

Leicester
City Council

**MEETING OF THE PLANNING AND DEVELOPMENT CONTROL
COMMITTEE**

DATE: WEDNESDAY, 12 JUNE 2024

TIME: 5:30 pm

**PLACE: Meeting Rooms G.01 and G.02, Ground Floor, City Hall, 115
Charles Street, Leicester, LE1 1FZ**

Members of the Committee

Councillor Surti (Chair)

Councillor Aldred (Vice-Chair)

Councillors Agath, Dr Barton, Cassidy, Gopal, Joel, Kennedy-Lount, Kitterick,
Mohammed, Dr Moore and Singh Patel

Members of the Committee are summoned to attend the above meeting to
consider the items of business listed overleaf.

For Monitoring Officer

Officer contact:

**Jessica Skidmore, Governance Services Officer, email: jessica.skidmore@leicester.gov.uk / Sharif
Chowdhury, Senior Governance Services Officer, email: sharif.chowdhury@leicester.gov.uk
Governance Services, Leicester City Council, City Hall, 115 Charles Street, Leicester, LE1 1FZ**

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- ✓ where filming, to only focus on those people actively participating in the meeting;
- ✓ where filming, to (via the Chair of the meeting) ensure that those present are aware that they may be filmed and respect any requests to not be filmed.

Further information

If you have any queries about any of the above or the business to be discussed, please contact: **Jessica Skidmore, Governance Services Officer, email: jessica.skidmore@leicester.gov.uk**. Alternatively, email committees@leicester.gov.uk , or call in at City Hall.

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PUBLIC SESSION

AGENDA

NOTE:

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- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST**

Members are asked to declare any interests they may have in the business to be discussed on the Agenda.

Members will be aware of the Code of Practice for Member involvement in Development Control decisions. They are also asked to declare any interest they might have in any matter on the committee agenda and/or contact with applicants, agents or third parties. The Chair, acting on advice from the Monitoring Officer, will then determine whether the interest disclosed is such to require the Member to withdraw from the committee during consideration of the relevant officer report.

Members who are not on the committee but who are attending to make representations in accordance with the Code of Practice are also required to declare any interest. The Chair, acting on advice from the Monitoring Officer, will determine whether the interest disclosed is such that the Member is not able to make representations. Members requiring guidance should contact the Monitoring Officer or the Committee's legal adviser prior to the committee meeting.

- 3. MINUTES OF THE PREVIOUS MEETING**

Item 3

Members are asked to confirm that the minutes of the meeting of the Planning and Development Control Committee held on 17 April 2024 are a correct record.

4. PLANNING AND DEVELOPMENT CONTROL COMMITTEE MEMBERSHIP 2024-25

Members are asked to note the Membership of the Planning and Development Control Committee for 2024-25, as detailed on the front of the agenda.

5. PLANNING AND DEVELOPMENT CONTROL COMMITTEE MEETING DATES

Members are asked to note the dates for Planning and Development Control Committee meetings for 2024-25:

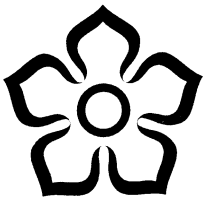
- 12 June 2024
- 3 July 2024
- 24 July 2024
- 21 August 2024
- 11 September 2024
- 2 October 2024
- 23 October 2024
- 13 November 2024
- 4 December 2024
- 22 January 2025
- 12 February 2025
- 5 March 2025
- 26 March 2025
- 16 April 2025
- 7 May 2025

6. PLANNING APPLICATIONS AND CONTRAVENTIONS Item 6

The Committee is asked to consider the recommendations of the Director, Planning, Development and Transportation contained in the attached reports, within the categories identified in the index appended with the reports.

- (i) 20240076 GERVAS ROAD, THE MAYFLOWER Item 6a**
- (ii) 20212876 190 LONDON ROAD Item 6b**
- (iii) 20240175 42 CLAREFIELD ROAD Item 6c**
- (iv) 20231161 65 KIRKWALL CRESCENT Item 6d**

7. ANY URGENT BUSINESS



Leicester
City Council

Item 3

Minutes of the Meeting of the
PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Held: WEDNESDAY, 17 APRIL 2024 at 5:30 pm

P R E S E N T :

Councillor Pantling (Chair)

Councillor Agath
Councillor Bonham
Councillor Gopal

Councillor Kennedy-Lount
Councillor Kitterick
Councillor Mohammed

Councillor Dr Moore
Councillor Singh Patel
Councillor Surti

* * * * *

1. APOLOGIES FOR ABSENCE

The Chair welcomed those present and led on introductions.

