

Leicester
City Council

**Wards:
See individual reports.**

Development Control Committee

3RD FEBRUARY 2004

REPORTS ON APPLICATIONS AND CONTRAVENTIONS

Report of the Service Director of Community Protection and Well-being

1. Introduction

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.

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

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.

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

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.

The following reports on this agenda were identified as having a particular impact on one or more disadvantaged group, or relate to the provision or improvement of facilities to the benefit of particular groups.

APPLICATIONS WITH SPECIFIC EQUAL OPPORTUNITY IMPLICATIONS

| App No | Page | Ward | Address | Ethnic Minority Groups | Religious Groups | People with Disabilities | Res. Care inc. Children and Elderly | Non-Res. Care inc. Children and the Elderly | Children | Women's Issues |
|----------|------|------|--------------------|------------------------|------------------|--------------------------|-------------------------------------|---|----------|----------------|
| 20031890 | 19 | BE | 71 MELTON ROAD | | | | | √ | | √ |
| 20032079 | 27 | FS | 236 EAST PARK ROAD | | | | | √ | | √ |

4. Policy Implications

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

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

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).

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).

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

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.

The following applications in this report are accompanied by an Environmental Statement:

| Page | App. No. | Address | Ward | Report Section |
|------|----------|---------|------|----------------|
| | | | | |

8. Crime and Disorder Implications

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

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

10. Background Papers

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

Authors of individual contravention and application reports, via Extension 7249 or Mike Richardson, Head of Development Control, Extension 7244.

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|-------------|--------------------|-----------------------------|-------------|-------------|-----------------------|
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| 30 | 20032436 | 34 Brook Road | E | TC | APP |
| 8 | 20034311C | 27 College Street | C | CA | CON |
| 24 | 20031855 | 7-9 Denmark Road | W | AY | APP |
| 10 | 20034505C | 123 East Park Road | E | SH | CON |
| 27 | 20032079 | 236 East Park Road | E | SH | APP |
| 5 | 20034725C | 175 Fosse Road North | W | FS | CON |
| 35 | 20021833 | Gipsy Lane, Towers Hospital | E | HH | OTH |
| 45 | 20032508 | Gipsy Lane, Towers Hospital | E | HH | OTH |
| 19 | 20031890 | 71 Melton Road | E | BE | REF |

CONTRAVENTION MATTERS**20034725C****175 FOSSE ROAD NORTH**

23/12/2003

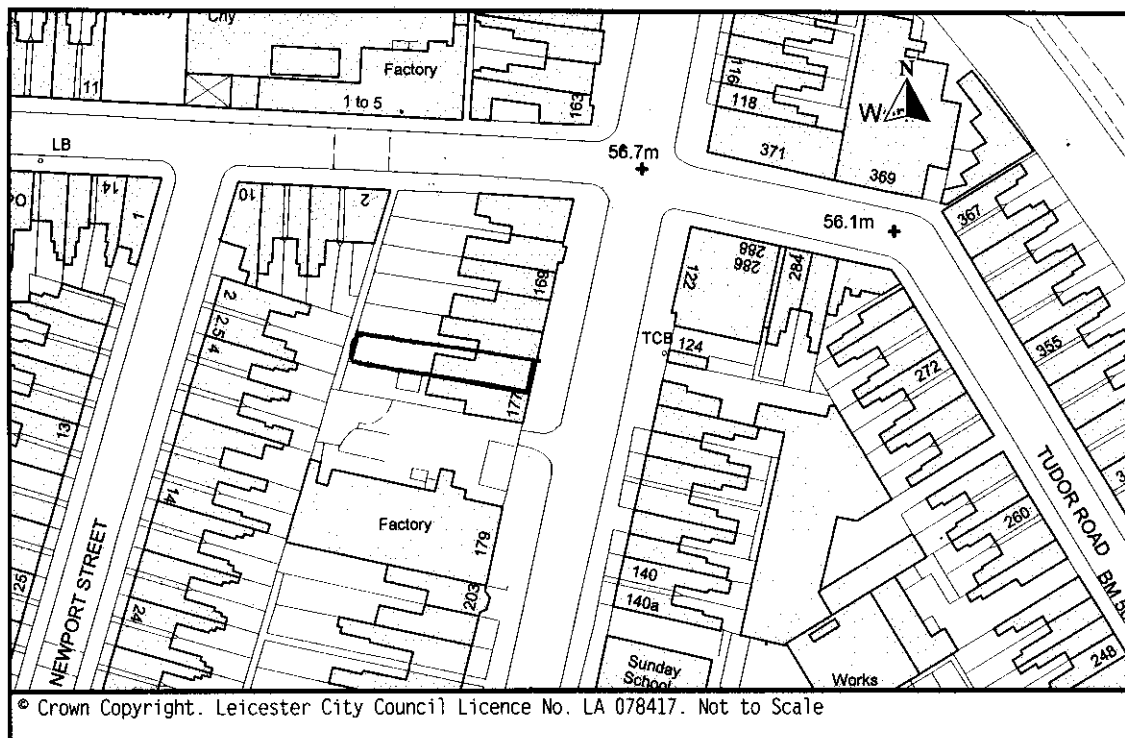
AREA: W

WARD: **Fosse**

PLC

SMB

PAPA GINO'S PIZZA

**Introduction**

This property is a three storey mid-terraced property on the west side of Fosse Road North. The property is within a defined local shopping area (155 – 177 & 122 - 128 Fosse Road North) in the Adopted and Draft Replacement City of Leicester Local Plans

There are houses on the opposite side of Fosse Road North and a mix of residential and commercial premises in the adjacent residential area.

Background

Planning permission (951041) was granted in 1995, for the change of use of the ground floor from a shop to a cafe. However, in recognition of the presence of residential accommodation on the upper floors and on either side, the use was restricted to a cafe/coffee shop only with the hours of opening restricted to 0900-1700 hours Monday to Saturday; this was acceptable to the then operator.

A one year limited period planning permission was granted (19980339) in June 1998 for the use of the premises as a hot food takeaway, in order to keep the matter under review, in the interests of the amenities of nearby occupiers. The hours of use were restricted to 0900-2300 hours Monday to Saturday and 1200-1830 on Sundays.

An appeal to extend the permitted hours of opening on Sundays to 2300 hours was dismissed in November 1998. The Inspector stated that the noise of vehicles drawing up to park, the opening and closing of car doors, conversations and cars being driven away would disturb residential amenity on a Sunday evening.

In September 1999 and July 2001 further one year limited period consents were granted for use of the property as a hot food take away.

Full planning permission was granted on 17 June 2002 (20020615) for use as a hot food shop, subject to conditions.

Of relevance here is condition 1 attached to that planning consent

“1 The premises shall be closed for business outside the hours of 0900 to 2300 hours Monday to Saturday and 1200 to 1830 Sundays.”

Alleged Breach

Since the opening of a pizza take away/delivery business in 2002 complaints have been received from an occupier of a house on the other side of the road.

In December 2002 the Development Control Sub-Committee authorised Enforcement Action; however before the notice was served the premises changed hands and in June 2003 visits by an officer suggested that the new tenants were then complying with the hours of use conditions.

In October and November 2003 further complaints were received from the same local resident that the premises were regularly open on Sunday evenings. Councillor Green has confirmed this to be the case.

The complainant refers to bright lights and “cars being driven onto the pavement with their stereos blaring”.

The current operator has now made a planning application to extend the opening hours.

Policy

Policy S12 in the Adopted City of Leicester Local Plan states that outside the Central Core opening hours for A3 (Food and Drink) should be restricted to 0900 – 2300 hours daily and not at all on Sundays. These hours could be extended provided that this causes no detriment to residents.

The Draft Replacement Plan in the preamble to policy R07 suggests that such restrictions might still be appropriate. The Supplementary Planning Guidance adopted in April 2003 suggest that Sunday opening was acceptable in Local Centres but that closing times would be likely to be earlier than 2300 hours.

Consideration

Although these premises are situated within a small local shopping area, the main road takes a relatively large amount of traffic in the evening including on Sundays

and the environment is not particularly quiet at such times. Officer visits on Sunday evenings found the shop apparently open but with no customers at the time of the visits.

The shopping area is generally little used after 18.30 on Sundays with most, if not all of the other businesses within it closed. There are other Class A3 uses outside the shopping area at the Empire Hotel, at 215 Fosse Road North and at 1 Beatrice Road; these are long established and have no restrictions.

Despite the high traffic levels, I do not consider this is the sort of shopping area where Sunday evening opening would be appropriate.

Recommendation

In addition to the Enforcement Notice already authorised in 2002 I also recommend that the Town Clerk be authorised to issue the following notice:

Breach of Condition Notice.

Steps to be Taken

Cease the use of the premises outside the hours of 0900 to 2300 on Mondays to Saturdays and 1200 to 18.30 on Sundays.

Reason

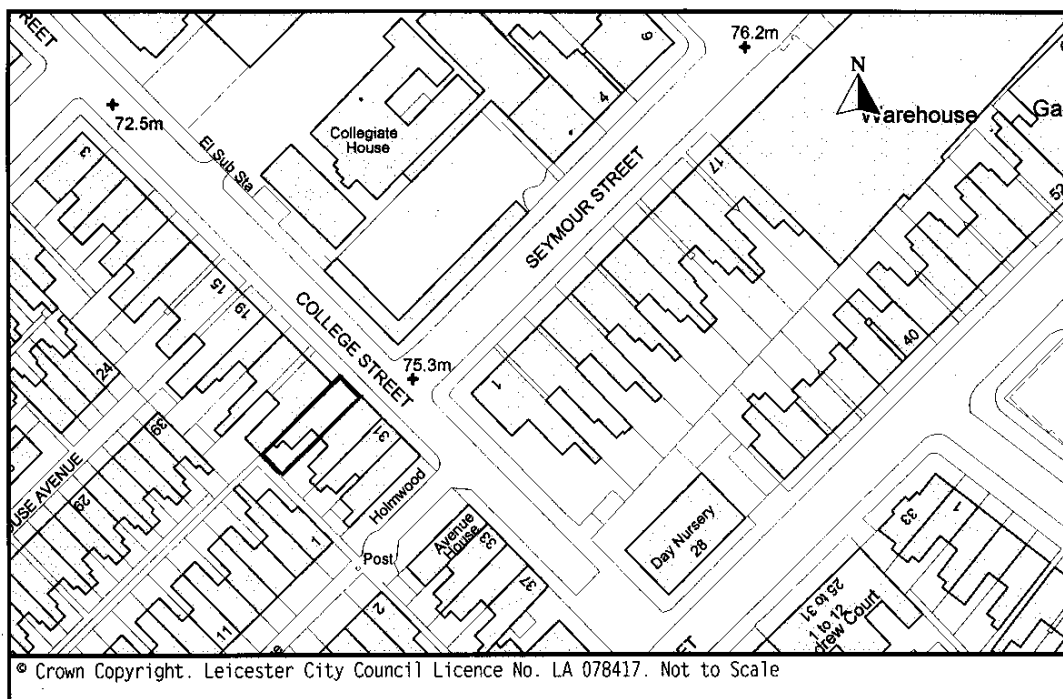
The use of the premises outside the hours allowed by the condition is detrimental to the amenities of occupiers of nearby residential properties.

Period for Compliance

One week

CONTRAVENTION MATTERS

| | |
|------------------|--|
| 20034311C | 27 COLLEGE STREET |
| 11/06/2003 | AREA: C WARD: Castle |
| END | UNAUTHORISED DOOR TO FRONT OF HOUSE. |
| LB | ASHWANI K & REKHA SHARDA |

**Introduction**

This property is a substantial three-storey terraced villa situated within the South Highfields Conservation Area and is covered by an Article 4 Direction. The area is designated primarily for residential use in the City of Leicester Local Plan.

