IN RESIDENTIAL AREAS

Planning permission will not be granted for non-residential uses within existing and proposed Primarily Residential Areas, as shown on the Proposals Map, unless it can be shown that there will be no unacceptably detrimental effects in terms of:

a) the impact of the proposed development on the general residential character of an area;

b) the impact of the proposed development on the local traffic situation, in particular with regard to highway safety and the intrusive effect of heavy goods traffic;
and

c) the provision of satisfactory off-street manoeuvring, servicing and operational parking arrangements.

Consultations

The Highway Authority raised no specific objections to the proposal, however stated they would need more information to provide detailed comment further.

The Noise Team raised an objection to the proposal on the grounds that noise from the proposal is likely to adversely affect the residential amenity of the area.

Representations

None

Consideration

The site is located within a Primarily Residential Area as such the principle of the use is unacceptable.

I consider the proposed use would have an unacceptable detrimental impact on the residential amenities enjoyed by the occupiers of neighbouring properties and the general residential character of the area through an increase in noise, smells and general coming and going associated with the business use.

I do not consider this location to be suitable for the purposes of vehicular repairs and servicing or sales, such activities are better suited to designated industrial areas where the impact on residential properties is limited.

I therefore recommend this application be REFUSED for the following reason:

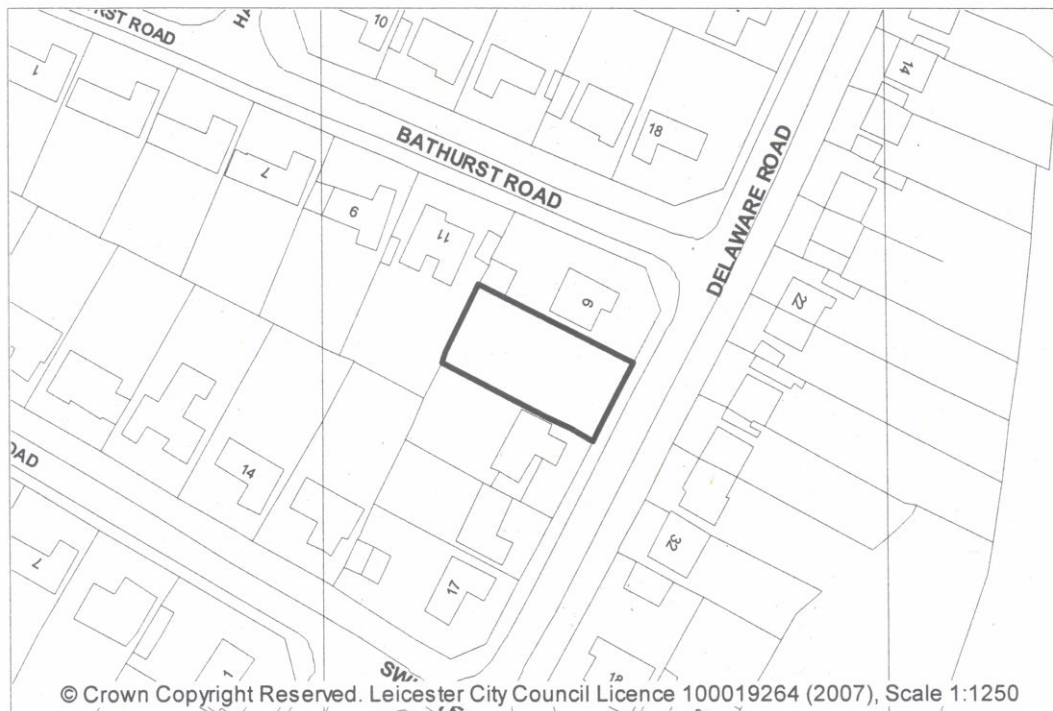
REASONS FOR REFUSAL

1. The proposal represents a non-conforming business use in a primarily residential area and would be detrimental to the character of the area and the amenity of nearby occupiers by reason of noise, smell and disturbance associated with vehicular repairs and sales. It is thereby contrary to Policies H13, E08, BE21, PS10 and PS11 of the City of Leicester Local Plan.

Policies relating to this recommendation

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|-----------|--|
| 2006_BE21 | Noise-generating development not permitted if affecting unacceptably amenity of noise-sensitive land uses; noise-sensitive development not permitted if affected by noise from noise-generating land uses. |
| 2006_E08 | Planning Permission will be granted for vehicle repair garages within Key Employment Areas and Primarily Employment Areas and not within other areas, particularly Primarily Residential Areas. |
| 2006_H13 | Planning permission not granted for non-residential uses within existing and proposed Primarily Residential Areas unless certain criteria can be met. |
| 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. |

| PLANNING APPLICATIONS RECOMMENDED FOR APPROVAL | | |
|--|---|----------------|
| 20071803 | 11 DELAWARE ROAD | |
| Proposal: | RETENTION OF CERAMIC TILES TO FRONT ELEVATION; VARIATION OF CONDITION 2 ATTACHED TO PLANNING PERMISSION 20062084 AND CONDITION 2 ATTACHED TO PLANNING PERMISSION 20040867 (CLASS C3) | |
| Applicant: | MR SYED BUKHARI | |
| App type: | Operational development - full application | |
| Status: | Householder development | |
| Expiry Date: | 14 November 2007 | |
| AS | TEAM: PO | WARD: Evington |



Introduction

This application was deferred by your Committee at its meeting on 18 December to enable a site visit to take place.

The application relates to a detached bungalow located within a primarily residential area.

Background

Since 2003 there have been 4 planning applications dealing with extensions to the bungalow including raising the height to make it a dormer bungalow. Application 20062084 'retention of single storey extension at front, single storey extension at rear' was approved in 2006. Conditions were attached to that permission stating that "The new walls and roof shall be constructed in materials to match those existing."

It came to my attention that the front elevation of the bungalow had been finished with ceramic tiles.

The Proposal

The application is for the variation of condition 1 on application 20062084 and condition 2 attached to 20040867 stating that the materials shall match that of the existing. The applicant wishes to retain the front façade. The existing walls were rendered.

Policy Considerations

City of Leicester Local Plan policies relevant to this application are listed at the end of this report.

There is also additional guidance for house extensions contained in 'A design guide for House Extensions'.

Representations

6 letters of objection (one contained two signatures) have been received objecting to the retention of the front façade. They consider that:

- The tiles undermine the look of the area.
- It is out of keeping.
- Unsightly.
- Should be rendered as other properties.
- The sun shines on the tiles and the reflection dazzles the occupiers opposite.
- If this is allowed then the Council policies need to be questioned.
- Looks like a cross between a Greek temple and a public convenience.

Consideration

The dwelling has been altered and extended and does not resemble the property as it was originally built. The properties to either side are bungalows and the properties opposite are 2-storey houses. The materials are a mixture of render and red brick. The materials to the property stand out within the street scene and do not add anything to the local character.

Although the materials used are not matching the existing dwelling or other properties in the area, I do not consider they result in a significant detrimental impact to warrant a refusal to be followed up with enforcement action.

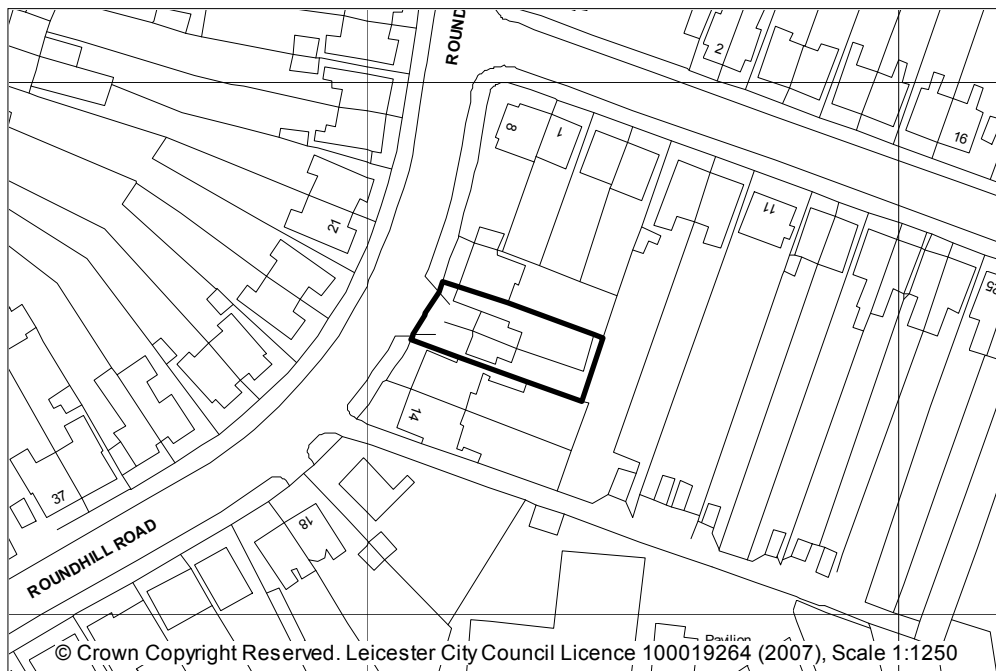
I therefore recommend UNCONDITIONAL APPROVAL.

Policies relating to this recommendation

2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.

2006_H15 Criteria for extensions to existing houses.

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| Recommendation: Conditional approval | |
| 20072143 | LAND BETWEEN 10 AND 12 ROUNDHILL ROAD |
| Proposal: | ONE DETACHED HOUSE (5 BED) (CLASS C3) (AMENDED PLANS) |
| Applicant: | MR A WELLS |
| App type: | Operational development - full application |
| Status: | Minor development |
| Expiry Date: | 9 January 2008 |
| SPV | WARD: Stoneygate |



Introduction

The application relates to a plot of land which currently contains a pair of garages located within a Primarily Residential Area as defined in the City of Leicester Local Plan.