Apologies were received from Councillor Aldred.

2. DECLARATIONS OF INTEREST

Members were asked to declare any interests they had in the business on the agenda.

Councillor Kitterick declared that he had received a representation regarding the Barkbythorpe item but maintained an open mind.

Councillor Kennedy-Lount declared that he had received an email with the attachments provided in the addendum but maintained an open mind.

3. MINUTES OF THE PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Planning and Development Control Committee held 6 March 2024 be confirmed as a correct record.

4. PLANNING APPLICATIONS AND CONTRAVENTIONS

The Chair noted that the items would be taken according to the order listed on the agenda.

5. 20232372 23 ST JOHNS ROAD

Ward: Stoneygate

Proposal: Outline application for construction of two houses (2 x 4 bed) (Class C3) including access, appearance, layout and scale with landscaping reserved

Applicant: Mr and Mrs Parmdeep and Palbir Vadesha

The Planning Officer presented the report.

Kevin Beint addressed the Committee and spoke in opposition to the application.

Ashok Parmar addressed the Committee and spoke in opposition to the application.

Members of the Committee considered the application and Officers responded to questions and queries raised by the Committee.

The Chair summarised the application and moved that in accordance with the Officer recommendation, that the application be approved. This was seconded by Councillor Bonham, and upon being put to the vote, the motion was CARRIED.

RESOLVED: That the application be APPROVED subject to the conditions set out below:

CONDITIONS

1. An application for approval of all reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of the final approval of all the reserved matters. (To comply with Section 92 of the Town & Country Planning Act 1990).
2. Before the occupation of the dwellings, all external framing for the windows to the front and side elevations of both properties shall be finished in white and be retained in white for the lifetime of the development. (In the interests of visual amenity and good design and in accordance with Core Strategy policy CS03).
3. The external walls of both properties shall be finished in brickwork similar in appearance to the brickwork of 32-38 Waldale Drive and the roof shall be finished in tiles similar in appearance to the tiles of 32-38

Waldale Drive. The development shall be retained as such for the lifetime of the development. (In the interests of visual amenity and good design and in accordance with Core Strategy policy CS03).

4. Notwithstanding the provisions of the General Permitted Development Order (2015) (as amended) (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration or construction of additional storeys (as specified in Part 1, Classes A and AA of Schedule 2 of The Order), no additions to the roof (as specified in Part 1, Class B of Schedule 2 of The Order) and no buildings etc incidental to the enjoyment of a dwellinghouse (as specified in Part 1, Class E of Schedule 2 of The Order) shall be constructed or undertaken without express planning permission first being granted by the local planning authority. (In the interests of visual amenity and good design, the residential amenity of neighbouring properties and of future residents of the proposed properties and in accordance with saved City of Leicester Local Plan policy PS10 and Core Strategy policy CS03).
5. Before the occupation of the dwellings two secure and covered cycle spaces (one for each property) shall be provided on site. The spaces shall be retained thereafter. (In the interests of the satisfactory development of the site and in accordance with saved City of Leicester Local Plan policy AM02).
6. Before the occupation of the dwellings, the footway crossing and vehicular access shall be provided in accordance with the Leicester Street Design Guide, June 2020 and shall be retained as such. (To ensure a satisfactory means of access to the highway and in accordance with saved City of Leicester Local Plan policy AM01 and Core Strategy policy CS03).
7. Before the occupation of the dwellings the two car parking spaces for each dwelling shall be provided within the curtilage of the dwelling and shall be retained for vehicle parking. (To secure adequate off-street parking provision, and in accordance with saved City of Leicester Local Plan policy AM12).
8. Detailed plans and particulars of the landscaping (referred to in Condition 1 as "reserved matters") together with a Preliminary Ecological Appraisal, a Landscape and Ecology Management Plan (including specific biodiversity enhancements measurable from the environmental condition of the site at 30.01.2020), a Sustainable Urban Drainage Scheme and Drainage Layout Plan, and an Arboricultural Impact Assessment and Tree Protection Plan, details of replacement trees and details of the maintenance of the site for a 30 year period, dealing with matters in relation to landscaping shall be submitted to and approved in writing by the local planning authority before the development is begun.