Alleged Breach

A complaint was received in November 2003 alleging that the original wooden door had been removed and replaced with a plywood door. A site inspection confirmed this.

Policy

Policy EN11 states that development or demolition in Conservation Areas will only be approved if it preserves or enhances the area's character.

Policy EN16 of the City of Leicester Local Plan states that works for which permission is sought as a result of an Article Four Direction will normally be approved only if the original character of the building is retained, or, if necessary reinstated.

Policy BE06 in the Draft 2nd Deposit Replacement City of Leicester Local Plan reaffirms the above and states that preservation of the character and appearance is the key factor to enhancing Conservation Areas.

Consideration

The policies of the City Council for conservation areas and particularly Article 4 Direction properties are in place to preserve the original features of properties that contribute to the special character of each particular conservation area. This property is one of ten (27 – 37 College Street) that is mentioned in the South Highfields Conservation Area Character Statement specifically for having “elaborate multi-panelled doors with an oval centrepiece.” The doors to the properties at 29 – 37 College Street have been retained and are particularly attractive. The door that has been installed at this property is of plain brown plywood.

I consider that the replacement door is detrimental to the visual amenity of the South Highfields Conservation Area and it does not preserve or enhance the character of the conservation area, nor does it retain the character of the original door.

I have written to the owner of the property requesting that the unauthorised door be removed and a door replicating the original is installed, or an application is submitted to retain the unauthorised door. I further stated within that letter that an application to retain the plywood door would not be recommended for approval.

No application has been submitted to retain the unauthorised door, neither have I received any communication from the owner of the property.

Recommendation

I recommend that the Town Clerk be authorised to issue the following notice:

Enforcement Notice - Operational Development

Steps to be Taken

1. The unauthorised wooden door should be removed and replaced by a wooden door that replicates that shown on the accompanying photograph in materials, scale, form and detail.

Reason

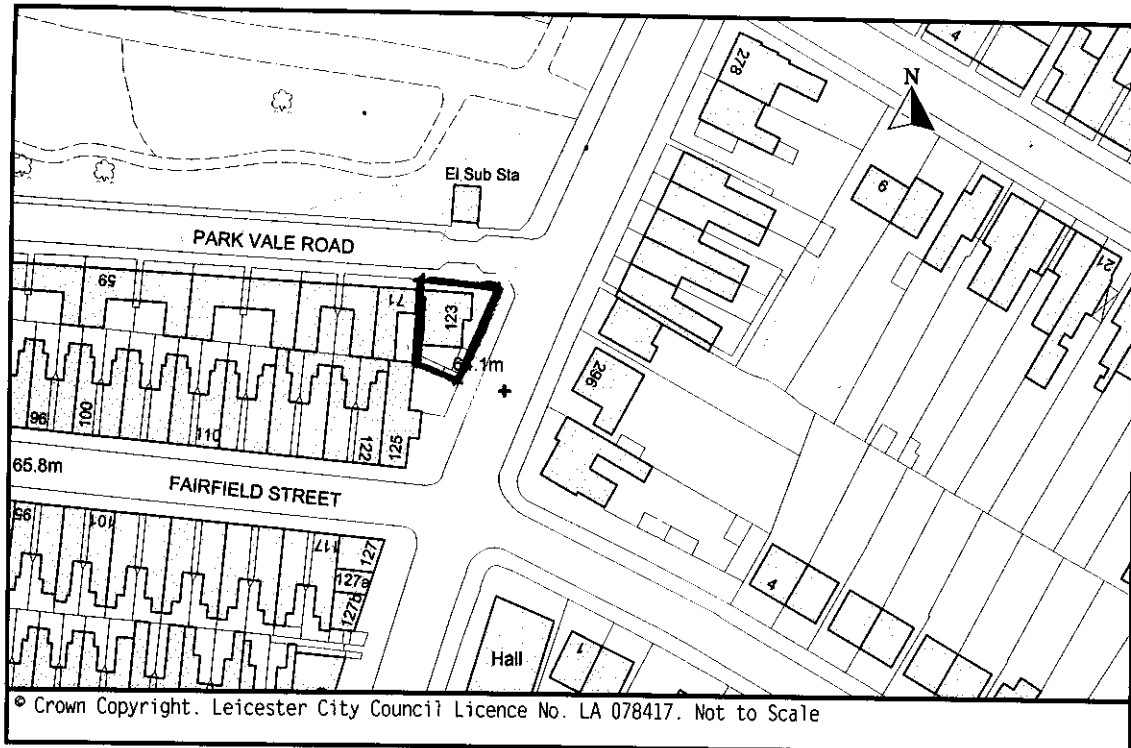
The unauthorised plywood door is detrimental to the character and appearance of the South Highfields Conservation Area and Article 4 Direction and as such is contrary to Policies EN11 and EN16 of the City of Leicester Local Plan.

Period for Compliance

Two months.

CONTRAVENTION MATTERS

| | | |
|------------------|--------------------------------------|----------------------------|
| 20034505C | 123 EAST PARK ROAD | |
| 10/09/2003 | AREA: E | WARD: Spinney Hills |
| END | ALTERATION TO FRONT GATE/ PASSAGEWAY | |
| BY | THE OCCUPIER | |

**Introduction**

This property is a detached corner house located within a Primarily Residential Area as defined in the Adopted and Draft Replacement City of Leicester Local Plan. The property is also within the Spinney Hill Park Conservation Area.

Background

In 2002, Planning Permission was granted for a single story extension. The proposal included a fence to the side of the property. The application was amended at the officer's suggestion to set the fence back from the highway in line with the main building.

Alleged Breach

In September 2003, a complaint was received alleging that the front gate and alleyway had not been built in accordance with the planning permission granted. A site visit confirmed that two metre high gates and fencing had been constructed on the boundary of the property adjacent to the highway apparently to enclose a car parking space.

Policy

Adopted Local Plan Policy H6 states that within Primarily Residential Areas, planning permission will normally be granted for development for residential purposes except where (among other criteria) the proposed design is unsatisfactory.

Local Plan Policy EN11 states that new development in Conservation Areas will be approved only if it would preserve or enhance the character or appearance of the Conservation Area.

Similar policies are included within the Draft Replacement Local Plan.

Consideration

A structure in this position requires planning permission as it is over one metre high in a position adjacent to the highway. If an application had been submitted for the installation of a two metre high structure in this position, my concerns would be in two parts.

- 1) The inadequate provision of sightlines and unsatisfactory arrangements with regards to the use for the purposes of a vehicular access onto the busy East Park Road.
- 2) The unacceptable impact upon the street scene and the need to avoid intrusive elements along frontages to the street. This criteria is accentuated in this case due the location of the property within the Spinney Hill Park Conservation Area.

The owners of the property made the alterations to the approved design to allow room for the parking of a vehicle. Therefore, this development is unsatisfactory under Policy H6 of the Adopted City of Leicester Local Plans by reason of unsatisfactory car parking or access arrangements.

This development is also unsatisfactory under Policy EN11 of the Adopted City of Leicester Local Plan due to the detrimental impact of the gates and fencing upon the street scene and consequently on the character and appearance of the Conservation Area.

The owner of the property has suggested that the gates be permanently sealed and therefore be no longer used for the purposes of a vehicular access. However, I consider that there is a need to remove or reposition this structure to preserve and enhance the character and appearance of Spinney Hills Conservation Area.

There is similar fencing adjacent at 125 East Park Road; however, this has apparently been in place for many years and serves to screen what is effectively the rear yard to that property.

Recommendation

I recommend that the Town Clerk be authorised to issue the following notice:

Enforcement Notice - Operational Development

Steps to be Taken

Remove the fencing and gates to the front of the property running adjacent to the highway or reposition the fencing to correspond with that shown on the plan approved under Planning Application 20021258.

Reason

1) This development provides an inadequate form of vehicular access which is detrimental to highway safety by reason of lack of sightlines. As such it is contrary to Policy H6 in the Adopted City of Leicester Local Plans.

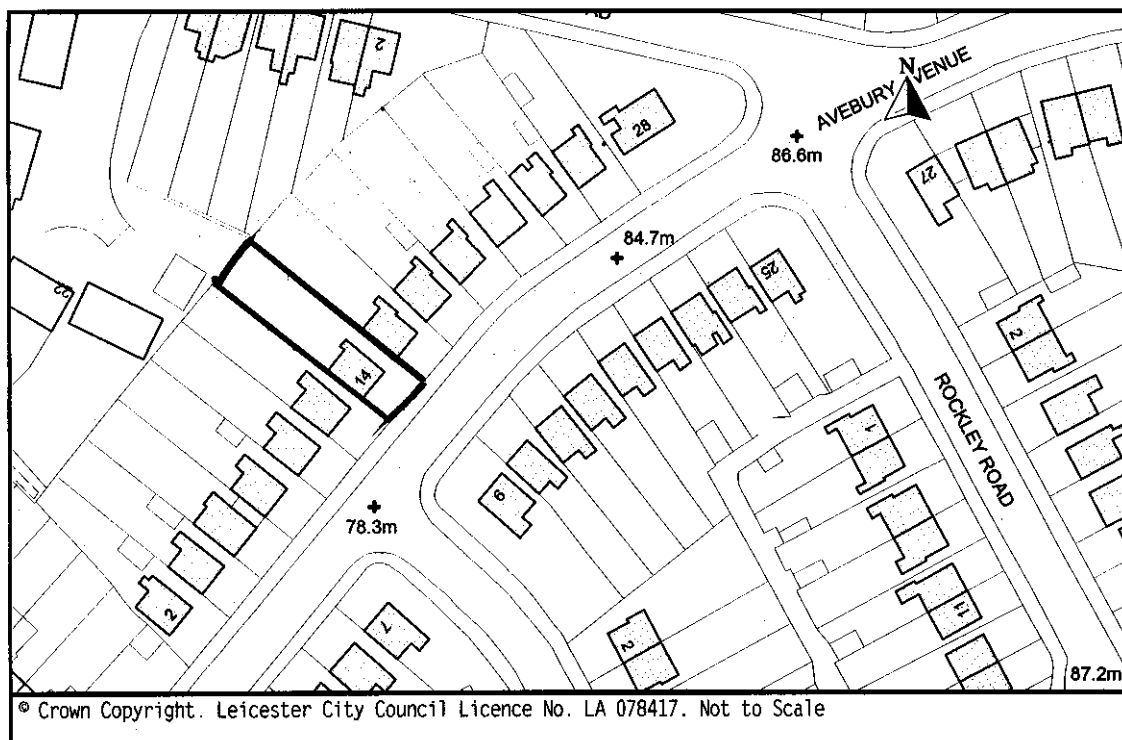
2) This development has an unacceptable detrimental impact upon the street scene which detracts from the character and appearance of the Spinney Hill Park Conservation Area. As such it is contrary to both Policies EN11 and H6 in the Adopted City of Leicester Local Plans.

Period for Compliance

One Month

APPLICATIONS RECOMMENDED FOR REFUSAL

| | | |
|-----------------|---|--------------------|
| 20031800 | 14 AVEBURY AVENUE | |
| 10/09/2003 | AREA: W | WARD: Fosse |
| DEV | TWO STOREY EXTENSION AT SIDE OF HOUSE; BOUNDARY WALL; FRONT PORCH | |
| RAW | MR A S ILIFFE | |

**Introduction**

This application was deferred at the meeting on 16th December 2003 to allow officers to check whether the applicant was aware of the recommendation and would be willing to submit amended plans to reduce further the extent of the ground floor rear extension. The application was deferred at the meeting on 6th January 2004 for a site visit.

The application relates to an extended detached house on the western side of Avebury Avenue to the north of Anstey Lane.

Background

This part of Avebury Avenue is on a steep slope with the floor level of 16 Avebury being approximately 1 metre higher than the application property. The side wall/chimney breast of 16 abuts the application site driveway. 16 has a small conservatory built within permitted development limitations. The conservatory is largely glazed in construction having obscure glazing on the southern side facing the application property. There is a bedroom window at first floor level approximately 0.8 metres from the sidewall, approximately 0.75 metres wide.