The garages are disused and in a largely derelict state, the remainder of the land is overgrown containing some trees of varying sizes.

Number 12 Roundhill Road has a single storey extension along the boundary with the application site. 10 Roundhill Road has a 2-storey and single storey extension along the boundary with the application site.

The Proposal

The proposal is to construct a 5-bedroom house on the plot of land.

The house would be set back 2 metres from adjacent properties 10 and 12 Roundhill Road at the front, it would be 1.3 metres away from the side wall of number 10 and 1.1 metres away from the side wall of number 12.

An internal garage would be provided, along with space to park one car off the road on the driveway.

The rear garden would be approximately 150 square metres in size. There are a number of trees currently on the site however none of these have statutory protection and these would be removed as part of the proposal.

The plans are amended by increasing the gap between the proposed dwelling and 12 Roundhill Road to 1m and a 0.9m high wall to part of front.

Policy Considerations

City of Leicester Local Plan policies relevant to this application are listed at the end of this report.

SPG – Vehicle Parking Standards

SPG – A Design Guide for House Extensions

Consultations

The Highway Authority raised no objections to the proposal, however suggested a number of conditions be attached to any approval.

Representations

6 letters of objection have been received, along with a petition signed by 18 residents of Roundhill Road. The following points have been raised:

- The proposed dwelling is too large for the plot and will have an adverse impact on the character and appearance of Roundhill Road, as all other houses are in proportion to the plot they occupy and are in harmony with the adjacent houses. An appearance of a row of terraced houses would be created.
- Notwithstanding the proposed garage, the development will result in an increase in the number of vehicles parked on the road, which is a busy road and already has parking problems, which are exacerbated by the proximity of the local mosque.
- The proposed dwelling would have an adverse impact on the foundations of surrounding properties due to tree roots.
- The proposal would devalue neighbouring properties (This is not a material planning consideration).
- There would be a loss of light to rooms and hallways in the adjacent properties.
- The proposal would affect water pressure in the nearby houses
- The proposal would result infringe the 'right to air' of the neighbouring properties.

Consideration

The site is located within a Primarily Residential Area, the principle of the use is appropriate. The acceptability of the scheme is therefore dependant on the impact of the proposal on local residential amenity, visual amenity and traffic implications:

Residential Amenity

The proposal would not break a 45° line taken from the centre point of the nearest ground floor principal room windows at either adjacent property for single storey elements. The proposal would not break a 45° line taken from the nearest point of the nearest ground floor principle room windows at either neighbouring property for the two storey elements.

The proposal contains windows in both side elevations; I consider it appropriate to attach a condition requiring these windows be obscure glazed to prevent any undue overlooking to neighbouring properties.

The windows in the side elevation of number 12 serve a stairway, a garage and a bathroom, none of which are principal rooms. I do not consider there would be a significant loss of residential amenity to the occupiers of this property.

There are 2 obscure glazed windows and two high-level windows in the side elevation of 10 Roundhill Road which appear to serve a principal room. These windows do not appear to be original to the house but have been added at the time this property was extended; this room is served by French doors to the rear of the property.

While the property will have an adverse effect on levels of light reaching a principal room at 10 Roundhill Road, light reaching this room was compromised when this property was extended. I do not consider it would be reasonable to allow this to prejudice the development of the application site.

Visual Amenity

The proposal would be built close to both neighbouring properties however there will be at least a 1 metre gap to each side. Most properties on the street have some space to the side. The proposal would be set back 2 metres from the neighbouring properties which would limit its impact on the street scene.

The proposal has the appearance of standard 1930s house with a large bay window and a hipped roof. I consider the design of the house to be appropriate to the site and the street, and would not have a negative impact on the visual amenity of the area.

Traffic

I consider the two off street parking spaces to be adequate to the needs of the development. I do not consider the proposal would lead to an increase in parking pressure in the area.

The application site currently has a wide dropped kerb, which runs the length of the site. The amended plan shows a 0.9m high boundary wall to the front and also reduction to the width of the dropped kerb. This will aid on street parking provision. I

consider it appropriate to attach the conditions recommended by the Highway Authority.

Other considerations

While the loss of trees at the property is regrettable, they do not offer significant amenity to the street scene.

Issues of 'rights to air', building foundations, water pressure or property devaluation cannot be taken as material planning considerations.

I do not consider this proposal would have a significantly adverse impact on the amenities enjoyed by the occupiers of nearby properties, and would provide a new family house which is to be supported.

I therefore recommend this application be APPROVED with the following conditions:

CONDITIONS

1. START WITHIN THREE YEARS
2. Before the occupation of the proposed dwelling a part of the existing footway crossings shall be reinstated in accordance with the details shown on the approved plans. (For the safety and convenience of pedestrians and other road users, and in accordance with policy AM01 of the City of Leicester Local Plan.)
3. The garage and parking space shown on the approved plans shall be provided at the time of development and shall be retained. (To secure adequate off-street parking provision, and in accordance with policy AM12 of the City of Leicester Local Plan.)
4. The access drive shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres from the back of the footway.(In the interests of highway safety and in accordance with policy AM01 of the City of Leicester Local Plan).
5. The windows in the side facing elevations at the property (north and south) shall be fitted with obscure glazed fixed units at the time of the development and shall be retained as such. (In the interests of protecting the residential amenity of the occupiers of adjacent properties and in accordance with policy PS10 of the City of Leicester Local Plan.)
6. This consent shall relate to the amended plans drawing number 07/05/91 A sheet 1 & 2 as received by the City Council as local planning authority on 18/12/2007. (For the avoidance of doubt.)

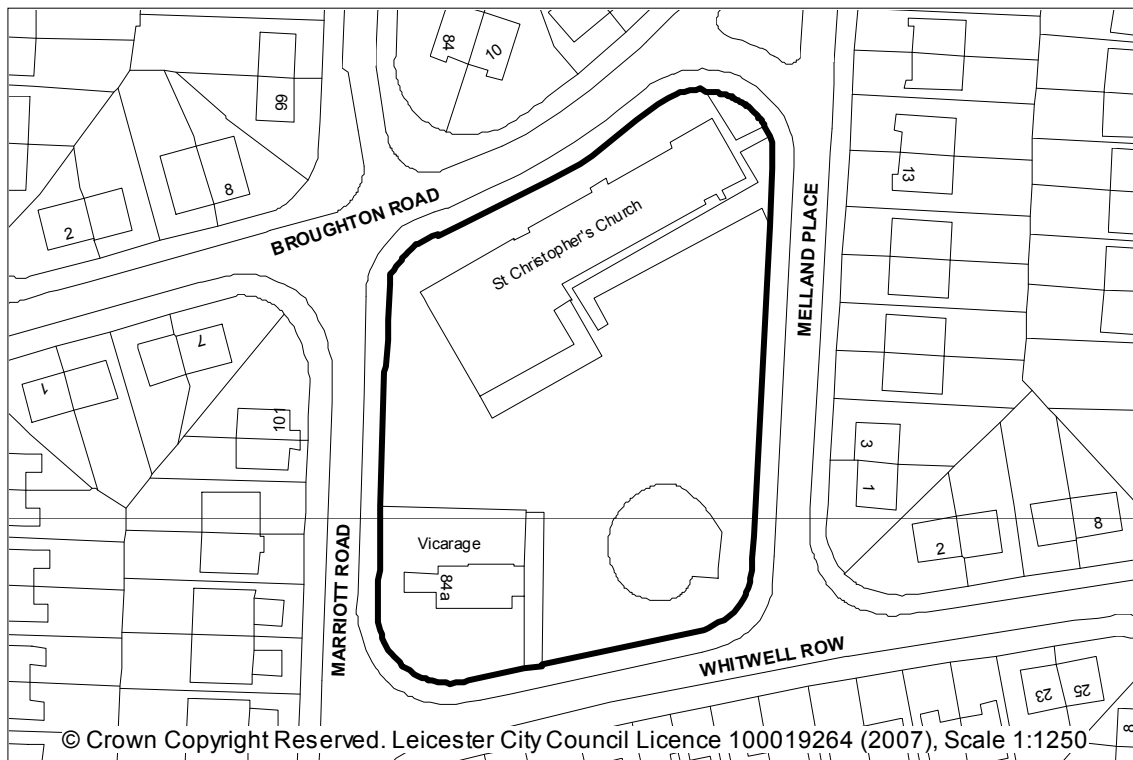
NOTES FOR APPLICANT

1. **REASON FOR APPROVAL.** In the view of the City Council, the proposal complies with the relevant criteria in the City of Leicester Local Plan policies listed in this decision, and there are no material considerations which outweigh these policies. The City Council considers that any harm to visual amenity, residential amenity, the street scene, and Highway Safety can be overcome by the attached conditions.

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_AM12 | Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01. |
| 2006_H12 | Planning permission normally granted for housing within the Primarily Residential Areas shown on Proposals Map. |
| 2006_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents. |

| Recommendation: Conditional approval | |
|---|--|
| 20071872 | MARRIOTT ROAD/ WHITWELL ROW: ST CHRISTOPHERS CHURCH AND VICARAGE AND ADJACENT LAND |
| Proposal: | 24 HOUSES; ASSOCIATED LANDSCAPING AND PARKING (CLASS C3) (RESERVED MATTERS SUBMISSION) (AMENDED PLANS) . |
| Applicant: | DAVID WILSON HOMES (EAST MIDLANDS) |
| App type: | Operational development - full application |
| Status: | Major development |
| Expiry Date: | 31 December 2007 |
| SB1 | WARD: Freeman |



Introduction

This application was deferred by your Committee at its meeting on 18 December to enable a site visit to take place.