9. The Landscape and Ecology Management Plan referred to in Condition 8 above shall include a detailed landscaping and ecological mitigation scheme showing the treatment of all parts of the site which will remain un-built upon shall be submitted to and approved in writing by the local planning authority. This scheme 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) and (viii) the location and type of biodiversity enhancements to be incorporated into the built design or garden areas (ix) management and maintenance details of the Landscape and Ecology Management Plan. The approved landscaping and mitigation scheme shall be carried out within one year of completion of the development. For a period of not less than 30 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 saved City of Leicester Local Plan policy UD06 and Core Strategy policies CS03 and CS17.)
10. The Sustainable Urban Drainage Scheme referred to in Condition 8 above shall include: (i) full design details, (ii) a timetable for its implementation, and (iii) a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime. The approved sustainable urban drainage scheme shall be completed within one year of completion of the development and maintained throughout the lifetime of the development. (To reduce surface water runoff and to secure other related benefits in accordance with Core Strategy policy CS02).
11. The Drainage Layout Plan referred to in Condition 8 above shall be installed in full accordance with the approved details or in accordance with a phasing plan submitted as part of the details and shall be retained and maintained thereafter. (To ensure appropriate drainage is installed and in accordance with Core Strategy policy CS02).
12. Development shall be carried out in accordance with the following approved plans:
 - Pro. Block Plan, ref. no. ME11223-03, received 15.02.24
 - Proposed Plans, House. 1, ref. no. ME11223-04A, received 15.02.24
 - Proposed Elevations for H. No. 1, ref. no. ME11223-05A, received 15.02.24
 - Proposed Plans, House. 2, ref. no. ME11223-06A, received 15.02.24
 - Proposed Elevations for House. 2, ref. no. ME11223-07A, received

15.02.24
(For the avoidance of doubt).

NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process (and pre-application).
The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2023 is considered to be a positive outcome of these discussions.

(i) 20232441 32, 34 & 36 BARKBYTHORPE ROAD

Ward: Troon

Proposal: Variation of condition 22 (Plans) attached to planning permission 20190377 (Demolition of existing 3 dwellings; Construction of 18 dwellings including associated external works (Amended plans (S106 agreement) to allow for removal of the approved drawing 'P006c Landscape')

Applicant: Modus Partnerships Ltd

The Planning Officer presented the report.

Dale Radford, on behalf of the application addressed the Committee and spoke in support of the application.

Jonathan Weekes, on behalf of the objectors, addressed the Committee and spoke in objection to the application.

Members of the Committee considered the report and Officers responded to the comments and queries raised.

The Chair summarised the application and the points raised by Members of the Committee and moved that in accordance with the Officers recommendation, the application be approved subject to the conditions set out in the report. This was seconded by Councillor Moore and upon being put to the vote, the motion was CARRIED.

RESOLVED: That the application be APPROVED subject to the conditions set out below:

CONDITIONS

1. The development shall commence by no later than 4 August 2024. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The materials to be used for the development shall be as approved under application 20230098. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03.)
3. The landscaping scheme approved under application 20222157 shall be carried out within one year of completion of the development. For a period of not less than five years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03.)
4. The fencing surrounding all existing trees, shrubs or hedges to be retained on the site as approved under application 20222157 and in accordance with British Standard BS 5837:2012 shall be retained and 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. (To minimise the risk of damage to trees and other vegetation in the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03.)
5. Prior to occupation of each dwelling, bird and bat boxes/bricks shall be installed to that respective dwelling in accordance with details approved under application 20231970. The boxes/bricks shall be retained thereafter. (In the interest of biodiversity and in accordance with Policy CS17 of the Core Strategy).
6. Prior to occupation of each dwelling, hedgehog boxes and gaps or holes within fences to allow free movement of hedgehogs shall be installed to that respective plot in accordance with the details approved under application 20231970. The boxes and gaps or holes in fences shall be retained thereafter. (In the interest of biodiversity and in accordance with Policy CS17 of the Core Strategy).

7. Prior to the occupation of any of the dwellings the Sustainable Drainage System (SuDS) approved under application 20221758 shall be implemented. It shall thereafter be managed and maintained in accordance with the approved details. (To secure surface water runoff and to secure other related benefits in accordance with Core Strategy Policy CS02).
8. Prior to occupation of any of the dwellings the heating scheme and PV panels approved under application 20230277 shall be implemented and retained thereafter. (To ensure that the development reduces greenhouse gas emissions and contributes towards the mitigation of climate change and in accordance with policy CS02 of the Core Strategy).
9. Prior to occupation of any of the dwellings the noise mitigation measures and overheating mitigation measures approved under application 20221758 shall be installed and retained thereafter. (In the interest of residential amenity and in accordance with City of Leicester Local Plan policy PS10 and PS11 and Core Strategy Policy CS03.)
10. No part of the development shall be occupied until any redundant footway crossings and/or damaged or altered areas of footway or other highway have been reinstated in accordance with the Council's standards contained in the Street Design Guide. (For the safety and convenience of pedestrians and other road users, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)
11. No part of the development shall be occupied until the 2 metre by 2 metre sight lines on each side of each vehicular access have been provided, and they shall be retained thereafter. (In the interests of the safety of pedestrians and other road users, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)
12. All street works shall be constructed in accordance with the Council's standards contained in the Street Design Guide. (To achieve a satisfactory form of development, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)
13. The construction of the development shall continue in accordance with the Construction Method Statement approved under application 20222157. (To ensure the

satisfactory development of the site, and in accordance with policies AM01, UD06 of the City of Leicester Local Plan and Core Strategy policy CS03.)