The application property has a two-storey rear extension (ref 19871725). Therefore the rear façade is 2.6 metres deeper than the rear of the neighbouring properties.

Planning permission was refused for a two storey extension similar to the current application (20020655) in September 2002 for the following reason:

'The proposed extension because of its excessive depth, scale and bulk would be likely to have an adverse effect on the amenity of the adjoining dwelling by reason of loss of outlook and light, contrary to policy H6 of the City of Leicester Local Plan and the supplementary guidance 'A design guide for house extensions'.

A subsequent appeal was dismissed by the Planning Inspectorate for the following reasons:

1. Due to the north-west orientation of the rear of the neighbouring property(16 Avebury Avenue) it has limited access to sunlight and daylight and any interruption would be noticeable inside the dwellings and in the gardens. The existing extended rear elevation of 14 Avebury Avenue is just at the limit of 2.4m as recommended in the design guide. The nearest corner of which lies at about 45° from the original rear ground floor window and the existing first floor window of the neighbouring property. As this guidance is to limit the loss of outlook or light, even if complied with other considerations such as orientation, levels or position may also apply. The existing two-storey rear extension already intercepts some direct sunlight causing some overshadowing to the rear conservatory. The proposed extension would be 0.3m from the side wall of 16 and the conservatory. Even accounting for the first floor setback and the 1 metre difference in levels of the properties, it would further reduce access to sunlight and significantly increase the overshadowing to the conservatory particularly in winter, causing substantial loss of light harming living conditions and in conflict with Policy H6.
2. The Inspector considered that the proposal is contrary to the terracing policy, appearing to be joined to 16 Avebury Avenue therefore creating a terrace and changing the character of the street. He did not consider the proposal would appear as a subordinate feature. He refers to the 1 metre set back recommended by the design guidance (the scheme provided only a 0.5m setback).
3. The maintenance of the extension itself should be enabled by the provision of a 1 metre gap (referred to as desirable in the design guide). He considers the creating of an inaccessible void between the properties failing to allow maintenance to the appellants extension and is not in the public interest.

The Proposal

The original application comprises a two-storey side extension with a partly hipped roof, abutting the chimneybreasts of 16 Avebury. On the front façade the first floor is set back 0.5 metres. The ground floor indicated a garage of 1.85 m width (unlikely to accommodate a vehicle). The first floor at the rear was set back by 1 metre from the original proposal (1.6 metres beyond the neighbour's bedroom window and ground floor living room window within the conservatory). The ground floor almost aligns with the rear of the neighbour's conservatory.

The current scheme is similar but the first floor rear elevation has been set back 1.7 metres now projects only 1 metre beyond the rear façade of 16 Avebury Avenue and is not beyond the 45° from the edge of the first floor or original dining room window.

The single storey rear extension and mono-pitched roof remains 2.6metres beyond the original rear facade almost aligning with the rear of the neighbours conservatory.

The proposal does not alter the position of the side gable wall that almost abuts the chimney breasts of 16 Avebury Avenue.

This scheme includes a front porch 1.5metres deep with a ridged roof to a height of 3.2m. The plans also refer to a connecting wall between the end of the single storey extension and an existing outbuilding 3.4 metres high.

The applicant stated before the committee meeting on the 6th January 2004 that officers and committee have moved goal posts yet again and states he will seek compensation for distress and expense if he cannot get a fair handling of his proposal. He requested a review of his application.

Development Plan Policies

H6 Within the Primarily Residential Areas, permission normally granted for residential development, subject to criteria.

EN18 Extensions to houses should normally match the existing house in materials, roof form, scale and proportion of openings.

Policy Considerations

Additional criteria are contained in supplementary guidance 'A Design guide for house extensions and in Appendix 5 of the City of the Leicester Local Plan. This states:

Extensions should have a roof matching the main house in form, slope and material.

Rear extensions.

The following 45° rules are intended to prevent undue loss of daylight to neighbouring properties, to avoid excessive overshadowing of gardens, and preserve a reasonable standard of outlook.

A single storey rear extension on or close to the boundary should not go beyond a line taken at 45° from the centre of the ground floor window of any principal room in an adjoining property.

A two-storey rear extension should not intersect a 45° line taken from the nearest point of the ground floor windows of any principal room in an adjoining property.

Sunlight. An extension must not cause any significant loss of sunlight to principal rooms and gardens of neighbouring properties. Sunlight should be considered, even where extensions comply with the 45° rule, as this can depend on orientation, house layouts, changes in level between and position of adjoining properties.

They should be constructed of materials matching the original house.

Where the street scene consists of a row of houses with relatively small spaces between them a series of two storey extensions built up to the side boundary of each plot is likely to create a terraced effect. To help reduce this effect side extensions should be set back a minimum of 1 metre. If this dimension would not accommodate an existing or proposed garage the setback can begin at first floor level.

The infilling of gaps between residential buildings can harm the character of the street. A minimum gap of 1 metre between the side wall of a side extension and the boundary is desirable. This will allow access for refuse bins etc, and for maintenance. If building up to the boundary is unavoidable, then the front wall of the extension should be set back behind the front elevation of the house by at least 1 metre to minimise the terracing effect.

Permissions may not be given for an extension that will prevent access for maintenance of an adjoining house that is on or close to the boundary.

These guidelines are general rules. The Council will consider each case separately when assessing the effects of an extension.

Representations

An objection from the neighbour at 16 regarding the original proposal referred to the following concerns:

The proposal will deny access to 16 thus making maintenance to that side impossible. This conflicts with Appendix 5 and the design guide. He details concerns of inaccuracies on the amended plans regarding guttering positions and access to rainwater pipes and possible problems caused by defective rainwater collection from the extension.

The proposal fails to harmonise with the surrounding area and should not infill the space between detached properties. The proposal causes a terracing effect contrary to policy.

The rear part of the side extension will impact on light to the original lounge window, will dominate and will be oppressive when viewed from that window again contrary to policies. This may affect his 'right to light' that could result in legal action against the applicant.

The neighbour objects to the amended plans referring to the original report that suggests the proposal be flush with the rear façade of 16, and that as this proposal does not conform with that request it still has an unacceptable impact on outlook and light. He further requests members visit the site.

The objector re-iterates his original objections and also has concerns regarding the porch projecting forward of the building line. He also emphasises the Planning Inspector's decision on the previous scheme. He reiterated his objections again before the committee meeting on the 6th January 2004

Councillor Green objects to the proposal as ward member, to the objector's inability to gain access to maintain his property.

Consideration

The porch requires planning permission only by virtue of the height of the ridge roof. It will project forward of the building line but could be potentially built without planning permission with only a minor alteration. As it will not affect outlook from neighbouring front windows I do not consider this significantly detrimental to the street scene or neighbouring amenity.

The previous scheme was refused for impact on outlook and light. However the planning inspector has added two further reasons; the inability for the occupier of the application property to maintain the extension, and the creation of a terracing impact. This scheme has not altered in terms of these issues. These matters are material considerations and must be taken into account when determining this application. I have the following comments:

1. Maintenance of the application property.

The Inspector refers to the need for a 1 metre gap at the side of the extension. However the design guide refers to the desirability of such space and continues 'If building up to the boundary is unavoidable, then the front wall of the extension should be set back behind the front elevation of the house by at least 1 metre to minimise the terracing effect.' It has not been the City Council's policy or practice to insist on 1 metre gaps between side extensions and neighbouring properties. Such a move would deny extensions to houses that abut site boundaries. In this instance to reduce the width of the side extension by 1 metre would produce an unusable extension. Furthermore such a consideration would, if applied to all side extensions, deny garages being built abutting boundaries. I therefore consider the strict implementation of what is referred only as 'desirable' would not be reasonable.

2. Terracing impact.

The inspector considers that the extension being as close to the neighbouring property (0.3 metres) will appear to adjoin and therefore has the appearance of creating a terrace. He also does not consider the proposal appears as a subordinate feature. However there is a set back of 0.5m at the front in the current proposal and the ridge of the hipped roof will be 4.5 metres back from the front façade of the house. The front façade will remain the dominant feature when viewed from the highway, and by implication the extension will appear subordinate.

The hipped roof slopes away from No 16, the ridged roof is significantly lower and the eaves level is 1 metre below that of the neighbours, and the front is 0.5 metres back from the neighbour's façade. There will remain a gap of 0.3 metres between the front corners. As such the proposal will not in my view appear to be a terrace.

3. Impact on amenity by reason of loss of outlook and light.

The two-storey rear extension now accords with the 45° guidance when viewed from the original windows on the rear of 16 Avebury Avenue, similar in impact to the existing two storey extension. The key issue is the impact of the single storey rear extension and the boundary wall. A 2.4m deep single storey rear extension is normally considered acceptable on or near the boundary. The planning inspector attached significant weight to the loss of sunlight due to the orientation of the rear of these properties. He highlighted that even 2.4 metre extensions may not be acceptable if it has significant impact due to orientation resulting in loss of sunlight. I consider the 3.4 metre high wall (approximately 2.4m high on the neighbours side) will result in a significant loss of sunlight, particularly in winter, to the conservatory of 16 contrary to Policy H6. However if the applicant were to submit further amended

plans reducing the depth of the groundfloor rear extension I may be prepared to change my recommendation

I wrote to the applicant after the committee meeting on 16th December 2003 to inform him of the recommendation for refusal on the basis of the submitted plan. I also sought clarification of whether the single storey rear extension would have a flat or monopitch roof. I intimated that if the applicant was prepared to set back the single storey rear extension by 0.6m, lower the height of the wall connecting this extension to the existing outbuilding to 2.4m (so that it is no higher than 2m above the groundlevel of the neighbour's land at this point), have a flat roof on the groundfloor rear extension, and set back the first floor side extension by 1m at the front rather than 0.5m then officers may be able to recommend approval. As the applicant had not responded to these matters before the 6th January 2003 he was again requested to do so afterwards.

Further Consideration

I have reviewed matters in the light of the applicant's and objector's latest representations.

Whilst the officers recommendation to the applicant on how he might make the original proposal of the **first** application acceptable did change, the applicant in submitting a further amended plan only partially satisfied what had been requested, leading to the recommendation of refusal and refusal by your Committee in September 2002.

In considering the present application officers have had to give careful consideration also to the Inspector's conclusions on the previous application. Whilst I do not share the views of the Inspector in respect of the issues of terracing and maintenance for the reasons above, the Inspector was also concerned about the impact on the neighbour's rear extension and whilst I am prepared to accept a 1.7 m setback at the rear of the first floor (less than requested with the previous application but to a point that does not intersect an angle of 45 degrees from the edge of the windows on the neighbour's main rear façade), I have also requested setting back of the ground floor by 0.6m at the rear(so that there is no intersection of a 45 degree angle from the centre of the original groundfloor window).The applicant has also introduced into the present application a proposal for a connecting wall between the extension and the outbuilding garage. Despite my previous letters the applicant has still not clarified the matters referred to earlier in the report or submitted an amended plan. I have reviewed matters as requested by the applicant and would still recommend refusal for the reason indicated.