The application site is an island site formerly occupied by St Christopher's Church, the Church Hall, and Vicarage. The Church and associated uses have re-located to the Samworth Academy and the buildings are currently being demolished. The rest of the area is unused open ground.

The site and the surrounding area are allocated for Primarily Residential use in the Local Plan. The site is sloping, with its highest point at the Whitwell Row/Melford Place (south-east) corner.

Background

An outline application (20060313) for residential development, with all matters reserved, was approved in 2006. No s.106 agreement or conditions regarding developer contributions were attached to this decision. However a Note stated:

'The reserved matters application should include the following: Transport Assessment; Design & Access Statement; Energy Statement; Details of Affordable Housing (if applicable); Archaeological Impact Assessment; Land level and Tree Surveys.

In addition to the normal amenity space requirements, the proposal should include a small area of sufficient size to support toddler play'.

The Proposal

The application is on behalf of a Registered Social Landlord. A Design and Access Statement, Bat Method Statement, Landscaping plan and Initial Site Appraisal of Archaeological Risk are submitted with the application. The Design and Access Statement includes information on traffic movements. I considered that this provides sufficient information and a separate Transport Assessment is not required.

Original plans

The dwellings would be in blocks of two or three except for one block of five dwellings at the northern end. This block would be 2.5 storeys high with a front dormer; the remainder would be 2 storeys high. The houses at the southern part of the site would face the street, with small gardens at the front and gardens and parking areas at the rear. At the northern end the houses would be sideways on to the road. An area of open space would be provided in the north-east corner, where the existing trees would be retained. There would be some new tree planting. Parking spaces would be provided at 2 per dwelling. Most would be in two parking areas in the centre and north of the site, but some houses would have parking at the side of the property. Access to the parking areas would be from Marriott Road or Melland Place. A shed for the storage of cycles would be provided in the rear gardens.

Amended plans

The plans have been amended as follows:

- Plots 20-24 would be rotated to face Broughton Road instead of being at right angles to the road;
- Because of the resultant loss of parking space at the rear, there would be parking spaces at the front of these properties with an additional access from Broughton Road to serve these;
- The house types for plots 6 and 7 have been substituted, allowing these properties to be set further back from the road;
- The Public Amenity Space would be fully enclosed with a gated access from the road and possibly internal access also;
- As much as possible of the incidental open space areas would be enclosed within private gardens;
- CCTV for the rear parking areas will be investigated.

Policy Considerations

City of Leicester Local Plan policies relevant to this application are listed at the end of this report.

Further guidance on design, minimum distances and effect on amenity of neighbouring properties is contained in the approved 'Design Guide for House Extensions'.

Guidance on parking standards is included in Appendix 1 of the Local Plan (Vehicle Parking Standards). In zone 4, 2 spaces for a 2 or more bedroom house would be

required. However a reduction may be considered if the property is within 250m of a main bus route.

Consultations

Severn Trent Water - no objection subject to condition.

Local Highway Authority - no objections subject to conditions.

Corporate Director of Adults and Housing - as the application is for approval of reserved matters, provision of affordable housing under PPS3 and CLLP is not applicable.

The Design and Access Statement states that the site is to be developed in partnership with a Registered Social Landlord and will provide a mix 24 x 4 bed affordable homes. Whilst the proposal does not offer a mix of affordable house types, the Leicester City Council Housing Needs Survey 2002 confirms that 61% of affordable housing needs within the City are for 4-bed accommodation (rent: 56% and New build Homebuy/shared ownership: 5%).

Following recent discussions with the department, Riverside Housing Association has successfully submitted a bid to the Housing Corporation (HC) for funding with Housing Authority support to provide 9 x 4 bed rented and 15 x 4 bed Newbuild Homebuy houses. The Corporate Director of Adults and Housing confirms its support for this application.

Representations

Councillor Shelton has requested that the application be considered by Planning and Development Control Committee. No other representations have been received.

Consideration

The principle of the development was established in the outline permission. The following are the issues for the current application:

Layout and design

The houses are of a standard traditional design. As the properties surrounding the site are also of a traditional design, I consider this to be in keeping with the area and acceptable. There are no chimneys to break up the roofline; however the adjacent houses do not have chimneys, and the slope of the site ensures that the roofline will be stepped, thus providing some variety. The majority of surrounding properties are two storeys, with some bungalows. The height of the proposed properties, at 2 storeys, with some at 2.5 storeys, is acceptable in terms of scale.

Despite the irregular shape of the site, the layout is rectilinear and therefore the dwellings address the site boundary only approximately, and front garden sizes vary. With the amended plans, the majority of the houses generally face the street, thus achieving an active street frontage. Plots 1 and 2 and 20 to 24 would still face parking spaces; however these would be their own dedicated parking spaces and this is therefore acceptable.

The vistas along Melland Place and Whitwell Row are improved compared to the original by the re-siting of plots 6 and 7. A desirable feature would be specially designed housing units to address the corners; however such units are not common in the surrounding areas and therefore I do not consider that they could reasonably be required.

Only six of the rear gardens meet the recommended 11m length, the majority being of about 9m in length. Moreover all the rear gardens are below the 100sq m recommended for a house of three or more bedrooms in the adopted Design Guide for House Extensions. However the applicant states that the RSL has requested a variety of garden sizes and considers that the proposed garden sizes are satisfactory. The 11m requirement is intended partly to ensure that the development of adjacent sites is not prejudiced, which is unlikely to be the case for this island site. I therefore consider the shorter garden lengths in this instance to be satisfactory. The amended layout ensures that in most cases the distance between rear elevations containing principal windows and flank walls meets the recommended 15m, which was not the case with the original layout.

Amenity of adjacent properties

The majority of surrounding properties are two storeys, with some bungalows. I consider that the development is an adequate distance from adjacent properties and that the amenity of the occupiers of neighbouring properties will not be significantly affected by the proposed development.

Traffic/Highways

The amount and layout of the car parking and the design and location of the accesses is broadly satisfactory. The plans do not indicate a turning head for the new access at the northern end of the site and amended plans have been requested. The outcome will be reported to your Committee. Adequate signage at the exits (for example indicating one way streets) will be required.

The Design and Access statement states that the parking will be secure. While there would be some surveillance from bedroom windows, this in itself is unlikely to be adequate to prevent anti-social behaviour. The number of users of the rear parking areas means that security gates are unlikely to be workable. The applicant has indicated willingness to investigate the use of CCTV cameras and I consider that this should be pursued.

Ecology and landscaping

The retention of the three existing trees is welcomed.

The purpose of the Bat Method Statement is to minimise the impact of the demolition works on the occasionally used roost present in the Church, by setting out the guidelines and protocols to be followed by contractors. Demolition started in October, which is a suitable time as it is outside the hibernation period. A licensed bat worker is to be present at certain specified stages of the demolition, and various courses of action are set out depending on what is observed at each of these stages. Four bat boxes are to be erected on gables of the new properties on the site.

The Archaeological site appraisal indicates low risk and I find its conclusions acceptable.

I recommend APPROVAL subject to the following conditions:

CONDITIONS

1. START RESERVED MATTERS IN 2 YEARS
2. Before the development commences, the materials to be used on all external elevations and roofs shall be agreed in writing between the applicant and the City Council as local planning authority, and shall be implemented in accordance with the agreed details. (In the interests of visual amenity, and in accordance with policies UD01 and H12 of the City of Leicester Local Plan.)
3. Despite the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no enlargement, improvement or other alteration to any dwellinghouse of types specified in Part 1, Classes A, B and C of Schedule 2 to that Order shall be carried out without express planning permission having previously been obtained. (The form of development is such that work of these types may be visually unacceptable or lead to an unacceptable loss of amenity to occupiers of neighbouring properties; and in accordance with policies H12 and PS10 of the City of Leicester Local Plan.)
4. Before the development authorised by this permission is begun, a detailed landscaping scheme showing the treatment of all parts of the site which will remain unbuilt upon shall be submitted to and agreed in writing with the City Council as local planning authority. The approved landscaping scheme shall be carried out within one year of completion of the development. 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 policies UD06 and GE05 of the City of Leicester Local Plan.)
5. Before the development commences, details of the toddlers play area shall be submitted to and agreed in writing with the City Council as local planning authority and shall be carried out in accordance with the agreed details and retained as such. (In the interest of the satisfactory development of the site and in accordance with policies GE12 of the City of Leicester Local Plan.)
6. There shall be no alteration to the site levels shown on the approved drawings unless agreed otherwise in writing with the City Council as local planning authority. (In the interests of the satisfactory development of the site and in accordance with policies H12 and PS10 of the City of Leicester Local Plan).