14. Prior to the first occupation of each unit, the occupiers of that dwelling shall be provided with a 'Residents Travel Pack' details of which have been approved under application 20221758. (In the interest of promoting sustainable development, and in accordance with policy AM02 of the City of Leicester Local Plan and policy CS14 of the Core Strategy)
15. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under application 20222157, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured, unless agreed in writing with City Council as local planning authority. (To ensure that any heritage assets that will be wholly or partly lost as a result of the development are recorded and that the understanding of their significance is advanced; and in accordance with Core Strategy policy CS18.)
16. The dwellings and the associated parking and approach shall be constructed in accordance with 'Category 2: Accessible and adaptable dwellings M4 (2) Optional Requirement. On completion of the scheme and prior to the occupation of the dwellings a completion certificate signed by the relevant inspecting Building Control Body shall be submitted to the City Council as local planning authority certifying compliance with the above standard. (To ensure the dwellings are adaptable enough to match lifetime's changing needs in accordance with Core Strategy policy CS06)
17. Finished floor levels within the proposed development shall be set no lower than existing finished floor levels and flood proofing/resilience techniques shall be incorporated in accordance with 'Improving the Flood Performance of New Buildings' (Department of Communities and Local Government, 2007). (To minimise the risk of damage in times of flooding, and in accordance with policy CS02 of the Core Strategy).
18. Prior to the occupation of any of the dwellings the 54m visibility splays in both directions on Barkbythorpe Road shall be installed in accordance with the details approved under application 20222021 and they shall be retained

thereafter. (In the interests of the safety of pedestrians and other road users, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)

19. This consent shall relate solely to the following plans:

P001 site location submitted with application 20190377.
5422/MP/22/003 rev T10 proposed site plan submitted with application 20231515.
FW2237-C-03 rev A2 Section 38 layout submitted with application 20222021.
5422-103-T6 Type A1 elevations submitted with application 20230098.
5422-203-T6 Type A2 elevations submitted with application 20230098.
P101b type A1 & A2 plans submitted with application 20190377.
P201a type B floor plans submitted with application 20190377.
5422-303-T7 type B elevations submitted with application 20230098.
P301b type C plans submitted with application 20190377.
5422-403-T7 type C elevations submitted with application 20230098.
P401b type S plans submitted with application 20190377.
5422-503-T7 type S elevations submitted with application 20230098.
P501a type T plans submitted with application 20190377.
P502c type T elevations submitted with application 20190377.
P801b street elevations submitted with application 20190377.
22.1708.005 rev B and 22.1708.005 rev B Landscape Proposals submitted with application 20222157.
(For the avoidance of doubt)

NOTES FOR APPLICANT

1. The Highway Authority's permission is required under the Highways Act 1980 and the New Roads and Street Works Act 1991 for all works on or in the highway. For new road construction or alterations to existing highway the developer must enter into an Agreement with the Highway Authority. For more information please contact highwaysdc@leicester.gov.uk. With regards to the Travel Pack the contents of the pack are intended to raise the awareness and promote sustainable travel, in particularly for trips covering local amenities. The applicant should contact highwaysdc@leicester.gov.uk for advice.

2. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process (and/or pre-application). The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2023 is considered to be a positive outcome of these discussions.
3. To meet condition 16, all those delivering the scheme (including agents and contractors) should be alerted to this condition, and understand the detailed provisions of Category 2, M4(2). The Building Control Body for this scheme must be informed at the earliest opportunity that the units stated are to be to Category 2 M4(2) requirements. Any application to discharge this condition will only be considered if accompanied by a building regulations completion certificate/s as stated above.

6. RENEWAL OF REGULATION 7 DIRECTION, TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS (ENGLAND) REGULATIONS 2007)

The Head of Planning presented the report and provided a summary to Members.

Members welcomed the change to Regulation 7 thanked Officers for their work on the report.

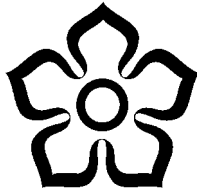
The Chair thanked officers for the report and, upon note of the meeting being the last time they would Chair the Committee, thanked Members of the Committee.