I still differ with the views of the Inspector on the terracing and maintenance issues and therefore cannot recommend refusal as requested by the objector on these grounds

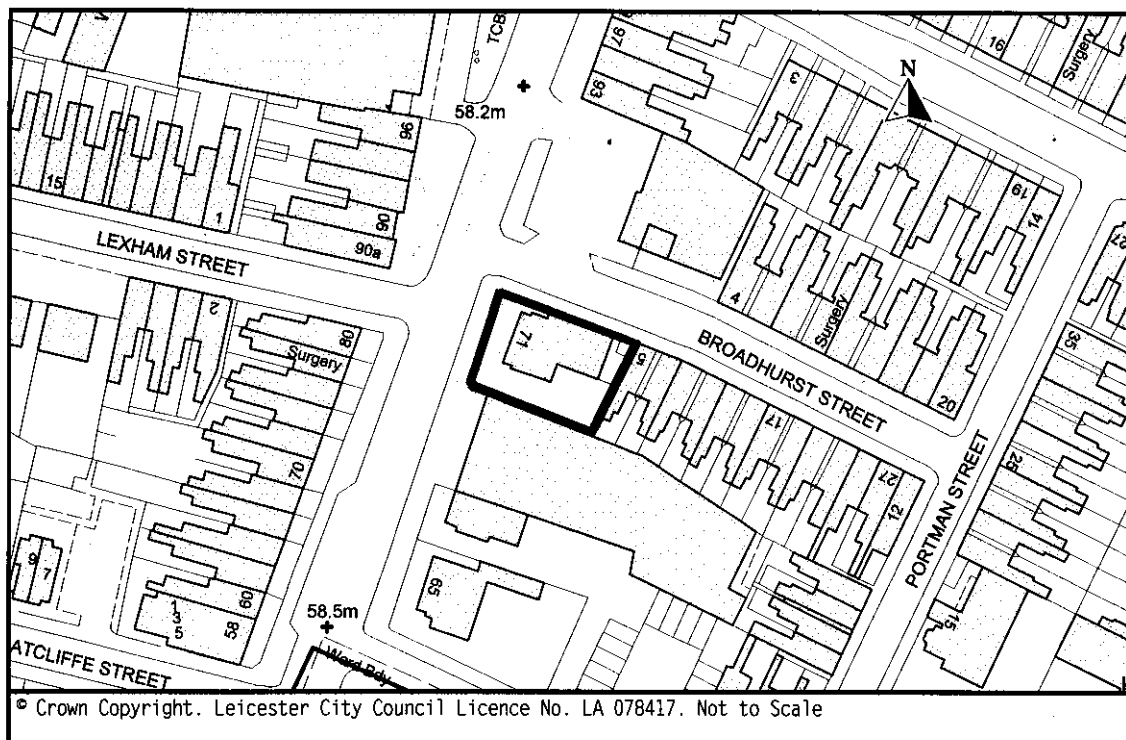
However I consider the current proposal unacceptable and recommend REFUSAL for the following REASON:

REASON

1. The proposed single storey rear extension because of its excessive depth, together with the proposed boundary wall connecting with the existing outbuilding, would be likely to have an adverse effect on the amenity of the adjoining dwelling by reason of loss of light, contrary to policy H6 (b) of the City of Leicester Local Plan and the Supplementary Guidance 'A design guide for house extensions'.

APPLICATIONS RECOMMENDED FOR REFUSAL

| | |
|-----------------|--|
| 20031890 | 71 MELTON ROAD |
| 10/11/2003 | AREA: E WARD: Belgrave |
| DEV | VARIATION OF CONDITION 3 TO PLANNING PERMISSSION 19921689 TO EXTEND EXISTING CHILD CARE FACILITY (CLASS D1) FROM 35 TO 50 PLACES |
| SJM | N FARRINGTON |

**Introduction**

This application was deferred by The Development Control Committee on 20 January 2003 to allow further clarification of details with the applicant. It is likely that the outcome of these discussions will be presented in an addendum report.

71 Melton Road is a large, detached property situated on the corner of Melton Road with Broadhurst Street. It adjoins a large retail shop at 69 Melton Road and there is a tyre and exhaust fitting centre on the opposite corner of Broadhurst Street. Broadhurst Street is residential with a doctor's surgery at No.10.

The property is within an area allocated for primarily residential use in the Local Plan.

Background

The property was formerly a house and planning consent (19890232) was granted for a change of use of the ground floor to a day nursery in April 1989. A further application (19921689) was granted in January 1993 for the change of use of the first floor residential accommodation to enlarge the day nursery. Condition No. 3 attached to this consent stated that:

" No more than an additional 10 children shall use the premises as extended making a total of 35 children in all."

Planning consent was sought in 2002 (20021506) for the variation of that condition to increase the number of child care places from 35 to 55. The planning application was refused by the Development Control Sub-Committee for the following reason:

- 1. The proposed increase in the number of children from 35 to 55 would be likely to generate a significant increase in vehicular traffic to the site which, by reason of its lack of satisfactory off-street parking and loading/unloading facilities and its location on the corner of Melton Road with Broadhurst Street, would be detrimental to highway safety contrary to the provisions of Policy C8 in the City of Leicester Local Plan.*

The Proposal

This latest application seeks consent for the increase in the number of children using the day nursery from 35 to 50 children. Hours of use would be as existing between 07.30 to 18.00 hours Mondays to Fridays. There would be an additional two members of staff taking the total to 15 (this figure includes full and part time workers).

The applicant was concerned that, when the previous application was considered, Members were not fully acquainted with the basis on which the additional child spaces would be allocated. The applicant wishes the following (summarised) information to be known to Members on consideration of this latest proposal.

- The nursery has operated for 15 years
- Aims to support children and families in an area which has been recognised as one of high deprivation
- Working with government departments to provide this support by assisting with child care needs.
- Within the past year the nursery has become a recognised Neighbourhood Nursery providing highly subsidised child care for parents in need and has been awarded New Opportunities funding to provide subsidised after school and holiday care facilities.
- The Neighbourhood Nurseries Initiative (NNI) is a government programme established by the Department of Education and Skills. The initiative has two aims: firstly to reduce unemployment in the most disadvantaged wards by offering childcare services that enable parents to return to work and secondly to help improve the life chances of children in providing quality child care and early learning facilities. The nursery has been chosen to help the government achieve its aim.
- The applicant has stated that although the nursery has sufficient floor area to accommodate 55 children it has now chosen to extend the registration to 50 to work in line with the Neighbourhood nursery's development where funding has

been granted for 10 children. Additional funding for 5 children has been granted from New Opportunities.

- The majority of parents are local and walk or use public transport. The NNI funding criteria is that families live in the immediate local area and are in *need* – this involves families who can not afford cars.
- Parents dropping off or collecting their children are parked for a matter of minutes. There is a designated point for this on the forecourt of the building.
- Families may have more than one child attending the nursery at any one time.
- Other nearby businesses attract customer parking for much longer periods of time.

The applicant has submitted additional supporting documents, which I understand have also been circulated to Committee Members. These include: letters of support from organisations which assist families within the local area, an example of children's registration times and departure times, a petition containing 312 signatures and 34 individually signed letters (few of the latter have addresses attached) in support of the nursery facilities and stating that they have no complaint or concern over traffic or parking. The applicant also alleges that the residents of Broadhurst Street and Portman Road who signed the petition against the application, did so mis-guidedly. One resident has written asking for her name to be removed from this petition claiming that she wasn't aware of what she was signing. Several others have countersigned the petition in favour of the proposal. Five letters of support have been received from residents of Broadhurst Street. Copies of surveys sent out to parents in receipt of NNI funding detailing how their families have been supported by the funding, mainly by the parent(s) being able to return to work, have also been submitted.

The applicant has submitted the results of a traffic survey, showing that 86% of parents/carers attend the nursery using alternative methods of transport other than cars. The applicant states that Walkers Tyres has its own forecourt for parking and that the doctors surgery on Broadhurst Street opens at different times from the usual period of dropping and collecting children. The applicant questions why consent has been granted for A3 uses, which are likely to generate more customers by car than the nursery. The particular sites highlighted are all located within defined shopping areas whilst this application site is located in a primarily residential area.

The applicant has stated that the vehicular access onto the forecourt has been closed to cars and that the existing gates will be changed to one allowing pedestrian access only.

Development Plan Policies

- C8 Permission normally granted for the establishment of day care facilities for children under 8 subject to criteria.

Policy Considerations

Policy C8 of the adopted Local Plan advises that - Planning permission will normally be granted for the establishment of day care facilities for children under 8 provided that there is no nuisance to neighbours nearby by reason of the activities on site or the traffic generated in the adjacent area and that there is no adverse effect on the character of a residential area.

Emerging policy CL16 in the Replacement Local Plan suggests that:

Planning Permission will be granted for the establishment of day care facilities for pre-school children and after school and holiday care facilities for school children provided that:

- a) the activities would not cause an unacceptable level of disturbance to people living nearby.
- b) traffic and car parking generated by the development would not have an unacceptable impact or be a hazard to road safety;
- c) the development and its environs enable a satisfactory standard of day care facilities.

Further guidance is contained in the approved 'Planning Policies for Day Nurseries' SPG.

Revised vehicle parking standards adopted in September 2002 for class D1 uses outside the Central Commercial Zone would require a maximum allowance of 1 space per 22 square metres. This would give a maximum requirement of 7 spaces in this case but none are available within the site.

Representations

The application was advertised by site notice and the occupiers of nearby properties were notified. I have received one letter of objection in response which has been signed by 40 residents from 21 houses in Broadhurst Street and Portman Street. Grounds of objection refer to the following:

- a) traffic congestion and parking would be exacerbated as, in addition to the applicant's premises, there is also a doctor's surgery at 10 Broadhurst Street, the tyre and exhaust centre on the corner at 73 Melton Road and other commercial premises nearby which add to the levels of traffic in the streets.
- b) The addition of further places in the nursery will only add to existing traffic congestion problems, which will have an adverse effect on the safety of residents and the general public.

Letters in support of the application have been received from Keith Vaz M.P. and from Councillor Hall. Councillor Hall states that the nursery has earned approval from "a variety of agencies, including the Council's own Education and Lifelong Learning Department for its work with young children from disadvantaged backgrounds, and thus enabling parents to return to work and/or training and raise their standards of living." He also states that "there is considerable evidence to suggest that any increase in traffic generated by the increase in nursery places will be marginal" and queries the traffic management criteria in comparison to other applications in close proximity. He comments on, and endorses, the support shown by residents through individual letters or signatures on the submitted petition "reflecting the community's view...on the wider benefits that approval of this application would bring to the area."

Consideration

There is an outdoor play area to the side of the property which is enclosed by a high wall to the side of the retail shop at 69 Melton Road and a high flank wall at the rear forming part of the end terraced house at 5 Broadhurst Street. Accordingly I do not

consider that an increase in the number of children would be likely to give rise to problems of noise adversely affecting the amenity of adjoining residents.

It was noted, at the time the last application was considered, that a condition of the previous consent (19921689) was not being complied with. This was condition 6 which required that:

"The vehicular entrance from Broadhurst Street near the junction with Melton Road shall be closed."

There is a strip of land about 4 metres in width between the back of the footway to Melton Road and the frontage of the building which has been asphalted over to provide an area of hardstanding. Whilst there is an iron railing fence around most of this area it is not totally enclosed enabling access directly off the corner in Broadhurst Street, and it is used by parents arriving by car when picking up and dropping off children. There is no turning area and vehicles entering this space have to reverse out on to Broadhurst Street with the obvious dangers that this presents. The unauthorised use of this area was brought to the attention of the applicant previously but it is still being used.

The applicant has stated that one of the criteria for parents to benefit from the Neighbourhood Nursery Initiative scheme is that they are on low incomes and are therefore unlikely to have cars. Drop off and pick up times, which only take a few minutes, tend to be staggered over a the day which spreads out any demand on parking.

Nevertheless, I am concerned that it would be extremely difficult to ensure that the additional child spaces remained available for low-income families only with the assumption that these families would not travel by car. Planning conditions could not be used to restrict the increase in numbers in this way because of the difficulty in enforcement. I am concerned that an increase in the number of children to 50 could potentially demand an increase in the level of parking as well as traffic movements associated with picking up and dropping off of children in an area that already experiences traffic congestion problems. The unauthorised use of the forecourt still presents a traffic hazard. Due to the high concentration of on street parking in Broadhurst Street, it is likely that parents/carers would park on the yellow lines (which are there to prevent parking on highway safety grounds) immediately outside the premises on this side street to drop and collect children. Any additional cars would exacerbate this reduction in highway safety.