7. 2 metre by 2 metre sight lines on each side of each vehicular access shall be provided at the time of development and shall be retained. No walls or fences shall be erected or planting allowed to grow on the highway boundary which exceed 0.9m above the height of the adjacent carriageway. (In the interests of the safety of pedestrians and other road users, and in accordance with policies H12 and AM01 of the City of Leicester Local Plan.)
8. At the same time as the remainder of the development, all drives, parking areas and turning spaces shall be surfaced with tarmac, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5m behind the highway boundary, and shall be marked out in accordance with details which shall first have been agreed in writing with the City Council as local planning authority, and shall be retained and not used for any other purpose. (To ensure that parking can take place in a satisfactory manner, and in accordance with policies AM01 and AM12 of the City of Leicester Local Plan.)
9. A turning space to enable vehicles always to enter and leave the site in a forward direction, shall be kept available within the site. (In the interests of highway safety, and in accordance with policy AM01 of the City of Leicester Local Plan.)
10. The development shall not be occupied until a footway crossing has been provided at the vehicular access to the satisfaction of the City Council as local planning authority. (To ensure a satisfactory means of access to the highway, and in accordance with policy AM01 of the City of Leicester Local Plan.)
11. REINSTATE REDUNDANT FOOTWAY CROSSINGS/FOOTWAY
12. The parking and service areas shall be provided at the same time as the remainder of the development and shall be retained and kept available for use. (To ensure that parking/servicing can take place in a satisfactory manner; and in accordance with policy AM12 of the City of Leicester Local Plan.)
13. Prior to the occupation of any of the dwellings a minimum of 5 secure and sheltered visitor cycle parking spaces shall be provided within the curtilage of the site and thereafter remain permanently available for use. (In the interests of encouraging sustainable transport and in accordance with policy AM02 of the City of Leicester Local Plan.)
14. All streetworks shall be constructed in accordance with the Leicester City Council's adopted guidance 'Highway Requirements for Development'. (To achieve a satisfactory form of development, and in accordance with policy AM01 of the City of Leicester Local Plan.)
15. Before the development commences, a security scheme for all rear car parking areas, including consideration of the use of CCTV cameras, shall be submitted to and agreed with the City Council as local planning authority, and shall be implemented in accordance with the agreed details before the first dwelling is occupied, and shall be retained as such. (In the interest of

residential amenity and in accordance with policies PS10 and H12 of the City of Leicester Local Plan.)

16. Before the development commences, drainage works for the disposal of both surface water and foul sewage shall be carried out in accordance with the details to be agreed in writing with the City Council as local planning authority, and in accordance with Sustainable Urban Drainage Systems principles. (To ensure that the development is provided with a satisfactory means of drainage, to reduce the risk of creating or exacerbating a flooding problem, to minimise the risk of pollution, and to minimise the risk of damage to trees, in accordance with policies BE18 and UD06 of the City of Leicester Local Plan.)
17. This consent shall relate solely to the amended site layout S0000/100/01 rev D received by the City Council as local planning authority on 07 December 2007 and house type drawings SH44 and gate fence and railing details SD/600/13, SD/600/21, SD/600/31 received by the City Council as local planning authority on 01 October 2007, (For the avoidance of doubt).

NOTES FOR APPLICANT

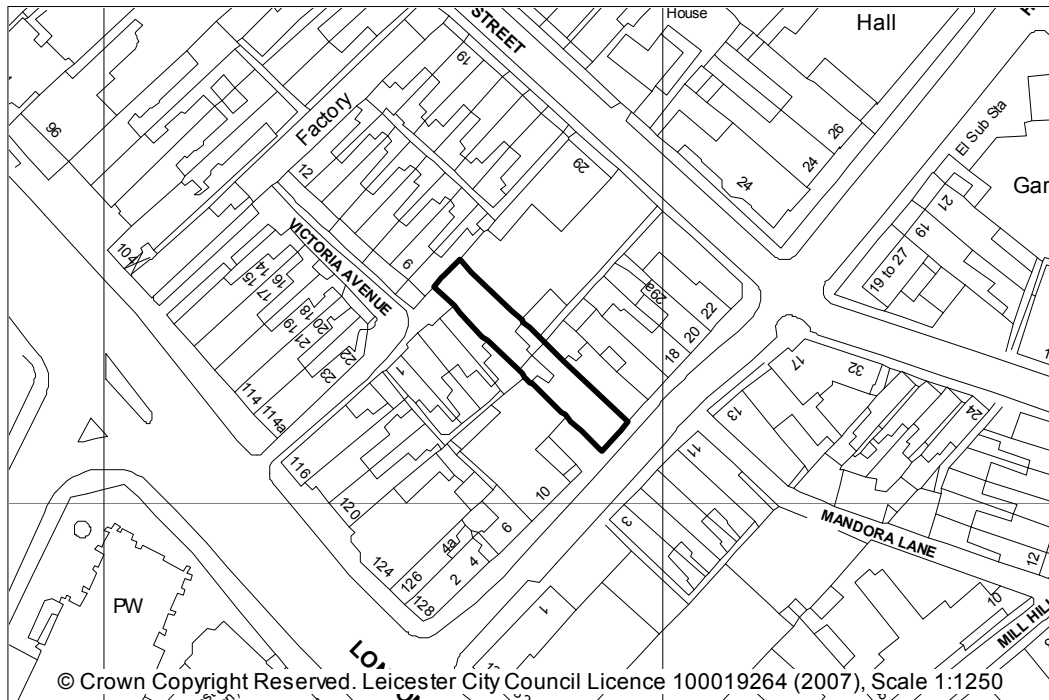
1. Any shared private drives should be a minimum of 4.25 metres wide. Where drives are bounded by walls, a margin of 0.5 metres should be provided.
2. REASON FOR APPROVAL. In the view of the City Council, the proposal complies with the relevant criteria in the City of Leicester Local Plan policies listed in this decision, and with Supplementary Planning Guidance . The City Council considers that any harm to visual or residential amenity can be overcome by the attached conditions.

Policies relating to this recommendation

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| 2006_H12 | Planning permission normally granted for housing within the Primarily Residential Areas shown on Proposals Map. |
| 2006_UD01 | Planning permission granted for sustainable high quality building designs providing proposals take into consideration criteria. |
| 2006_UD02 | Planning permission will be given for new development where buildings make a positive contribution to the street scene and create a sense of identity. |
| 2006_UD03 | Planning permission will be granted for development which includes high quality and imaginative designs for streets and public spaces which meet criteria. |
| 2006_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents. |
| 2006_AM12 | Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01. |
| 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 |

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| | improved cycling routes should link directly and safely to key destinations. |
| 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. |
| 2006_BE16 | Planning permission will be granted for the development of renewable energy installations where local impacts are not outweighed by wider benefits. Major developments must realise their potential for incorporating renewable energy technologies. |
| 2006_UD04 | Planning permission will not be given for development proposals which would fail sufficiently to achieve efficiency in the use of energy. |
| 2006_BE18 | New development must implement measures to minimise the impact on the quality of and flows within the water environment. |
| 2006_GE12 | Criteria for the provision of children's play areas to serve residential development. |

| Recommendation: Conditional approval | |
|---|---|
| 20071994 | LAND AT REAR OF 12-14 HIGHFIELD STREET |
| Proposal: | DETACHED HOUSE (1x 1- BED) (CLASS C3) |
| Applicant: | MR ALI ASHRAF |
| App type: | Operational development - full application |
| Status: | Householder development |
| Expiry Date: | 17 December 2007 |
| SB1 | WARD: Stoneygate |



Introduction

The application site was formerly the rear garden of 12 Highfield Street and is currently unused. It is bounded by residential properties on three sides and by the rear of 12/14 Highfield Street, a restaurant with permission for flats above, on the south-east side. It is located in a primarily residential area as defined in the local plan and in the South Highfields Conservation Area.

Background

An application (20070116) for a two-storey house on this site was refused in March 2007. The reasons for refusal were:

1. *The proposal would result in a cramped and overcrowded development which would provide inadequate levels of privacy for future occupiers through overlooking from 12-14 Highfield Street; inadequate amenity space for future occupiers of the dwelling; and inadequate levels of security due to the length of and lack of surveillance of the proposed access to the site. The development would be contrary to policies PS10, H12 and H14 of the City of Leicester Local Plan and the Supplementary Planning Guidance 'A Design Guide for House Extensions'.*
2. *The proposal, by reason of a lack of on-site parking provision, would exacerbate the existing congested parking situation in the area, contrary to policy AM12 of the City of Leicester Local Plan and Supplementary Planning Guidance on Vehicle Parking Standards.*

An application for the change of use of the 1st and 2nd floors of 12-14 Highfield Street to 4 self-contained flats (20070115) was approved in March 2007.

Proposal

The proposed house would be next to 4 Victoria Avenue, and would have an L-shaped front elevation so that the principal front windows would face south-west towards Victoria Avenue and London Road. Access would be from Gotham Street via an existing passageway, and the front entrance would be on the north-east (Gotham Street) side.

The property would have enclosed front and rear gardens, but part of the space at the rear would be communal amenity space shared with the occupiers of the flats at 12-14 Highfield Street.

The house would have its own bin store and cycle parking, accessed from the passageway. The house would be built of materials and in a style similar to the adjacent houses, with a gabled roof.

The main differences from the previous application are that there would be one bedroom; the property would be smaller in size, with a depth of 7.3m instead of 9 to 10m; and the amenity space at the rear has been re-arranged.

Policy Considerations

City of Leicester Local Plan policies relevant to this application are listed at the end of this report.

Further guidance on design, minimum distances and effect on amenity of neighbouring properties is contained in the approved 'Design Guide for House Extensions'.

Guidance on parking standards is included in Appendix 1 of the local plan (Vehicle Parking Standards). In zone 4, 1 space for a 1 bedroom house would be required. However a reduction may be considered if the property is within 250m of a main bus route.

Consultations

Conservation Advisory Panel considered the proposal for a 2-bed house at the pre-application stage. The Panel were happy with the principle of a house in this location but their preference was for the new building to continue in line with the existing terrace.

Local Highway Authority (LHA) - The site is located in LCC parking zone 2, which requires 1 bedroom: 1 space per unit a maximum. Hence 1 off-street car parking space would be required. Given the location and the parking problems experienced in this area a maximum standard would be appropriate.