AGREED:

That the report be noted.

7. ANY URGENT BUSINESS

There being no other business, the meeting closed at 7:15pm.



Leicester
City Council

Wards:
See individual reports.

Planning & Development Control Committee

Date: 12 June 2024

REPORTS ON APPLICATIONS, CONTRAVENTIONS AND APPEALS

Report of the Director, Planning and Transportation

1 Introduction

- 1.1 This is a regulatory committee with a specific responsibility to make decisions on planning applications that have not been delegated to officers and decide whether enforcement action should be taken against breaches of planning control. The reports include the relevant information needed for committee members to reach a decision.
- 1.2 There are a number of standard considerations that must be covered in reports requiring a decision. To assist committee members and to avoid duplication these are listed below, together with some general advice on planning considerations that can relate to recommendations in this report. Where specific considerations are material planning considerations they are included in the individual agenda items.

2 Planning policy and guidance

- 2.1 Planning applications must be decided in accordance with National Planning Policy, the Development Plan, principally the Core Strategy, saved policies of the City of Leicester Local Plan and any future Development Plan Documents, unless these are outweighed by other material considerations. Individual reports refer to the policies relevant to that application.

3 Sustainability and environmental impact

- 3.1 The policies of the Local Plan and the LDF Core Strategy were the subject of a Sustainability Appraisal that contained the requirements of the Strategic Environmental Assessment (SEA) Directive 2001. Other Local Development Documents will be screened for their environmental impact at the start of preparation to determine whether an SEA is required. The sustainability implications material to each recommendation, including any Environmental Statement submitted with a planning application are examined in each report.
- 3.2 All applications for development falling within the remit of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 are screened to determine whether an environmental impact assessment is required.

- 3.3 The sustainability and environmental implications material to each recommendation, including any Environmental Statement submitted with a planning application are examined and detailed within each report.
- 3.4 Core Strategy Policy 2, addressing climate change and flood risk, sets out the planning approach to dealing with climate change. Saved Local Plan policies and adopted supplementary planning documents address specific aspects of climate change. These are included in individual reports where relevant.
- 3.5 Chapter 14 of the National Planning Policy Framework – Meeting the challenge of climate change, flooding and coastal change – sets out how the planning system should support the transition to a low carbon future, taking full account of flood risk and coastal change. Paragraph 149 states “Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.”
- 3.6 Paragraphs 155 - 165 of the National Planning Policy sets out the national policy approach to planning and flood risk.

4 Equalities and personal circumstances

- 4.1 Whilst there is a degree of information gathered and monitored regarding the ethnicity of applicants it is established policy not to identify individual applicants by ethnic origin, as this would be a breach of data protection and also it is not a planning consideration. Section 149 of the Equality Act 2010 provides that local authorities must, in exercising their functions, have regard to the need to:
- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 4.2 The identity or characteristics, or economic circumstances of an applicant or intended users of a development are not normally material considerations. Where there are relevant issues, such as the provision of specialist accommodation or employment opportunities these are addressed in the individual report.

5 Crime and disorder

- 5.1 Issues of crime prevention and personal safety are material considerations in determining planning applications. Where relevant these are dealt with in individual reports.

6 Finance

- 6.1 The cost of operating the development management service, including processing applications and pursuing enforcement action, is met from the Planning service budget which includes the income expected to be generated by planning application fees.

- 6.2 Development management decisions can result in appeals to the Secretary of State or in some circumstances legal challenges that can have cost implications for the City Council. These implications can be minimised by ensuring decisions taken are always based on material and supportable planning considerations. Where there are special costs directly relevant to a recommendation these are discussed in the individual reports.
- 6.3 Under the Localism Act 2011 local finance considerations may be a material planning consideration. When this is relevant it will be discussed in the individual report.

7 Planning Obligations

- 7.1 Where impacts arise from proposed development the City Council can require developers to meet the cost of mitigating those impacts, such as increased demand for school places and demands on public open space, through planning obligations. These must arise from the council's adopted planning policies, fairly and reasonably relate to the development and its impact and cannot be used to remedy existing inadequacies in services or facilities. The council must be able to produce evidence to justify the need for the contribution and its plans to invest them in the relevant infrastructure or service, and must have regard to the Community Infrastructure Levy (Amendment)(England) Regulations 2019.
- 7.2 Planning obligations cannot make an otherwise unacceptable planning application acceptable.
- 7.3 Recommendations to secure planning obligations are included in relevant individual reports, however it should be noted however that the viability of a development can lead to obligations being waived. This will be reported upon within the report where relevant.