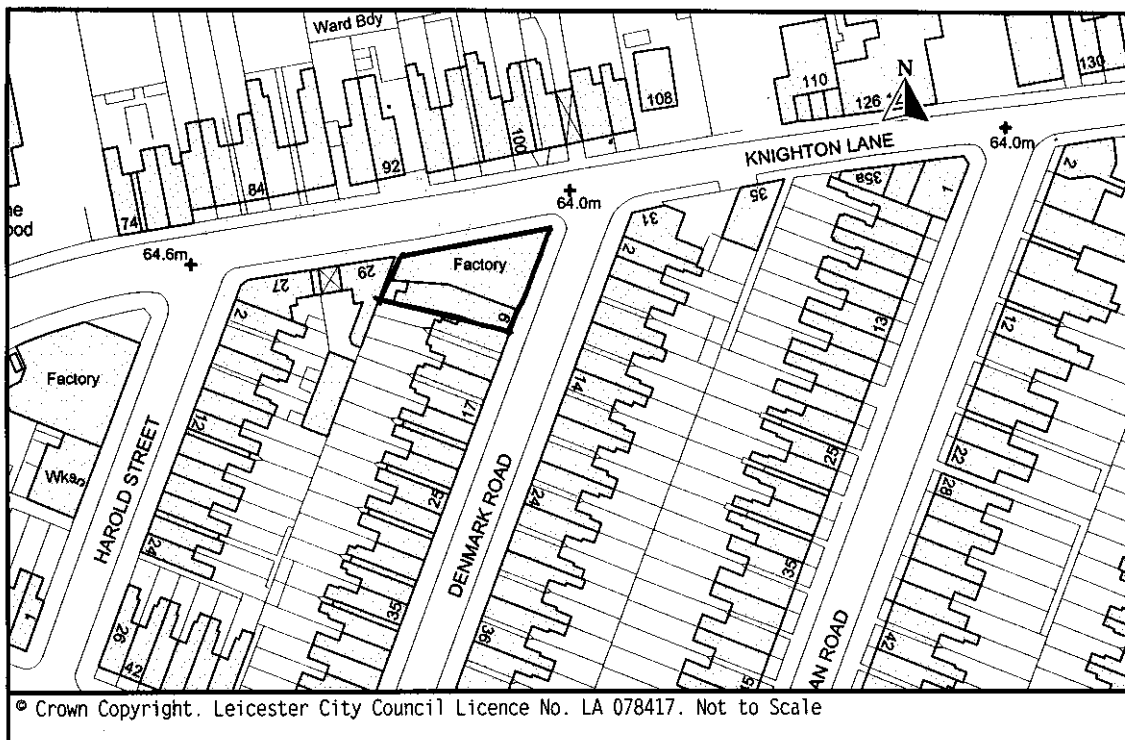
Members should be minded that the establishment of additional child care provision, particularly in areas highlighted as those of high deprivation with families in need of assistance, is an initiative promoted by government funding. However, in view of the lack of satisfactory off-street parking facilities and the fact that it would be impossible to enforce the allocation of child care places in perpetuity to non-car users, I consider that the proposal would not be in the best interests of highway safety and I would therefore, on balance, recommend that this planning application be REFUSED for the following reason:

REASON

1. The proposed increase in the number of children from 35 to 50 is likely to generate a significant increase in vehicular traffic to the site which, by reason of its lack of satisfactory off-street parking facilities and its location on the corner of Melton Road with Broadhurst Street, would be detrimental to highway safety contrary to the provisions of Policy C8 in the City of Leicester Local Plan.

OTHER APPLICATIONS RECOMMENDED FOR APPROVAL

| | |
|-----------------|---|
| 20031855 | 7-9 DENMARK ROAD |
| 28/11/2003 | AREA: W WARD: Aylestone |
| COU | CHANGE OF USE FROM FACTORY (CLASS B2) TO 8 SELF CONTAINED FLATS (CLASS C3) (AMENDED PLANS) |
| PSG | CARRFORD DEVELOPMENT LTD |

**Introduction**

The premises comprise of a Victorian former factory building at the corner of Knighton Lane and Denmark Road. The area is primarily residential but is characterised by a number of factory premises scattered throughout the area.

The Proposal

The factory is a red brick building with brick detailing and has an existing access for servicing purposes from Denmark Road. The proposal is to convert the premises into 8 loft style one bed roomed apartments. Units 2,3, and 4 would be at ground floor level; the other units have two floors of accommodation. A single storey lean-to building adjacent to 11 Denmark Road will be demolished to provide a south facing courtyard. Bin storage and cycle racks will be provided within the courtyard together

with an external access to Units 5, 6, 7, and 8. Amended plans have been submitted to show an enclosed rear access.

Development Plan Policies

- H8 New residential development density should normally be compatible with the area. Higher densities may be appropriate in some cases.
- H14 Permission normally granted for new flats and conversion to self-contained flats, flatlets or cluster flats, subject to criteria.
- EN18 Extensions to houses should normally match the existing house in materials, roof form, scale and proportion of openings.
- T12 Permission not normally granted unless adequate provision for parking of vehicles including cycles off the highway.
- T16 Specified provision for the parking of bicycles for employees and users of facilities will be expected in new developments.
- T17 Bicycle parking facilities to be provided in a form and location allowing surveillance, improving security for cycles and people.
- RLP_GE10 Development on open space not permitted in areas with a public open space deficiency unless the development includes proposals to reduce the existing deficiency significantly.
- RLP_GE12 Planning applications for residential development will only be permitted if a satisfactory level and quality of amenity open space is provided.

Policy Considerations

Policy H14 of the City of Leicester Local Plan states that planning permission will normally be granted for the conversion of any property to self contained flats provided the proposal is satisfactory in respect of, amongst other considerations, the arrangements for and consequent appearance of waste bin storage, the provision of adequate car parking, the provision where practicable of a garden and the extent to which a satisfactory standard of accommodation is provided.

Supplementary Planning Guidance- Open Space Provision in New Residential Developments.

Supplementary Planning Guidance –Vehicle Parking Standards September 2002.

Consultations

None.

Representations

The plans have been amended on two occasions and, in response to the original proposal, 6 letters of objection were received on the following grounds:- a) inadequate parking provision b) overlooking and loss of privacy c) development will exacerbate the current parking problems.

No objections have been received to the two sets of amended plans.

Consideration

The building is an attractive Victorian building occupying a prominent corner site at the junction of Denmark Road and Knighton Lane. Its conversion to residential use accords with policy but residents have remained concerned at the problems caused by parking as it is not possible to provide any onsite parking but the developer has agreed to fund bus permits for occupiers during the first three years. The building

has two road frontages and it should be possible for at least 8 vehicles to park outside the property, and it should also be remembered that the former use for industry would have generated both employees parking and service deliveries in this primarily residential area.

An external access, now enclosed within a lean to building, is also provided and should ensure no loss of privacy to adjoining residents which caused concern in the original scheme which proposed an external steel staircase.

As the property lies within an area identified in the Local Plan as deficient in open space the applicant has agreed to make a financial contribution of £6000 towards increased facilities in the area.

I recommend APPROVAL, subject to the following conditions and SUBJECT TO A SECTION 106 AGREEMENT in respect of contributions towards bus permits and open space.

CONDITIONS

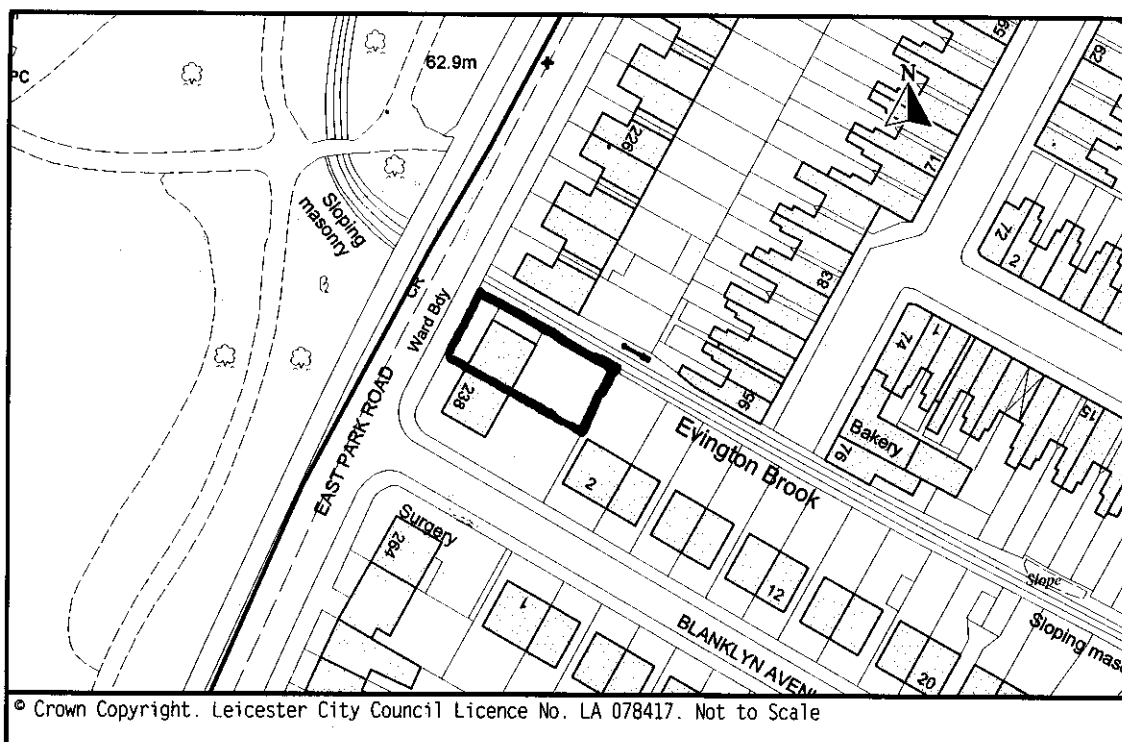
1. (0101) START WITHIN FIVE YEARS
2. (0904) PLANS AS AMENDED (RECEIVED ON; PLAN NO) (19th September ,28th November ,and 23rd December 2003.; P/DEN/03/4B,5B,6A,and 7B.)
3. Before any of the units are occupied the external staircase shall be completed in accordance with the approved plans and the glass block panels in the south elevation shall be maintained in perpetuity. (To maintain the privacy of the adjoining residents and in accordance with Policy H6 of the City of Leicester Local Plan.)
4. (0301) MATERIALS (WALLS AND ROOF) TO BE AGREED (%) (EN 18)

NOTE FOR APPLICANT

1. REASON FOR APPROVAL. Although the City Council considers that the proposal is not in accordance with the development plan, it considers that the benefits associated with the development, that is provision of housing outweigh the harm to residential amenity, loss of open space. The City Council considers that any harm to visual amenity, residential amenity,and insufficient parking can be overcome by the attached conditions.

OTHER APPLICATIONS RECOMMENDED FOR APPROVAL

| | |
|-----------------|--|
| 20032079 | 236 EAST PARK ROAD |
| 10/11/2003 | AREA: E WARD: Spinney Hills |
| COU | VARIATION OF CONDITION 2 OF PLANNING APPROVAL 90/0628 TO ALLOW CONTINUED USE OF DAY NURSERY WITH 45 PLACES RATHER THAN 30 PLACES |
| JP | SALLY SWEENEY |

**Introduction**

This application was deferred by The Development Control Committee on 20 January 2003 to allow further clarification of details with the applicant. It is likely that the outcome of these discussions will be presented in an addendum report.

The application relates to a semi-detached property, located opposite Spinney Hill Park. It is located within a Primarily residential Area and within the Spinney Hill Park Conservation Area.