The LHA states that there are significant parking problems in the Highfield Street area. The street falls within the proposed 'Highfields South' residents parking area. The residents in this area have longstanding problems with finding parking places.

The LHA concludes that it is not satisfied with additional residential units in this area with no car parking but considers that it is unlikely that the LPA would be able to sustain a refusal on this issue in the event of an appeal.

Severn Trent Water – no objection subject to conditions.

Representations

Seven objections have been received, as follows:

- Overdevelopment – high density area, site cramped;
- Adverse impact on character of conservation area;
- The proposed house would not accurately replicate a Victorian building;
- Loss of privacy to neighbouring properties;
- Loss of morning light and evening sunlight to neighbouring properties;
- Loss of outlook to neighbouring properties leading to stress;
- Flat at 29 Gotham Street will lose view on to London Road;
- Adjacent residents not in good health, will not be able to cope;
- Noise disturbance due to location of access and bins;
- No parking provision – streets already congested;
- Inadequate access;
- Occupier of adjacent property may be pressurised into selling part of his front garden for access;
- May damage trees on boundary with 29 Gotham Street;
- No provision for bins for restaurant at 12-14 Highfield Street;
- Loss of rear garden to 12-14 Highfield Street which could be a valuable amenity
- Possible damage to adjacent properties and to Victoria Avenue;
- Residents would have to pay for any damage to cobbles in Victoria Avenue;
- New proposal is just as harmful to residents as the previous one.

Considerations

Design and Conservation

I consider that this backland type of development is part of the character of South Highfields, and that the proposed design is in keeping with other properties in the area. The specified materials are all natural and, applying the tests in PPG 15, I believe that the development would preserve the character of the conservation area and would add visual interest to this corner.

Amenity of adjacent properties

The site is about 1.5m higher than properties on Victoria Avenue. The proposed house is set forward of the rear elevating of 4 Victoria Avenue, and consequently there would be no loss of light or outlook to the rear windows.

The ground floor and first floor rear windows are closer to that property than under the previous plans and this reduces the risk of overlooking of the garden of that property even further.

The front garden of no. 4 would be overlooked by the proposed front bay window, but due to the change in level, most of this garden would be out of the line of sight. 5 Victoria Avenue presents a blank flank wall to the proposal and would not be significantly affected.

The rear garden is relatively small and would not directly overlook the adjacent garden on Victoria Avenue. Most of the space is amenity space for the flats at 12-14 Highfield street. It should be borne in mind that the site could be used as a rear garden without requiring further planning permission.

The boundary with 29 Gotham Street comprises a wall and a row of tall leylandii-type trees belonging to 29 Gotham Street, which have become quite gappy at the base but they nonetheless provide some screening.

The nearest part of the house at 29 Gotham Street is 7m away but this elevation does not contain any principal windows. The principal windows of this property do not face the application site. The proposed house would have a door and a bathroom window in the elevation facing 29 Gotham Street, and I do not consider that light, outlook or privacy to this property would be significantly affected by the proposed house itself.

The loss of the view to London Road is not a material planning consideration. Issues raised by the access are discussed below.

12-14 Highfield Street – an application for four 1-bedroom self-contained flats to the first and second floors has been approved. The distance between the rear elevation and the single storey rear extension of 12 Highfield Street would be 12.5m, but there would be 17-18m to the main rear elevation containing the flats windows. This complies with guidelines. The garden space for the proposed house, front and rear, amounts to about 20sq m, which is below the 50sq m normally required for a 1-bed house, but the occupants would also be able to share the communal amenity area which has an area of 35sq m, and overall I consider the amenity space provision to be acceptable.

Access

The access would be from a pedestrian passage from Gotham Street. This passage is bounded by 1.8m high walls and gives access to a flat on Highfield Street, emergency access to the rear of the restaurant, and the four recently- approved flats at 12-14 Highfield Street.

The Design and Access Statement indicates that lighting is to be installed in this passageway. A note is recommended to be attached to remind the applicant that planning permission would be required for this.

There is a gate to the passage which is not kept locked. The passage has limited surveillance, and while I consider it to be unsuitable for use by families, it is otherwise satisfactory.

Parking

There are existing parking problems in the South Highfields area. However, the property would be within easy walking distance of the City centre and within 250m of bus routes on London Road. I do not consider that the extra pressure on parking

space generated by the development, or the extra traffic generated, would be sufficient to justify a refusal.

Other issues

Concerns relating to pressure on individuals to sell parts of their property, and the possibility of damage to adjacent properties and to the surface of Victoria Avenue during construction are not material planning considerations as these have to be dealt with by the parties involved.

I do not consider that the location of the access and bins would result in unacceptable noise disturbance to adjacent residents. A condition is recommended to be attached to ensure that trees are adequately protected during construction.

I consider that this proposal overcomes the problems which led to refusal of the previous application, and recommend APPROVAL 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 agreed in writing between the applicant and the City Council as local planning authority and implemented in accordance with the agreed details. (In the interests of visual amenity, and in accordance with policies BE06 and H12 of the City of Leicester Local Plan.)
3. Despite the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no enlargement, improvement or other alteration to the dwellinghouse of types specified in Part 1, Classes A, B and C of Schedule 2 to that Order shall be carried out without express planning permission having previously been obtained. (The form of development is such that work of these types may be visually unacceptable or lead to an unacceptable loss of amenity to occupiers of neighbouring properties; and in accordance with policies H12 and PS10 of the City of Leicester Local Plan.)
4. The first floor window in the north-east elevation shall be fitted with obscure glazing and shall be non-opening up to a height of 1.6m above floor level, and shall be retained as such. (In the interests of residential amenity and in accordance with policy PS10 of the City of Leicester Local Plan)
5. Before the development is begun all existing trees, shrubs or hedges adjacent to the site shall be protected by fences erected at a distance equivalent to not less than the existing spread of the branches from the trunk, in accordance with details which shall first have been agreed in writing with the City Council as local planning authority. No materials whatsoever shall be stored, rubbish dumped, fires lit or buildings erected within these fences; no changes in ground level shall be made within the spread of any tree, shrub or hedge without the previous written consent of the local planning authority. No trees shall be used as anchorages, nor shall any items whatsoever be affixed to any

retained tree. (In the interests of amenity, and in accordance with policies PS10 and UD06 of the City of Leicester Local Plan.)

6. This consent shall relate solely to the submitted plans (ref. no. 2566/04a) received by the City Council as local planning authority on 22 October 2007. (For the avoidance of doubt).

NOTES FOR APPLICANT

1. This planning permission does not imply any consent for external lighting, for which separate planning consent may be required .
2. REASON FOR APPROVAL: In the view of the City Council, the proposal complies with the relevant criteria in the City of Leicester Local Plan policies listed in this decision, and with SPG 'A Design Guide for House Extensions', and there are no material considerations which outweigh these policies. The City Council considers that any harm to residential amenity can be overcome by the attached conditions.

Policies relating to this recommendation

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| 2006_H12 | Planning permission normally granted for housing within the Primarily Residential Areas shown on Proposals Map. |
| 2006_BE06 | New development or changes of use within or adjoining a Conservation Area must preserve or enhance the character or appearance of the Area. |
| 2006_UD01 | Planning permission granted for sustainable high quality building designs providing proposals take into consideration criteria. |
| 2006_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents. |
| 2006_AM12 | Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01. |
| 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_BE22 | Planning permission for development that consists of, or includes, external lighting will be permitted where the City Council is satisfied that it meets certain criteria. |
| 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. |

| Recommendation: RECO subject to s106 Agreement | |
|---|---|
| 20071480 | 241 LOUGHBOROUGH ROAD / BATH STREET (LAND TO REAR OF BESTWAY WAREHOUSE) |
| Proposal: | 161 RESIDENTIAL UNITS (68 HOUSES; 32 X 3 BED, 24 X 4 BED, 11 X 5 BED, 1 X 6 BED; 93 APARTMENTS; 64 X 2 BED, 29 X 1 BED); ASSOCIATED PARKING, ACCESS AND LANDSCAPING (AMENDED PLANS) |
| Applicant: | BESTWAY HOLDING LTD |
| App type: | Operational development - full application |
| Status: | Major development |
| Expiry Date: | 30 October 2007 |
| SJM | WARD: Rushey Mead |



Introduction

The application site is located close to the northern boundary of the City. The applicant operated a cash and carry warehouse from the site until 2002 when the company relocated. The original warehouse building was demolished following the granting of planning consent for a new warehouse, which has now been constructed and is operational.

The southern part of the site is designated in the adopted local plan for new housing development proposals. This area has previously been raised above the level of the northern part of the site, which forms part of the flood plain and remains as open space, previously accommodating a football pitch.

To the north of the site is the River Soar with the Outdoor Pursuits Centre beyond. To the south is the retail warehouse, with residential development on Bath Street and Overdale Close abutting the site.

Background

An application was submitted in July 2004 for outline consent for residential development. Consent was sought for the approval of access into the site with all other matters, relating to siting, design, external appearance and landscaping being reserved.

This application was approved in principle by the Development Control Committee on 1st November 2005 subject to conditions and to a Section 106 Agreement requiring contributions for education provision. Affordable housing requirements and riverside improvement works were to be dealt with by condition. This application was never formally approved since details of the Section 106 Agreement remained unresolved and the application was formally withdrawn in September 2007.