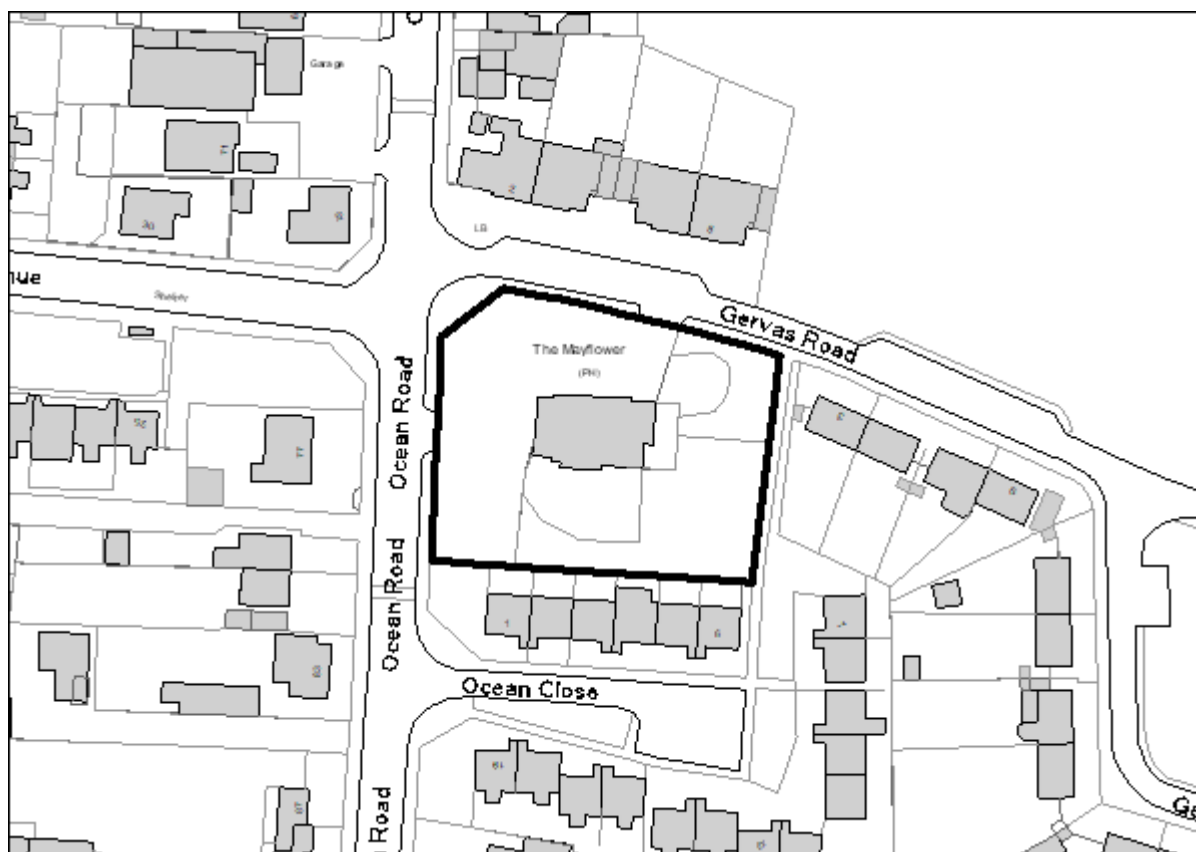
8 Legal

- 8.1 The recommendations in this report are made under powers contained in the Planning Acts. Specific legal implications, including the service of statutory notices, initiating prosecution proceedings and preparation of legal agreements are identified in individual reports. As appropriate, the City Barrister and Head of Standards has been consulted and his comments are incorporated in individual reports.
- 8.2 Provisions in the Human Rights Act 1998 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).
- 8.3 The issue of Human Rights is a material consideration in the determination of planning applications and enforcement issues. Article 8 requires respect for private and family life and the home. Article 1 of the first protocol provides an entitlement to peaceful enjoyment of possessions. Article 14 deals with the prohibition of discrimination. It is necessary to consider whether refusing planning permission and/or taking enforcement action would interfere with the human rights of the applicant/developer/recipient. These rights are 'qualified', so committee must decide whether any interference is in accordance with planning law, has a legitimate aim and is proportionate.