Background

In 1988 limited period planning permission was granted for a change of use of the property from residential to a day nursery. In 1990 approval was granted for the continuation of the use subject to conditions. Planning permission was granted in 1999 for a single storey rear extension.

In October 2002 limited period permission was granted for the variation of condition 2 attached to the 1990 approval to increase the number of nursery places from 30 to 45 (20021505). This expired in October of this year.

The Proposal

Continued use of the day nursery for up to 45 children is proposed. The nursery has been involved with the Neighbourhood Nurseries Initiative (NNI) – a scheme which provides childcare to families who would otherwise not be able to afford such care. The applicants have advised that the 15 additional places have all been allocated to local families as part of the NNI scheme and that one of the criteria of the NNI scheme is that the children allocated the spaces must be from the local area.

Development Plan Policies

C8 Permission normally granted for the establishment of day care facilities for children under 8 subject to criteria.

Policy Considerations

The Local Plan policy states that Planning permission will normally be granted for the establishment of day care facilities for children under 8 provided that:

- (a) The activities which take place do not cause nuisance to people living nearby;
- (b) Traffic going to and from the building does not cause nuisance or danger to other people using the streets nearby or to children attending the nursery.
- (c) There is no adverse effect on the character of a residential area.

Further guidance is contained in the approved 'Planning Policies for Day Nurseries' SPG.

Representations

I have received 2 objections, with one signed by 10 people, objecting to the proposal on the following grounds:

- Exacerbated parking congestion – parents dropping off and collecting children block driveways, and disturb the flow of traffic along East Park Road
- Increase in noise pollution
- Use not appropriate in residential area
- Area has sufficient nursery facilities and does not require this service

Letters have been received from Jim Marshall MP and Keith Vaz MP expressing their support for the application.

Copies of letters and other supporting information have been received from the applicant which I understand have been circulated to members of the Committee. It is claimed that the petition of objection to the proposal does not fully represent the community and refers to a counter-petition of 200 signatures in support of it. The applicant also refers to a survey of parents whose children would take up the additional 15 places, all of whom claim that they would have to give up work, college or university and go back on benefits. A letter of support for the Neighbourhood Nurseries Initiative from the Highfields Residents and Tenants Association is also included.

In addition, the applicant wishes to draw the Committee's attention to the following:

- The nursery has encountered no complaints over the past year while it has held a temporary planning consent [for the additional places];
- We are a neighbourhood nursery providing support and funding for the disadvantaged families within the local community;

- The 300+ signatures of support from local residents and immediate neighbourhood;
- The signatures from immediate neighbours who signed the original petition against the proposal – they informed us that they didn't know what they were signing and would now like to sign the petition in support;
- Letters of support from Keith Vaz MP and Jim Marshall MP and other local groups and community organisations;
- The Highfields Residents and Tenants Association have given us strong support;
- All 15 nursery places are occupied by children of families within the immediate neighbourhood, whose parents are very distressed about what they will do where they will go if these places are removed.

A copy letter has been received from a local resident saying that she signed the earlier petition of objection in error and has in fact directly benefited from the nursery.

A copy of a petition of approximately 94 signatures has been received expressing support for the proposal and stating that: "Over the past twelve months we have experienced no additional problems with regards to parking or additional traffic problems".

I have also received 9 letters from the parents of children who attend the nursery, stating that they benefit from the nursery initiative. The letters mention that if there was no place for their child at the nursery they would not be able to continue working/studying as it is only the availability of NNI placements that has made this possible. The letters state that they live locally, which enables them to walk to the nursery.

Consideration

The nursery has been operating with 45 children for the past year. It is apparent from the objections received that the area is heavily parked and parents whose children attend the nursery do often use private cars causing problems to residents in the immediate local area.

Having said that, the proposed 15 places are taken up by local residents (one of the criteria of the NNI placement), who attend the nursery on foot. The letters received in support of the continued use are from residents who would be within walking distance of the nursery.

East Park Road is a classified road and the site cannot provide any off street parking. I do not consider that reducing the number of children back to 30 would significantly result in an improvement in the situation, given that the majority of the 15 places removed live locally and attend on foot.

The continued use is unlikely to impact on neighbouring properties in terms of noise disturbance, would not be detrimental to the character or appearance of the Spinney Hill Park Conservation Area, and benefits the local community. I therefore recommend APPROVAL subject to the following condition:

CONDITION

- No more than 45 children shall be accommodated on the premises at any one time.
(In the interests of the amenity of nearby occupiers and traffic safety and in accordance with policy C8 of the City of Leicester Local Plan)

NOTE FOR APPLICANT

- All other conditions attached to planning consent 19900628 remain in force unless varied by other separate planning consents.

OTHER APPLICATIONS RECOMMENDED FOR APPROVAL

| | |
|-----------------|--|
| 20032436 | 34 BROOK ROAD |
| 15/12/2003 | AREA: E WARD: Thurncourt |
| OUT | THREE SINGLE STOREY HOUSES (OUTLINE FOR ACCESS AND SITING) |
| KES | MR & MRS V PURMALIS |

Introduction

The application site relates to a rear garden to a detached house (1300 square metres.) The site is located in a primarily residential area and fronts onto Brook Road with the rear of the site facing Wendys Close. The overall site has a width of approximately 22 metres and a depth of approximately 100 metres. The area is entirely residential in character.

Background

An application for a detached three bedroom bungalow was approved in 1972. Planning Application 023352 for the development of the site to provide a three bedroom bungalow (amended plans) was approved in 1971. An application for the demolition of bungalow and development of five detached bungalows and garages and construction of 10ft wide private access drive was refused in 1968. The application was refused on the grounds that the proposal constituted an unsatisfactory form of development and did not have regard to the amenities of the existing dwellings abutting the site and access was unsatisfactory.

The Proposal

This outline application is for three bungalows with access and siting to be considered, all other matters are to be reserved. The plans submitted places bungalow 1 approximately 29 metres to the rear of the existing dwelling, to be accessed via a new driveway taken from Wendys Close. Bungalows 2 and 3 will be placed towards the rear of the site facing Wendys Close and will be situated adjacent to each other. All dwellings will be accessed from Wendys Close. The proposal will result in the removal of several trees.



ton Close

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Development Plan Policies

- H6 Within the Primarily Residential Areas, permission normally granted for residential development, subject to criteria.
- EN17 Infill development in housing areas should normally conform to the prevailing scale, density, site coverage and materials.
- H9 Proposals for backland development should comply with criteria.
- T12 Permission not normally granted unless adequate provision for parking of vehicles including cycles off the highway.
- T29 Development shall create a safe and convenient environment for pedestrians on paths within the site and on footways alongside.

Policy Considerations

Appendix Five of the City of Leicester Local Plan contains criteria setting out minimum distances from other buildings and site boundaries in order to safeguard privacy and outlook. A minimum distance of 11 metres will normally be required between any elevation containing principal room windows and any site boundary other than a frontage to a highway, river or canal.

Between facing windows of two storey houses where principal room windows would be overlooked a minimum distance of 21 metres would be required.

Further design guidance is contained within the Design Guide for House extensions which sets out minimum garden space requirements.

In addition, where a wall containing no windows faces a principal room of an adjacent property, the distance must not be less than 15 metres.

The Supplementary Planning Guidance for vehicle parking standards requires one space for a 1 bedroom house, two spaces for a 2 bedroom house and two spaces for 3+ bedrooms.

Consultations

None

Representations

I have received a petition containing 21 signatures and a letter from Councillor Allen objecting to the proposal on the grounds of:

- Legacy of original developer in terms of foul and rainwater mains drainage
- Further impacts on drainage facilities
- Lead to congestion and parking problems in Wendys Close
- Result in conflict with entrance to garages of existing bungalows
- Low lying site – entrances and services would be better placed in Brook Road or Tarbat Road.
- Destruction of green environment and outlook, loss of trees.

Councillor Allen has requested that the application be reported to committee for the following reasons:

- The changes in ground levels between Wendys Close and ground in ownership of 34 Brook Road.
- Drainage problems
- The proposed driveway would open opposite the only opening to the garages in this narrow road.

Consideration

Being within a primarily residential area, I consider the use of the site for residential purposes acceptable in principle. Therefore, the main issue for consideration is access, siting and the representations.

The proposal is for three single - storey bungalows; two bungalows will front onto Wendys Close and a further bungalow will be contained within the centre of the site. The surrounding area is characterised by similar single storey bungalows, therefore a similar pattern of development would not look out of character within the surrounding area.

The site has a frontage of approximately 22 metres and a depth of approximately 100 metres. Given the size of the site I consider it would be sufficient in size to accommodate the proposed development with an acceptable level of off street parking. The level of amenity space provision is likely to fall below the minimum space requirements as outlined in the Design Guide for House Extensions, however surrounding properties have characteristically small gardens and therefore the proposed level of amenity would be acceptable. The proposed siting of the dwellings comply with separation distances set out in the Local Plan and would not have a detrimental impact upon the existing property at 34 Brook Road and the amenities of the neighbouring properties.

The application is only in outline form and therefore whilst access is to be considered as part of the application detailed parking arrangements will be considered as part of the reserved matters application. In my view the proposed access to the site is acceptable and each plot could provide adequate space to meet the parking requirements.

With regard to the objections raised in respect of drainage, this element would be considered as part of the Building Regulations approval. However, I have consulted Severn Trent Water and will report my findings to your committee.

In my opinion the location of the dwellings is unlikely to result in any conflict with the adjacent garages because the adjacent garages are situated a significant distance away from the siting of the proposed dwellings. I am satisfied that vehicles would still be able to enter and exit the adjacent garages safely.

It is accepted that there are varying ground levels, however the location of entrances and services in Brook Road or Tarbat Road would not result in further detriment to the surrounding neighbouring properties than the proposed access and services.

Whilst it is accepted that the loss of trees is regrettable, some trees will be retained and I have attached a condition requiring a landscaping scheme to be submitted as part of the reserved matters application.

I consider the proposal acceptable and recommend APPROVAL subject to satisfactory comment from Severn Trent and the following conditions:

CONDITIONS

1. (0102) START BY - OUTLINE
2. (0306) DESIGN/MATERIALS TO BE AGREED (FOR; %) (three dwellings; H6)
3. (0408) TREES FOR REMOVAL TO BE MARKED (%) (H9)
4. (0108) PARKING PROVISION - OUTLINE
5. (0912) NO FURTHER EXTENSIONS/ALTERATIONS (CLASS; %) (A,B,C)
6. (0402) LANDSCAPING TO BE CARRIED OUT (%) (EN55)

NOTE 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(H6, EN17,H9,T12 and T29), and with [SPG, policies in the replacement local plan which supersede those in the adopted plan], 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, etc] can be overcome by the attached conditions.

| OTHER ITEMS | |
|--------------------|--|
| 20021833 | GIPSY LANE, TOWERS HOSPITAL |
| 28/01/2003 | AREA: E WARD: Humberstone & Hamilton |
| RMS | CONVERSION FROM HOSPITAL BUILDINGS (CLASS C2) TO 79 FLATS; 27 HOUSES; ROAD & ASSOCIATED LANDSCAPING (CLASS C3); TEMPORARY ACCESS TO SERVE 53 RESIDENTIAL UNITS (AMENDED PLANS)(SECTION 106). |
| BC | TOWERS PROPERTIES LTD |

Introduction

This is a joint report with a listed building application number 20032508 and the Section 299a Agreement attached to the outline consent under planning application 19931687 that has been entered into by the Heath Authority and the City Council. This agreement is the same as a S106 agreement, which is normally between private developer/s and the City Council.