The Proposal

This latest application has been submitted in detail and the application as originally submitted sought permission for 193 dwellings comprising houses and apartments. Following consultation and negotiation this number has now been reduced to 161 units comprising 68 houses; 32 x 3 bed, 24 x 4 bed, 11 x 5 bed, 1 x 6 bed and 93 apartments; 64 x 2 bed, 29 x 1 bed. Associated parking, access and landscape proposals have also been submitted. The following documents have been submitted with the application:

- A Design and Access Statement
- A Flood Risk Assessment
- An Sustainable Energy Statement
- An Arboricultural Report and Tree Survey
- Ground Investigation Reports
- A Transport Assessment
- A Travel Plan
- A Habitat Survey

Access to the site would be gained from the existing road serving the warehouse off Loughborough Road and from Bath Street leading off Loughborough Road further to the south. The existing cycle route would be improved to link through to Bath Street.

The houses and two small apartment blocks would be sited on the land immediately to the east and south of the warehouse. The houses would be 2 / 2½ and 3 storey, Block C apartment building sited to the south of the warehouse would be 4 storeys high, and Block D sited south of the warehouse and east of the Lidl car park would be 3 storeys high.

The larger apartment buildings would be sited immediately adjacent to the open space and riverside area. These would be 5/6 storeys high with car parking provision partially under the buildings and partially open to the east of the apartments. The main aspects of these apartments would be over the open space towards the River Soar.

The existing open space would be retained with some managed wetland areas, and equipped play space sited within the area immediately to the north of the warehouse and adjacent to the access road.

Policy Considerations

City of Leicester Local Plan policies relevant to this application are listed at the end of this report.

Supplementary Planning Guidance on Vehicle Parking Standards was adopted in September 2002.

PPG3 encourages the use of previously developed land within urban areas to meet housing requirements. It suggests that local planning authorities should adopt positive policies to identify and bring into housing use, vacant commercial buildings.

Consultations

The Environment Agency made a Holding Objection to the originally submitted scheme on the basis that some of the proposed development area would be located with the floodplain of the River Soar and the flood risk assessment and mitigation strategy submitted with the application was not sufficient to overcome the Agency's objection to the proposal. The application was subsequently amended to restrict the proposed building footprint to land beyond the flood plain. The Environment Agency has now withdrawn its holding objection and accepts the development proposal subject to conditions.

British Waterways has no objection to the proposal but has some concern over the appropriateness of the apartment building fronting the river considering it more akin to a urban core location rather than this location which is more rural in character and considering that it could be seen as an incongruous feature in the riverside corridor which is unlikely to enhance the attractiveness of the River through this area. Protected species including grass snakes are known to use this stretch of the river and associated grassland. This must be considered and appropriate habitat provisions made. A note will be attached to any consent with reference to works affecting British Waterways. British Waterways would generally support financial

contributions for the enhancement of the riverside to address the issue of additional usage.

Sport England comments that, providing that the proposal would not adversely affect the playing field and the ability of teams to use the pitch, it would have no objection to the proposal. It also notes the benefit of including a play area and a multi-use games area (MUGA) for local residents that would compliment the playing fields. Sport England also suggest that a financial contribution towards built sports facilities, such as sports halls and swimming pools should be sought and that a condition should be imposed in respect of protecting and ensuring the continuity of the existing use of the open space/ playing fields/sports facilities.

Severn Trent Water has no objection to the proposal subject to conditions.

The Leicestershire Constabulary has no objection to the proposal in principle but suggests that the approved proposal should maximise surveillance over play areas from nearby houses and roads. Parking areas and walkways should have sufficient surveillance, should be well lit, fenced and secure.

The Ramblers' Association has no objection to the application.

The Director of Education and Lifelong Learning confirms that the schools serving the application site are Mellor Primary and Rushey Mead Secondary. 7 other primary schools are located within a mile radius as is Soar Valley College as a secondary school. All of the primary schools have a surplus of spaces and therefore The Director of Education and Lifelong Learning does not seek a financial contribution in respect of primary school education. However both Rushey Mead School and Soar Valley College are oversubscribed and therefore a financial contribution towards secondary education can be justified. A financial sum of £247,860 is requested for the provision of 17 secondary pupils places.

The Leicester City Primary Care Trust considers that it is likely that the number of additional patients this development would bring would be dealt with by the existing health care provision.

Representations

A letter was received from Keith Vaz MP prior to the application being submitted, stating a need for housing in the local area.

In response to notification of the application when submitted a total of 25 letters have been received from local residents and the 98th Leicester Scout Group. A petition has also been received containing 37 signatures.

A further 5 letters have been received in response to notification of the amended plans. Some residents are not opposed to the principle of residential development, but are concerned over certain issues regarding the potential form of the development.

The following grounds for objection have been given in the received letters:

- Increase in traffic into the area, particularly on Bath Street

- Increase in noise and pollution, adversely affecting health.
- Concern over potential flooding to neighbouring residential areas and to proposed homes.
- Positioning of new houses close to existing resulting in overlooking and loss of outlook and light.
- Potential height of new dwellings out of character with area.
- Affect of development on rights of access to the Leicester Scout Group premises.
- The mix and numbers of affordable housing units is unclear from the plans.

Consideration

Design

The houses proposed are a relatively traditional design over two or three floors. The two smaller apartment blocks are more contemporary but reflect styles contained in the overall development.

The main riverside apartment blocks are very contemporary, using a variety of materials to reflect their position close to the green wedge and to the river. The elevations will be predominantly finished in red brick at ground floor level, rendered panels, timber panels and timber louver panels allowing vertical planting and large areas of glazing.

The glazing, particularly on the elevation facing the riverside will reflect the natural colours of the green wedge and will allow extensive surveillance over this area, encouraging its use by residents of this development and the general public using the tow path and amenities.

The bulk of the apartment buildings have been discussed at length both in terms of the comparison with the proposed houses and in respect of its setting against the riverside and green wedge land. The buildings are sited to the north of the proposed houses and therefore will have limited impact on the amenity of the future residents in terms of light. Only five houses face directly on to the apartments and these houses would be some 20-22m away across the highway. The warehouse building, by nature of its use, has a blank façade facing onto the green open space. I consider that the proposed apartments will provide a more attractive focus both on entering the site from Loughborough Road and across the green wedge and open space.

The majority of houses have independent parking provision and garden areas within the curtilage. The smaller apartment buildings have small parking courts and landscape areas surrounding the respective buildings. The majority of parking provision for the Riverside apartment blocks is provided in the undercroft whilst the remainder is provided as open parking to the east of the building. The elevation fronting the highway contains the main entrances to the buildings and ground floor accommodation allowing an active frontage on to the street.

Minor amendments to the layout of the housing units have been requested.

Highway Matters

Additional details in respect of the submitted Traffic Assessment were requested and provided. At the time of writing this report these are still under discussion. Plans have previously been agreed at the time the new warehouse was approved to improve the highway incorporating the widening of Loughborough Road towards the Bestway site to provide a formalised right-hand turn to facilitate right hand turners into the site and the provision of pedestrian refuge islands with signing and lining.

The plans also agreed provision for a Toucan crossing to provide crossing facilities for cyclists and pedestrians. These works were the subject of a Section 278 Agreement under the Highways Act by way of condition on the warehouse application. The work hasn't yet been implemented although the City Council as local Highway Authority are currently pursuing this with Bestway Holdings.

The application shows the secondary access into the site from Bath Street to be retained and improved. This would allow a looped access through the site for residential traffic. Bath Street is currently used by a limited number of residents and a few commercial premises. Its entrance off Loughborough Road is controlled by traffic lights. The LHA must be confident that this junction and street could take an increased number of traffic movements and has requested further information.

Open Space, Play Provision and Riverside

A substantial amount of open space is naturally provided within the application site since it forms part of the green wedge and flood plain and therefore cannot be developed. The site is strategically located for development to bring about some important improvements to Riverside's environmental quality and to people's access and enjoyment of the site. The new residential development will bring with it a significant increase in recreational use of Riverside, which must be designed into the scheme.

It is accepted that this area of land is likely to flood at times during the year and the play areas have been designed to ensure that flood waters would not be significantly impeded and to safeguard the equipment provided. It is intended that the City Council would adopt the play areas and the open space and wildlife wetland areas as part of the riverside management and details of the design of these areas are being drawn up in consultation with the City Council.

A commuted sum for the maintenance of these areas will be required from the applicant and this will form part of a Section 106 Agreement. A figure, based on the final design for the area should be available for your Committee meeting.

The potential development is also a major strategic opportunity to improve pedestrian and cycling access to and along Riverside. The development gives the opportunity to complete, what is in effect, a missing link in Riverside access and National Cycle Way route 6. The provision of cycle paths through the site is welcomed although discussions are still to conclude the preferred route through the site.

Education Provision

Given the size of the site and the potential development of family houses, a financial contribution will be required towards education provision.

The Director of Education and Lifelong Learning states that the Local Education Authority (LEA) has to ensure that there are adequate and appropriate school places to serve the proposed changes and additions to existing communities as well as the development of new communities. The LEA therefore needs to receive adequate financial contributions to cover the cost of providing those places.

The Director of Education and Lifelong Learning has justified the need for a financial contribution in this instance based on the combined capacity and numbers on roll of the local schools at secondary level. Both of the Secondary schools are over subscribed.

A financial sum will be required by a Section 106 Agreement in accordance with the standard formula applied. Given that all local primary schools have a surplus of places, a financial contribution will not be sought for primary school provision.

Affordable Housing

The City Council has sought 30% of the development as affordable housing. The applicant has met this requirement and provided the type and tenure mix identified by the City Council as meeting priority housing needs (as demonstrated in the Leicester City Council Housing Needs Survey update 2003).

The affordable housing units are dispersed among the market dwellings. At the time of writing this report, the position of the proposed wheelchair units is still under discussion as the indicated plots do not all have level rear gardens and these units must be fully accessible.