Item 6a

COMMITTEE REPORT

20240076	Gervas Road, The Mayflower	
Proposal:	Change of use from public house (& ancillary flat) (Sui Generis) to place of worship and community/education centre (Class F1) (amended plans 15/5/24)	
Applicant:	Gervas Properties Ltd	
App type:	Operational development - full application	
Status:	Change of use	
Expiry Date:	13 June 2024	
SS1	TEAM: PD	WARD: Thurncourt



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Summary

- Before committee as more than 5 objections have been received
- 301 representations received in support including from Cllr Osman, 15 comments received on general matters & 41 objections received,
- The main issues are the principle of development, impact on amenity of neighbouring properties and highways and parking impacts.

The Site

The application relates to a vacant public house in an otherwise primarily residential area of medium to low density, although a designated local centre of small shops is situated opposite is to the north. The north side of the site faces Gervas Road, the west side faces Ocean Road. There are dropped kerbs for access from both Gervas Road and Ocean Road.

There is an adopted footpath along the east side of the site, with dwellings beyond, and to the south are the rear gardens of 1-6 Ocean Close.

The pub building is set centrally within the site, with a garden to the south-east and parking to the north and west. The pub has a flat roof and is of no great architectural merit but of some local interest. There are around 30 car parking spaces marked out on the site.

The site is within a Critical Drainage Area, partially within Flood Zone 2 and partially within an area at 1 in 1000 year risk of surface water flooding.

Background

The public house was approved in planning in 1956 under application 086380. Minor applications were subsequently approved in the 1950's and 1980's.

More recently in 2018, there was an application approved for the residential re-development of the site in 2018 (20172096 – 6 houses & 4 flats) and a further application withdrawn in 2019 (20190902 – 11 houses).

The Proposal

The proposal is for the ground floor of the building to be used as a place of worship & multi-purpose hall with the first floor rooms used as ancillary classrooms and a conference room. Overall the proposal would fall into Class F1. There is also a basement for storage.

Some points of clarification in the Design and Access Statement include:

- the proposal is primarily for the local community and the majority of users would attend on foot,
- the building will be renovated although with no significant external physical changes,
- the classrooms would be used by the community and for all ages and would include English and other youth classes and
- Sheffield cycle stands will be provided.

Some points of clarification in the Transport Statement and/or shown on the car park layout drawing include:

- the main hours of use will be Mon-Fri 0900-2100 and Sat-Sun 0900-1700,
- there will be 3 full-time staff members and 5 part-time staff members,
- 75 students are expected to attend evening classes between 1700-1900,
- 30 worshippers will be expected to attend regular prayers, with higher numbers on Fridays,

- parking will be available for 23 car users,
- the entrance for vehicles will be from Ocean Road and the exit to Gervas Road, with the pedestrian access on Ocean Road and
- the cycle stands would be located to the northeast and southwest corners of the building.

Some points of clarification in the Noise Impact Assessment include:

- noise sensitive receptors include the residential properties to the north, east, west and south,
- noise monitoring at the site was carried out between Thurs 07/12/23 and Tues 12/12/23 with decibel levels measured at approximately 40-50dB (typical daytime levels at the site are considered to be 41dB, and nighttime 31dB),
- noise levels at another place of worship were monitored for congregational prayer and singing. Given the existing building, proposed noise levels were not predicted to result in noise significantly above background levels and
- noise management is recommended with an expectation that attendees are respectful when coming and going, windows remain closed where possible, attendees to walk rather than drive, and parking be prioritised at the front of the site where existing noise levels are higher.

The submission was also accompanied by a Flood Risk Assessment, Biodiversity Survey/Report, and Travel Plan.

Amendments were received on 15/05/2024 to show further details of the car park layout and with amendments to the Transport Statement in response to concerns raised by the Highways Authority consultation response.

Policy Considerations

National Planning Policy Framework 2023

Paragraph 2 (Primacy of development plan)

Paragraph 11 (Sustainable development)

Paragraph 97 (Social, recreational & cultural services/facilities)

Paragraph 108 (Transport impacts and patterns)

Paragraph 114 (Assessing transport issues)

Paragraph 115 (Unacceptable highways impact)

Paragraph 116 (Highways requirements for development)

Paragraph 135 (Good design and amenity)

Paragraph 173 (Flood risk considerations and SuDS)

Paragraph 191 (Noise and light pollution)

Paragraph 192 (Air quality considerations)

Paragraph 194 (Planning decisions separate from other regimes)

Core Strategy 2014 and Local Plan 2006

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

Further Relevant Documents

Leicester City Council – Leicester Street Design Guide 2020

Consultations

Pollution Control Officer

The location for the proposal is in a quiet residential area. The noise assessment conducted by Noise Air (report ref P6954-R1-V1) had a number of recommendations which should be adhered to. Specific hours of use are not included in the application form. However, there is a note on the travel documents which suggests hours of use. These hours are deemed to be acceptable. Additionally there is a kitchen within the floor plan supplied with application (454/P1). However, no ventilations information have been submitted.