Members will recall that on the 8th April 2003 the Development Control Sub-Committee resolved to approved the above scheme and 20021834 subject to number of conditions and the signing of a Section 106 agreement relating to affordable housing provisions attached to planning application 20021833. Of relevance are the following 2 conditions attached to 20021833 and the same worded condition nos. 14 and 16 attached to 20021834, which primarily relate to the "permanent access" into the site to serve the development:

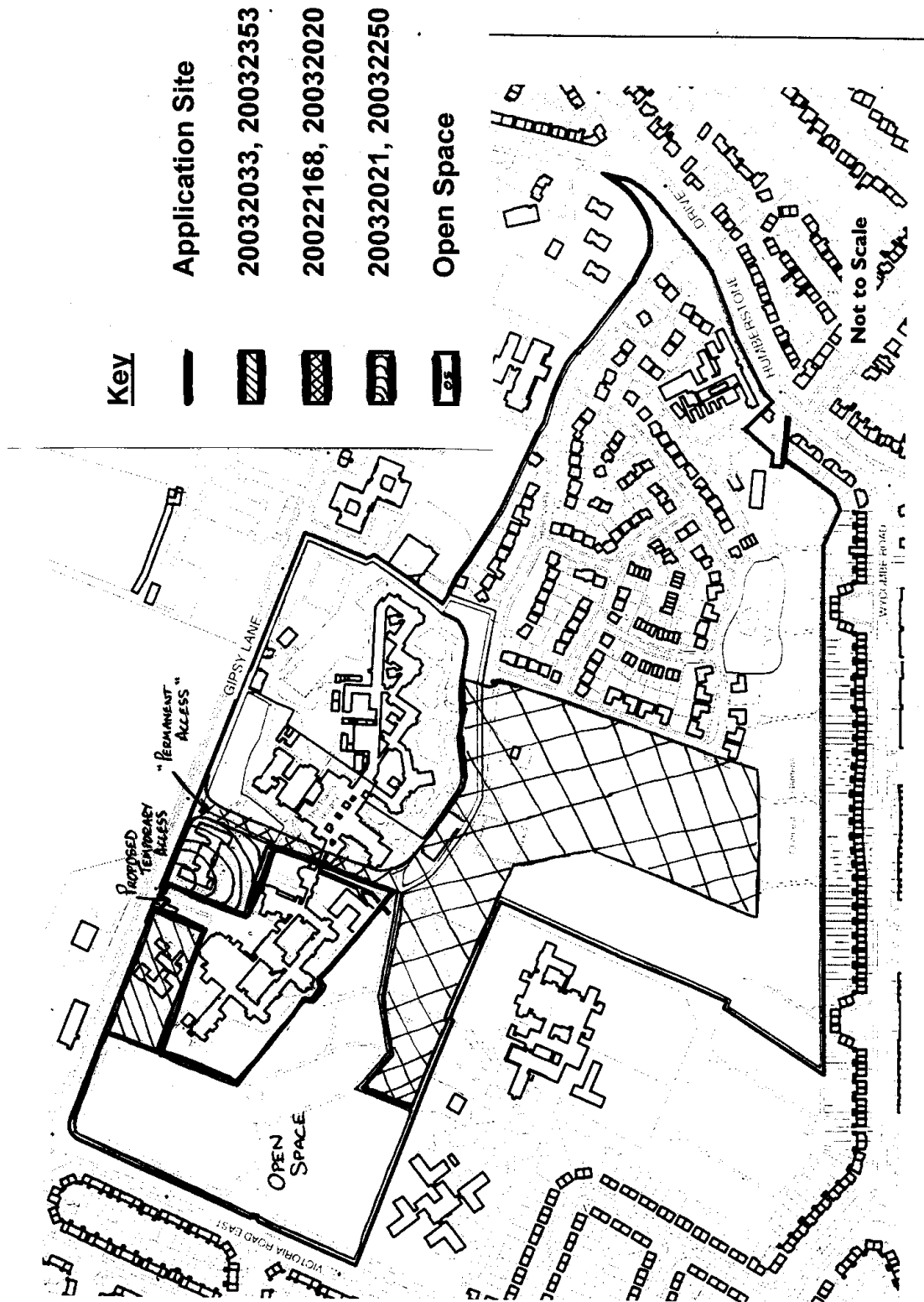
7. Before development commences, an acceptable means of access shall be provided to the highway network, to the satisfaction of the City Council as Local Planning Authority.
(To achieve a satisfactory means of access to the highway).
10. Before the commencement of the development, details of the junction that links the development to the main access road from Gipsy Lane shall have been agreed in writing with the City Council as Local Planning Authority.
(For the avoidance of doubt).

The decision notice for planning application 20021833 has not been issued, but the S106 agreement has been finalised awaiting the outcome of this application.

Background19931687 outline consent for the Towers Site

Outline consent was granted on the whole site for a mixed use, including housing (Class C3), business (Class B1), Health care (Class C2/D1), Retail (Class A1) and public open space uses (19931687). The report resolving to approve was first taken to Committee in 1996, subject to a legal agreement, (a Section 299 agreement, as it related to the health authority and not a private applicant).

It was reported back to Committee in November 1998, as during negotiations, two of the original conditions relating to the laying out of the public space were no longer required, as this would be the responsibility of the City Council, under the legal agreement, which was finally signed and consent was issued in October 2000.



Adopted by Leicester City Council : March 2002

The submitted plans showed the development being phased, 1A, 1B and 2. The first phase, 1A, related to an existing consent, 19951209 for housing in the southeastern part of the site, which is now built, (Herrongate and the surrounding roads). This phase included a single point of access from Humberstone Drive, which was sufficient for these dwellings. However, any further development would trigger the need for a second point of access (referred as the “permanent access”) to be provided to the site.

Phase 1B, relates to the planning application no. 20022168 which is the subject of Non-Determination Appeal with a Public Inquiry date set for June 2004. In addition, a duplicate application (20032020) is being twin tracked for the same site, which includes the hospital grounds (adjacent to Arnold Lodge), to the south of the hospital buildings. Provision was made for this phase to be provided with a second point of access on a temporary basis from an access off Gipsy Lane next to the Beechwood Day Hospital, to the east of the site. This access had consent under 19941643. This location was chosen, since it was outside the site of the hospital buildings that were still in use by the hospital at that time. (It was envisaged at the time of the 1996 committee report that they would be in use for a further 5 years).

Phase 2 relates to the hospital buildings themselves and includes the application site that is under consideration. Condition 37 and the Section 299a agreement required the provision of a “permanent access” (second point of access) to the site from Gipsy Lane, at the western end of the site, to serve the whole site before this phase was developed. The location of this permanent point of access was not agreed at the time, as it was not known which buildings would be needed to be retained by the Health Authority. When this permanent access had been provided, the temporary access, next to the Beechwood Day Hospital would be closed, or made into a cul-de-sac (condition 19 of the consent).

Open space was proposed on the remaining land, the former parkland that fronts Victoria Road East. The legal agreement required this to be transferred into the ownership of the City Council, with a sum allowing works to make it usable open space prior to commencement of any development on the site. In addition the agreement required the provision of children play areas within the proposed housing element of the development.

Applications currently under consideration on the whole of the Towers Site

- 20022168: 150 dwellings with associated roads (outstanding appeal against non-determination);
- 20032020: 150 dwellings with associated roads (identical to the above application and effectively being twin tracked);
- 20032033 & 20032353 (Listed Building application):
Demolition of Oakham House and redevelopment comprising 13 houses and associated access roads; and
- 20032021 & 20032250 (Listed Building application):
Change of use from nurses’ homes to 30 self-contained flats, associated car parking and landscaping of the former Nurses Homes; a building of local interest.

All 4 main applications are reserved matter proposals under the outline planning consent 19931687.

The site location plan shows the various boundaries of the current planning applications under consideration, the application site, and the public open space.

The Proposal

The approved scheme comprises 79 flats and 26 houses with associated parking with access linked onto the proposed “permanent access” to be provided off Gipsy Lane.

The applicants are seeking the following to allow access to the proposed 53 units of the 106 as approved via an existing access off Gipsy Lane further east to the approved main access by:

1. Variation to conditions 7 and 10 on the above application;
2. Variation of conditions 14 and 16 on the listed building application no. 20021834 in respect of the main access to the serve their development.
3. Variation of the Section 299a Agreement that requires the provision of a “permanent access” to the site from Gipsy Lane.
4. Variation to Section 299a Agreement in respect of transferring the ownership of public open space on the former parkland fronting Victoria Road East to the City Council, with a sum allowing works to make it usable open space, prior to commencement of any development on the site.

The justification given by the applicant is that the main access off Gipsy Lane is unlikely to be approved nor constructed within the next few months because of the pending Public Inquiry on planning application (20022168) and/or the determination of the twinned traced planning application 20032020, which is to provide the “permanent access” of Gipsy Lane as required by the S299a Agreement. Hence, the resulting delay to commence works on their scheme will mean that the listed building will deteriorate from rising damp and other environmental effects.

Development Plan Policies

- EN6 The Council will seek to preserve the City's archaeological heritage.
- EN7 Listed Building Consent will not normally be granted for the demolition of listed buildings.
- EN8 Permission will normally be granted for changes of use of listed buildings necessary to ensure their continued viability.
- EN9 Alterations which impair the architectural or historic interest of listed buildings will not normally be approved.
- EN19 Design and layout of new housing development should satisfy criteria.
- EN54 Development adjacent to Green Wedges and Green Corridors should have a high quality of boundary and frontage treatment.
- EN55 New developments should have a high standard of landscaping. Full and accurate details should be submitted.
- EN61 Permission not normally granted for development having an adverse effect on sites supporting species protected by law.
- H2 Residential development will be acceptable within a Potential Development Area as indicated on the Proposals Map.
- H3a The Council will encourage a variety of housing types and densities to meet all needs, and the provision of affordable housing.
- H3b The Council will encourage the provision of access housing, normally close to shops and public transport and on level ground.

- H8 New residential development density should normally be compatible with the area. Higher densities may be appropriate in some cases.
- H14 Permission normally granted for new flats and conversion to self-contained flats, flatlets or cluster flats, subject to criteria.
- R1 Applications for residential development only permitted where open space provided and related to the development.
- R10 In residential developments, play and amenity open space to be provided. Conditions or Agreements may be used to secure provision.
- T27 Development not allowed if traffic generated would endanger pedestrians and cyclists and in particular schoolchildren.
- T31 Traffic management measures to be introduced away from major roads to improve conditions especially for pedestrians and cyclists.

Policy Considerations

None.

Consultations

None.

Representations

Site notices have been displayed in the vicinity of the proposal and neighbouring properties, including adjacent developers have been notified of the development, but no representations have been received.

Consideration

Access

This application site lies within phase 2 of the outline consent. Schedule 2 of the legal agreement requires the location of the “permanent access” to the whole Towers site to be agreed and to be carried out before any land within phase 2 is occupied. Condition 37 of the outline consent requires the details of the access to be agreed.

Schedule 3 of the legal agreement requires that before development is commenced, the parkland adjacent to Victoria Road East and a commuted payment be transferred to the City Council by the health Authority (or current owner of the parkland), to enable public open space to be provided by the City Council.

The Section 299a agreement and condition 37 of the outline consent already require the provision of the “permanent access” road to the site. The location of this “permanent access” is included in the current planning applications (20022168 and 20032020) by Taylor Woodrow for 150 houses.

The Towers Hospital is a 3-storey grade II Listed Building that stands within substantial grounds. It has been vacant for a long time and is therefore at risk, which increases with time, (slow decay, with no end user). Damage from rising damp, rot and water penetration is already evident. In this instance, the preservation of the listed building and its reuse are therefore important planning objectives for this site. In my view the proposal for a temporary access to serve 50% of the development is acceptable as an exception to the already approved conditions to allow early commencement of works on the grade II listed building. No works are required to the existing temporary access and I am satisfied that its use for construction traffic and

occupation of 53 units will not have a detrimental impact on highway safety of the existing road network.