Of the 161 proposed units, 17 houses (1 x new build home-buy), (9 x for rent). (7 x wheelchair accessible for rent) and 12 apartments (2 x new build home-buy), (6 x for rent), (4 x wheelchair accessible for rent) are proposed. This represents 30% affordable housing target adjusted to reflect the larger footprints required for the affordable housing.

The details of provision and management of the affordable units would form part of a Section 106 Agreement.

Pollution

The submitted Site Investigation Report, whilst satisfactory, recommends further investigation prior to the undertaking of a risk assessment. A condition will be attached in this respect.

Trees

There are several trees within the site which are protected. Those along Bath Lane, are particularly close to the proposed development. The gardens of the proposed houses are deeper than normally required to ensure that the trees are not adversely

affected by the proposed development nor that they are sited so close to the houses that they are likely to affect the amenity of the future residents.

Archaeology

The archaeological desk based assessment, submitted by the applicant, indicates that part of the development site has a potential to contain significant archaeological deposits. As on the previous application, I propose that a condition is attached to a planning consent requiring the developer to carry out a programme of archaeological recording.

Sustainable Energy Report

Further clarification has been sought on some aspects contained in this report.

Conclusion

I consider that this site is suitable for residential development in accordance with policy, and that the proposals put forward are, subject to minor adjustments, acceptable in design.

SUBJECT TO RECEIVING SATISFACTORY AMENDMENTS IN RESPECT OF THE LAYOUT OF THE SOME HOUSING UNITS, THE LOCATION OF THE WHEELCHAIR UNITS, DETAILS OF THE RENEWABLE ENERGY PROPOSALS, AND FURTHER SATISFACTORY DETAILS IN RESPECT OF TRAFFIC ASSESSMENT I consider the proposals acceptable.

I would then recommend that this application is APPROVED SUBJECT TO NEGOTIATIONS IN RESPECT OF SECTION 106 CONTRIBUTIONS FOR EDUCATION, RIVERSIDE ENHANCEMENT WORKS, AND PLAY PROVISION, AND THE PROVISION AND MANAGEMENT OF THE IDENTIFIED AFFORDABLE HOUSING UNITS and subject to the following conditions:

CONDITIONS

1. START WITHIN THREE YEARS
2. The Development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the City Council as local planning authority. The scheme shall be implemented in accordance with the approved details before occupation of the first residential unit. (To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy BE18 of the City of Leicester Local Plan)
3. No building shall be erected or trees planted within 5 metres of the 600mm surface water sewer nor within 5metres of the 450mm public foul sewer. (Any building erected 5metres of the 600mm surface water sewer may jeopardise the undergoing adoption process. To maintain essential access for maintenece, repair, renewal and to protect the structural integrity of the public

sewerage system in accordance with policy BE18 of the City of Leicester Local Plan)

4. LANDFILL GAS SURVEY/MEASURES (BE23)
5. No dwellings on this development shall be occupied until the highway works on Loughborough Road, agreed under a Section 278 Agreement (Highways Act 1980) and Planning Approval 20041603 have been completed.(In the interests of highway safety and in accordance with policy H12 of the City of Leicester Local Plan).
6. Before the occupation of 50th dwelling (unless otherwise agreed), the provision of a cycle path link, forming part of National Cycle Way route 6, through the site, improvements to the existing towpath, footbridge and cycle/footpath shall be made within the application site in accordance with the details previously agreed in writing with City Council as local planning authority. (To improve pedestrian and cycling access to and along Riverside and in accordance with policies AM02 and AM03 of the City of Leicester Local Plan.
7. TPO TREES TO BE PROTECTED FROM DAMAGE (UD06)
8. TREES FOR REMOVAL TO BE MARKED (UD06)
9. Further details in respect of a noise survey, taking into account vibration and the proposed height of dwellings shall be submitted to and agreed with the City Council as local planning authority.
(To ensure that residents are adequately protected from disturbance from noise and vibration and in accordance with policy PS10 of the Replacement City of Leicester Local Plan.)
10. LANDSCAPING TO BE AGREED & CARRIED OUT: VERSION 1 (UD06)
11.
 1. The application site shall be fully investigated for any contamination arising from current or former uses. A site investigation report incorporating a suitable risk assessment shall be submitted to and agreed by the local planning authority.
 2. For all risks identified by the above risk assessment as being unacceptable for the proposed use, remediation proposals shall be submitted to, and agreed by the local planning authority.
 3. Before the occupation of any part of the development, a completion report relevant to that part of the development shall be submitted to, and agreed by the local planning authority. The completion report shall contain (i) A full description of the works undertaken in accordance with the agreed remediation proposals. (ii) Results of any additional investigation or remediation works undertaken. (iii) A statement, signed by the developer or the approved agent, confirming that all remediation work has been completed. (To ensure that the site is free from contamination in accordance with Policy BE23 of the City of Leicester Local Plan).

12. Nothing other than strictly uncontaminated, inert material shall be imported and deposited on the site.(To protect groundwater quality in the area and in accordance with policy BE19 of the Replacement City of Leicester Local Plan (Proposed Modifications).
13. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.(To prevent pollution of the water environment and in accordance with policy BE18 of the City of Leicester Local Plan.
14. No development hereby approved shall be commenced until a scheme for the provision and implementation of a Sustainable Drainage (SUDs) system incorporating surface water run off limitation has been submitted to and agreed in writing by the City Council as the local planning authority. The system shall be installed in accordance with the agreed programme and details.(To ensure the satisfactory provision of drainage facilities to serve the proposed development, whilst reducing the impact on flood risk, protecting rivers and enhancing the habitat potential of the development.)
15. Development shall not commence until details of a safe exit route to land outside the 1 in 100 year flood plain, are submitted to and agreed in writing by the City Council as local planning authority. The scheme must not adversely affect the flood regime. This route must be in place before any occupancy of the buildings.(To provide safe access and egress during flood events in accordance with the Government's PPS25 and reduce reliance on emergency services.)
16. Finished Floor levels should be set at least 300mm above the 1 in 100 year and 20% flood level of 52.13 metres above Ordnance Datum (N). (To protect the development from flooding).
17. A minimum easement of 8m from the bank top of the River Soar shall be left clear of built development. (To allow access for maintenance works and the promotion of biodiversity value and in accordance with policy GE05 of the City of Leicester Local Plan.)
18. 30% affordable housing of the amount and type as shown on the approved plans comprising : 26 Affordable Rented to include 11 wheelchair units ; 3 New Build Home buy to be managed by a Registered Social Landlord (monitored by the Housing Corporation), or another affordable housing provider approved by the City Council shall be provided within the site as shown on the submitted plans, unless otherwise agreed in writing with the City Council as local planning authority. The details of the dwellings (internal design, wheelchair standards, other minimum build standards (e.g. Housing Corporation's Scheme Development Standards including their wheelchair design ,LCC wheelchair brief and completion of Certificate of standards form, location, precise delivery/phasing of supply, etc) shall be agreed with the local planning authority prior to commencement of the development. (To provide

affordable housing in accordance with policy H09 of the City of Leicester Local Plan.).

19. At least 7% of the affordable housing provision shall be provided to Housing Corporation Wheelchair Standards and 8% to Leicester City Council's Access Housing Standard. All other affordable rented units should be built to the Housing Corporation's Scheme Development Standards. At least 15% of general market housing shall be built to Leicester City Council's Lifetime Homes Standards. (To secure the provision of housing adaptable to the needs of people with disabilities in accordance with policy H06 of the City of Leicester Local Plan).
20. ARCHAEOLOGY - PROGRAMME TO BE AGREED
21. Local Areas of Play, Local Equipped Areas of Play and youth and adult outdoor playing space shall be provided within the application site. Details of the provision, type and location shall be agreed with the City Council prior to the commencement of the development and shall be provided prior to occupation of the 20th dwelling unit. (To secure the provision of play space on the site in accordance with policy GE12 of the City of Leicester Local Plan.)
22. SIGHT LINES TO ACCESS (%)
23. STREETWORKS TO BE SATISFACTORY (%)
24. PEDESTRIAN CROSSING POINTS (%)
25. MATERIALS (WALLS AND ROOF) TO BE AGREED (%)
26. GARAGES INCIDENTAL TO DWELLINGS
27. PARKING AREA SURFACED AND MARKED OUT (%)
28. Before the occupation of the first apartment in case of any of blocks A, B, C &D, secure and covered cycle parking for the respective block shall be provided and retained thereafter as such in accordance with the written details previously agreed with 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)
29. Before the occupation of the first apartment in case of any of blocks A, B, C &D, secure bin storage area for the respective block shall be provided and retained thereafter as such in accordance with the written details previously agreed with City Council as local planning authority. (In the interests of the amenities of the surrounding area, and in accordance with policies H07 and UD07 of the City of Leicester Local Plan.)
30. Before development commences full design details of how the development will contribute towards the regional and local plan target of 11% of renewable energy of the total predicted energy demand for the site shall be submitted to

and agreed in writing with the City Council as local planning authority. Before the development is occupied satisfactory evidence will be required demonstrating satisfactory operation of the agreed scheme, including on-site installation, in accordance with the agreed details. (To ensure sustainable energy efficiency in accordance with Policy BE16 of the Leicester local plan)