In view of the above, I consider that conditions 14 and 16 should be amended to reflect the provision of a temporary access. In addition, the S299a Agreement should be varied to allow for this.

Open Space

The proposed scheme makes adequate provision for private amenity space to serve the development, but does not include public open space. However, the proposed delay in transferring the public open space to the City Council is unlikely to result in loss of amenity to future occupiers of the 53 units. I therefore consider that Schedule 3 of the Agreement in respect of this element be varied to allow 53 units to be occupied prior to the transfer of the land to the City Council.

The precise re-wordings of conditions 7 and 10 are being discussed with Legal Services and my findings will be report to your committee.

Recommendation

I therefore recommend **APPROVAL SUBJECT TO A S106 AGREEMENT**, and **subject to the satisfactory resolution of the precise wordings of the amended conditions:**

CONDITIONS

1. (0111) START BY - RESERVED MATTERS
2. Before development commences, the applicant shall have given written notice of their intention to carry out the development to the City Council's Director of Environment Regeneration and Development.
(For the avoidance of doubt).
3. (0302) MATERIALS TO BE AGREED (FOR; %) (walls, roof and boundary fences; EN18)
4. Before the development is begun 1:20 scale drawings shall be submitted indicating: details, materials, and colours of: walls; roofs; chimneys; eaves; window and door openings; windows; and any decorative brickwork. These details shall be agreed in writing between the applicant and the City Council as local planning authority.
(In the interests of visual amenity).
5. Before the commencement of development, details of the design, hard and soft landscaping and materials shall be submitted for the chapel square and agreed in writing with the City council as Local Planning Authority, to provide pedestrian priority and a courtyard appearance. The scheme shall be implemented before the occupation of the development.
(For the avoidance of doubt).

6. Before development commences, details of a scheme showing lighting and street furniture within the grounds shall be submitted for approval in writing with the City Council as Local Planning Authority.
(To ensure a satisfactory form of development).
7. Before development commences, an acceptable means of access shall be provided to the highway network, to the satisfaction of the City Council as Local Planning Authority.
(To achieve a satisfactory means of access to the highway).
8. A Travel Plan relating to the development which shall identify measures to discourage the use of private cars to and from the development and encourage the use of alternative means of travel including increased use of public transport, shall be submitted to and agreed in writing with the City Council as Local Planning Authority, prior to the occupation of the development. The scheme shall be implemented as approved.
(In the interests of a sustainable transport system in accordance with Policy T18 of the City of Leicester Local Plan).
9. Before development is begun, details for a scheme of Traffic Regulation Orders (T.R.O.) to restrict and control on street parking along the new internal roads shall be submitted and agreed in writing with the City Council as Local Planning Authority. The T.R.O's shall be implemented as approved.
(In the interests of highway safety).
10. Before the commencement of the development, details of the junction that links the development to the main access road from Gypsy Lane shall have been agreed in writing with the City Council as Local Planning Authority.
(For the avoidance of doubt).
11. (0201) SIGHT LINES TO ACCESS (%) (T29)
12. (0202) STREETWORKS TO BE SATISFACTORY (%)
13. (0203) PEDESTRIAN CROSSING POINTS (%) (T12)
14. At the same time as the remainder of the development bollards or a fence shall be installed behind the back of the footway in front of block 2; on the private drive adjacent to block 1 and along the boundary of the car park, next to the listed building, in the western part of the site, except at authorised footway crossings, in accordance with details which have been agreed in writing with the City Council as local planning authority and shall be retained.
(For the safety and convenience of pedestrians and other road users, and in accordance with policy T29 of the City of Leicester Local Plan.)
15. (0206) ALTERATIONS TO FOOTWAY CROSSING(S) (%)
16. (0207) REINSTATE REDUNDANT FOOTWAY CROSSINGS/FOOTWAY (T20)

17. (0810) PARKING AREA SURFACED AND MARKED OUT (%) (T20)
18. Details of the provision for cycle parking and for two wheeled powered bicycles that is under cover and secure shall be agreed in writing with the city council before the development begins and shall be implemented at the same time as the development.
(To secure a satisfactory form of development in accordance with Policy T12 of the City of Leicester Local Plan).
19. (0812) TURNING SPACE WITHIN SITE (%)
20. (0813) PARKING SPACES TO BE RETAINED (E55)
21. Details of the traffic calming features shall be agreed in writing with the City Council as Local Planning Authority and installed at the same time as the development.
(To ensure a satisfactory form of development)
22. Before any works are commenced, a full bat survey shall be carried out on the site and submitted to the City Council for approval in writing. Bats are a protected by law under the Wildlife and Countryside Act 1981 and are present in both trees and buildings on the site.
(In the interest of Nature Conservation and in accordance with Policy EN61 of the City of Leicester Local Plan).
23. Before any equipment, machinery or materials are brought on to the site for the purposes of the development (including for demolition and site preparation), all existing trees, shrubs or hedges to be retained on the site shall be protected by fencing in accordance with British Standard BS 5837:1991. The location of the protective fencing shall coincide with the maximum extent of the canopies of the trees or with a radius around the trunks of the trees equal to half their height whichever is the greater in each case, unless an alternative fencing scheme has first been agreed in writing with the City Council as local planning authority. The fencing shall be maintained until all equipment, machinery and any surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and no alteration to the ground level shall be made without the prior written consent of the City Council unless this is clearly indicated on the approved plans. The fencing of retained trees shall include the fencing of trees alongside both the accesses into the site from Gypsy Lane, and trees that stand on land outside the application site but adjacent to it.
(To minimise the risk of damage to trees and other vegetation in the interests of amenity, and in accordance with policy(ies) of the City of Leicester Local plan.)
24. Any parking areas or private access drives to be laid out within the areas protected under condition 23 shall be constructed after the completion of the rest of the built development on site and the permanent removal of the protective fencing. The surfacing shall be laid in accordance with a scheme to be first agreed in writing with the City Council as local planning authority, using porous surfacing and without excavation of the existing surfacing, as

- specified in the document APN1, Driveways Close to Trees, published by the Arboricultural Advisory and Information Service.
(To minimise the risk of damage to trees in the interest of amenity and in accordance with Policy EN55 of the City of Leicester Local Plan).
25. Any tree works required as a direct consequence of this permission shall be carried out in strict accordance with the British Standard for Tree Works BS3998.
(To minimise the risk of damage to trees in the interests of amenity and in accordance with Policy EN55 of the City of Leicester Local Plan).
26. No development approved by this permission shall be commenced until a scheme for the provision of both surface water and foul sewerage drainage works has been submitted to and approved in writing with the City Council as local planning authority. The agreed drainage works shall be completed in accordance with the details and timetable agreed.
(To prevent the increase risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to ensure that the development is provided with a satisfactory means of drainage.)
27. A minimum of 15 % of the total number of houses constructed on site shall be built to the Full Access Housing Standards.
(To secure adequate access housing, in accordance with Policy H3b of the City of Leicester Local Plan).
28. (a) The application site shall be investigated for the presence of land contamination. The investigation shall fully characterise the site in terms of any contamination arising from current or former uses. A site investigation report incorporating a suitable risk assessment shall be submitted to, and approved by, the Local Planning Authority.
(b) For all risks identified by the above risk assessment as being unacceptable for the proposed use, detailed remediation proposals shall be submitted to, and approved by, the Local Planning Authority. The approved proposals (hereinafter known as the Remediation Proposals) shall be in line with current best practice for the removal, containment or treatment of contaminants.
(c) Remediation Proposals relevant to each part of the development shall be carried out either before or during such development as appropriate.
(d) If during development works, any contamination is encountered which was not previously identified and is derived from a different source and/or of a different type to that addressed by the Remediation Proposals, the Remediation Proposals shall be revised and resubmitted to the Local authority for approval.
(e) If during development work any contamination of the same type addressed by the Remediation Proposals is found in areas previously expected to be clean, remediation of these areas shall be carried out in line with the Remediation Proposals.
(f) Before occupation of any part of the completed development, a completion report relevant to the whole development shall be submitted to, and approved by, the Local Planning Authority. The completion report shall contain: i) A full description of the works undertaken in accordance with the Remedial Proposals. ii) Results of any additional monitoring or testing

carried out between the submission of the Remediation Proposals and the completion of remediation works. iii) A statement, signed by the developer or the approved agent, confirming the all the works specified in the Remediation Proposals have been completed.

29. Before the construction 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. This scheme shall take into account the findings of the report which provides a historical assessment of the hospital grounds and shall include details of:
- (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed;
 - (ii) new tree and shrub planting, including plant type, size, quantities and locations;
 - (iii) means of planting, staking, and tying of trees, including tree guards;
 - (iv) other surface treatments;
 - (v) fencing and boundary treatments;
 - (vi) any changes in levels;
 - (vii) the position and depth of service and/or drainage runs (which may affect tree roots).

The approved landscaping scheme shall be carried out within one year of completion of the development. For a period of not less than 10 years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme.

(In the interests of amenity, and in accordance with policy EN55 of the City of Leicester Local Plan.)

30. (0915) ARCHAEOLOGY - DETAILS TO BE SUBMITTED
31. (0916) ARCHAEOLOGY - PROGRAMME TO BE AGREED (plans; 25/03/03)
32. This consent shall relate to the documents specified below and to the submitted plans dated 25/03/03 as amended by the plans received by the City Council as local planning authority on 07/04/03. Document title:- Tree Report 10/12/02 and affected tree drawing 947/110; Archaeological desk based assessment 31/03/2003; Historical Buildings Impact Assessment April 2003; Historic Buildings Report 18/11/02; Plan Reference numbers:- 947/200; 947/201; 1319-001; 1319-002; 1319-03; 947/40F; 947/01B; 947/11C; 94736B; 947/37G; 947/38G; 947/39H; 947150B; 947/151B; 947/153A; 947/155A; 947/156A.
(For the avoidance of doubt.)

NOTES FOR APPLICANT

1. (1325) FENCING SPECIFICATION (CONDITION; DISTANCE FROM TREES) (23)

2. This consent is subject to the signing of a section 106 agreement between the applicant and the City Council, and preferably also a registered social land, which relates to on site affordable housing. It will also relate to an agreed mechanism for the transfer of the affordable units; lease terms; service charges; future collaborative management by households and timetable of delivery, to include triggers ensuring delivery before identified phases of the development. All rented units that are to be transferred to a registered social landlord need to be built to Housing Corporation Scheme Development Standards. Two of the units are to be built to the Housing Corporation Wheelchair standard, in line with the City Council's Approved Development Programme wheelchair accessible brief for 2003/04.
3. Further advice on compliance with condition 29 may be obtained by contacting the Pollution Group on (0116) 252 6438.
4. With regard to condition 14, the applicants attention is drawn to condition 37 of the outline consent 19931687 and to schedule 2 of the associated section 299 Legal Agreement. An acceptable access will include the works referred to in schedule 2 of the agreement.

| OTHER ITEMS | |
|--------------------|--|
| 20032508 | GIPSY LANE, TOWERS HOSPITAL |
| 24/12/2003 | AREA: E WARD: Humberstone & Hamilton |
| LBC | VARIATION OF CONDITIONS 14 & 16 ATTACHED TO PLANNING PERMISSION 20021834 (TO ALLOW TEMPORARY ACCESS TO SERVE 53 RESIDENTIAL UNITS) |
| BC | TOWERS PROPERTIES LTD |

Introduction

This is a joint report with planning application 20021833.

Consideration

The precise re-wordings of conditions 14 and 16 are being discussed with Legal Services and my findings will be report to your committee.

The publicity of this application does not expire until the 3rd February and therefore the application cannot be considered for approval until 5th. At the time of writing this report no representation had been received on the application. **I therefore recommend that the decision, that is if Members are minded to APPROVE, be delegated to the Service Director, subject to the satisfactory resolution of the precise wordings of the amended conditions:**