31. PLANS AS AMENDED (PLAN NO; RECEIVED ON)

NOTES FOR APPLICANT

1. REASON FOR APPROVAL (IN ACCORDANCE WITH PLAN)

Policies relating to this recommendation

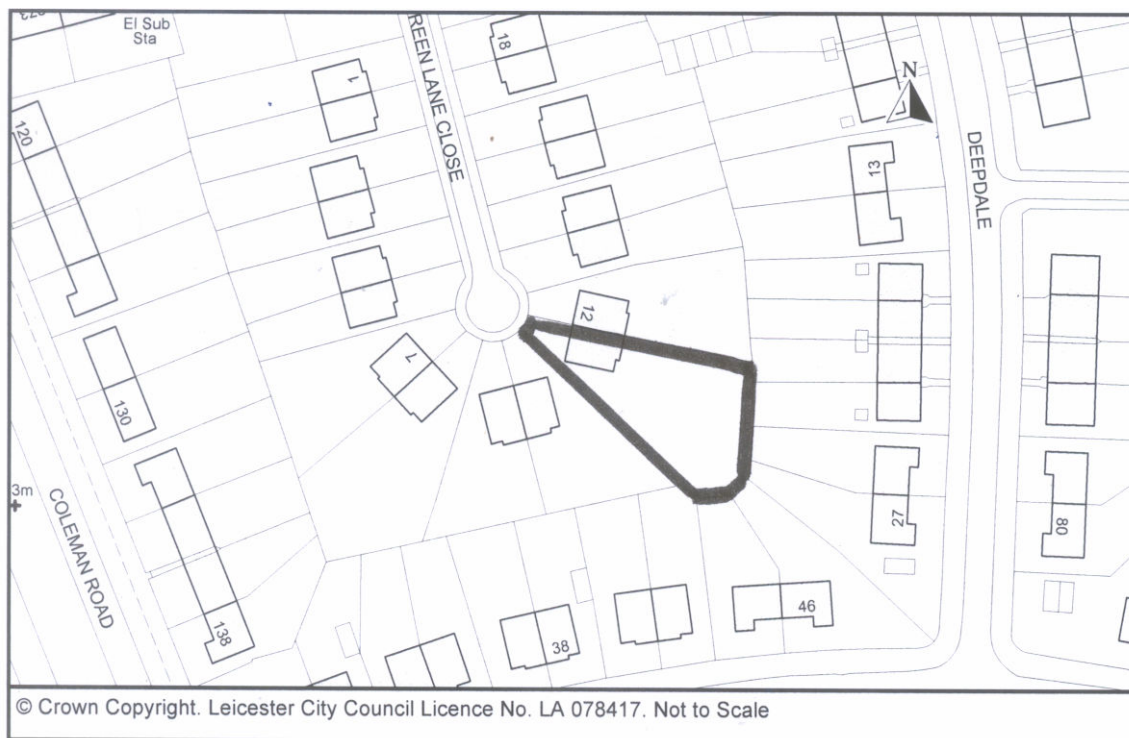
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| 2006_AM01 | Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations. |
| 2006_AM02 | Planning permission will only 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_AM03 | Planning Permission will not be granted where it would sever or adversely affect the continuity of the Citywide Pedestrian Route Network and the Citywide Cycle Route Network. |
| 2006_AM09 | Proposals for large-scale or travel intensive development must be accompanied by a Transport Assessment and a Travel Plan. |
| 2006_AM10 | Vehicle speed restraints should be integral to the design of new or existing development. |
| 2006_AM12 | Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01. |
| 2006_AM15 | Location and design of new parking provision should be subject to safety and design criteria. |
| 2006_BE01 | The City's archaeological heritage will be preserved where appropriate. |
| 2006_BE16 | Planning permission will be granted for the development of renewable energy installations where local impacts are not outweighed by wider benefits. Major developments must realise their potential for incorporating renewable energy technologies. |
| 2006_BE17 | Planning permission will be granted for infrastructure associated with combined heat and power schemes where local impacts are not outweighed by wider benefits. Major developments and those within the SRA must source their energy from CHP where feasible. |
| 2006_BE18 | New development must implement measures to minimise the impact on the quality of and flows within the water environment. |

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| 2006_BE19 | Developments should maintain and where possible enhance the natural functions of the flood plain or flood water retentions. Access to watercourses must be maintained. |
| 2006_BE20 | Developments that are likely to create flood risk onsite or elsewhere will only be permitted if adequate mitigation measures can be implemented. |
| 2006_BE21 | Noise-generating development not permitted if affecting unacceptably amenity of noise-sensitive land uses; noise-sensitive development not permitted if affected by noise from noise-generating land uses. |
| 2006_BE23 | Development on land that is or may be contaminated will only be allowed where the risks caused by the contamination can be reasonably overcome. |
| 2006_GE06 | Sets out the criteria for assessing proposed development within, and adjacent to, green wedges. |
| 2006_GE12 | Criteria for the provision of children's play areas to serve residential development. |
| 2006_GE13 | Residential development must make provision for youth and adult play. |
| 2006_H01 | Sites shown as Housing Development Proposals on the Proposals Map will be safeguarded for housing and will not be given planning permission for alternative uses. |
| 2006_H06 | Where appropriate, large new housing developments should provide a suitable range of dwelling sizes and types, including a proportion to 'Lifetime Homes' standards, to create mixed and socially inclusive communities. |
| 2006_H07 | Criteria for the development of new flats and the conversion of existing buildings to self-contained flats. |
| 2006_H09 | Criteria and targets for the provision of affordable housing. |
| 2006_H12 | Planning permission normally granted for housing within the Primarily Residential Areas shown on Proposals Map. |
| 2006_IMP01 | In new development proposals planning obligations will be sought to secure from developers the necessary costs and provision of related infrastructure and needs. |
| 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. |
| 2006_UD01 | Planning permission granted for sustainable high quality building designs providing proposals take into consideration criteria. |
| 2006_UD02 | Planning permission will be given for new development where buildings make a positive contribution to the street scene and create a sense of identity. |
| 2006_UD03 | Planning permission will be granted for development which includes high quality and imaginative designs for streets and public spaces which meet criteria. |
| 2006_UD04 | Planning permission will not be given for development proposals which would fail sufficiently to achieve efficiency in the use of energy. |

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.

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|-----------------|--|---------------|
| 20072178 | 11 GREEN LANE CLOSE | |
| Proposal: | RETENTION OF FIRST FLOOR EXTENSION AT SIDE OF HOUSE (CLASS C3) | |
| Applicant: | MR CEPHINS QUALEY | |
| App type: | Operational development - full application | |
| Status: | Householder development | |
| Expiry Date: | 15 January 2008 | |
| RMF | TEAM: PF | WARD: Coleman |



Introduction

This application refers to a Wakerley style semi-detached house in a primarily residential area.

Background

There have been two previous applications for planning permission pertaining to this property. The first was received in 2003 and refused (20032100). A resubmission was made in 2004 (20041551) for a first floor extension to the side of the property and a single storey extension to the rear. Amendments to the scheme were sought to make the application acceptable and it was approved on the 23rd September 2004. However, the extension was not built according to the approved plans and an enforcement notice was issued in August of this year. I understand that the applicant intended to lodge an appeal against the notice but did not manage to in time. The enforcement notice stipulated that the extension should be removed and the works made good.

The Proposal

This application is for the retention of the first floor extension as it is built. The extension is flush with the front elevation and the roof forms two slopes – the original roof slope for the top 1m of the roof, then a roof at a slope of 11°. Two small high level windows are to be retained to the side elevation. The rear of the extension is set 50cm back from the original rear elevation of the house.

Policy Considerations

City of Leicester Local Plan policies relevant to this application are listed at the end of this report.

Although there is no specific supplementary policy guidance for extensions and alterations to Wakerley houses, for many years it has been the practice to require first floor side extensions to be set back from the front of the house in order to retain the distinctive gable roof shape and obviate any mis-match of old and new brickwork. Many planning applications have been refused for not conforming with these principles.

Representation

Councillor Draycott requested that this application be considered by your committee, so that the matter could be fully discussed.

Consideration

Wakerley houses are very distinctive in style and all extensions to them should be sympathetic. I do not consider that this extension is sufficiently in keeping with the original style of the house. The SPG “A Design Guide for House Extensions” indicates that extensions should have a similar roof profile to the existing house. Whilst it would not be practical to build an extension to a Wakerley house with the same roof profile, the original format of the roof can be protected by ensuring that it is retained at the front of the property by setting an extension back and dropping the ridge of the extended roof.

In this instance this has not been achieved – the proposed extension is flush with the front elevation and so the original roof format is not retained. This has the effect of making the pair of semi-detached houses look distinctly unbalanced and it has a detrimental impact upon the streetscene and upon the character of the area.

The unusual appearance of the extension is further compounded by the materials used, which do not match closely with the bricks used in the original building.

Furthermore, retention of this extension would be contrary to an enforcement notice which has already been issued and so for this extension to be granted approval would be contrary to the department's decision of earlier in the year.

In conclusion, this extension does not comply with any of the criteria laid out in the Design Guide, nor does it comply with the guidance pertaining to this style of house. An enforcement notice has already been issued requiring the removal of this extension.

I therefore recommend that the application be REFUSED, for the following reason:

REASONS FOR REFUSAL

1. The first floor side extension, by reason of its design and siting, is harmful to the appearance of the house and the character and amenity of the street scene and furthermore, if retained, would create a precedent for further unsatisfactory extensions to similar houses in the vicinity. (The development is therefore contrary to the policies H15, PS10 and UD01 of the City of Leicester Local Plan and advice contained in the approved Supplementary Planning Guidance, 'A Design Guide for House Extensions'.)

Policies relating to this recommendation

2006_H15 Criteria for extensions to existing houses.

2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.

2006_UD01 Planning permission granted for sustainable high quality building designs providing proposals take into consideration criteria.