Following conditions recommended:

- no amplified call to prayer or aural announcement of activities to take place or take place within the building,
- all external doors and windows shall be kept closed, other than for access and egress, in all rooms involving amplified/live music or speech are taking place,
- only cold food, or food cooked by microwaves shall be prepared and/or served on the premises,
- all mitigations methods recommended in the noise impact assessment are implemented and adhered to,
- The use shall not be carried on outside the hours of 09:00-21:00 outside the hours of Mondays to Friday, 09:00-17:00 on Saturdays and Sundays with the same hours should applied for on any officially recognised bank holiday or public holidays

Highways Authority

Issues raised on the basis of the initial submission:

- proposed operation of the vehicle accesses and one-way operation is unclear,
- lack of segregated pedestrian access into the site,
- existing vehicles accesses are in a poor condition/construction for pedestrians to use,
- proposed site layout not printed to scale,
- some of the proposed parking spaces would not be accessible,
- no details on waste management,
- car parking provision may not be sufficient to accommodate the level of vehicles at peak times and
- insufficient details for proposed cycle parking.

Lead Local Flood Authority

One condition recommended – for the development to be carried out in accordance with the approved Flood Risk Assessment (FRA). Use of SuDS also recommended.

Representations

The following comments have been received as of 23:59 on 29/05/2024. Any further comments after this time will be added to an addendum report.

301 support comments have been received for the proposal citing points including:

- beneficial to/required by the community,
- ease congestion at other similar facilities,
- site is in close proximity to potential users and
- proposal would address the current vacant/derelict plot.

15 comments were received which were listed general comments rather than in support or object. However, on reviewing them, 11 were also generally supporting the proposal and their points are covered in the above list, whilst 4 were generally objecting and I have included their points in the objectors' issues list below.

41 objections were received raising the following issues:

Principle of Development

- prefer the land to be used for housing as there is a shortage and this would reduce the homelessness rate. It would be more useful to the community and make more sense close to residential properties,
- place of worship is already provided for in this area, and across the city,
- use will only benefit a small section of the community for Islamic teaching, bringing congestion from outside the community/Leicestershire,
- the pub should be re-opened instead,
- area should be used as a place for children to go and somewhere where everyone feels welcome,
- a community/education centre should not be granted in a domestic residential area,
- a prayer room should be non-denominational.

Neighbouring Residential Amenity

- if outdoor public events were to be held, there would be an increase in noise levels,
- a high volume of people would cause noise pollution so close to residential properties,
- the application over-estimates the number of people that could have fit in the previous public house,
- elderly people in the area will be affected by noise, including from potential religious galas/festivals/weddings,
- general concerns over the use of building throughout the day and night,

Highways/Parking

- people will use their cars often if they have one rather than walk,
- bus services (including the 37, 18/38a, 40, 56/56a, & 747) are infrequent at evenings and weekends,
- other similar sites have serious parking problems and this will be no different,
- there are already traffic and parking issues, including an accident history, at this four way junction and in this area, including for buses and including on Gervas Road layby including at the car garage nearby, Elmcroft Avenue, and Ocean Road resulting in congestion, obstruction traffic flow, poor visibility which is hazardous, parking on pavements, difficulty for pedestrians including wheelchairs/pushchairs or others with limited mobility, damage to bollards and this application will cause further congestion,
- cyclists are at risk from the extra parking/traffic congestion,
- the primary school in the area also adds to congestion and increased highway safety risk for children,
- the car park will not provide enough space for the amount of people gathering for worship,
- there are limited off-street parking spaces for residents who struggle to park outside their own homes,
- further parking will affect the use of, and parking for the local shops,
- traffic congestion could affect emergency vehicles and care services,
- the Transport Statement claims that there is ample on street parking and this is not the case,
- no plan for controlling pick up and drop off for the education times,
- increased traffic will cause pollution,
- a survey of traffic needs to be carried out before a decision is made,
- the grassed area on the site should be turned into parking to provide further parking/reduce possible congestion,
- the new traffic report does not represent the current situation, and the photos provided do not depict the true level of congestion. The council must do their own assessment before making a decision – the numbers that will attend are massively under-estimated and
- grass will be churned up on Gervas Road when vehicles park on it.

Other/General

- support comments appear as a group of people who have got together to try and get this application through with little to no elaboration on the comments,
- application is vague and applicants should be open with their plans,
- locals are very concerned and their views need to be considered prior to a decision,

- significant increase in footfall as a result of the proposal,
- severe impact on peoples mental health,
- impact on infrastructure,
- inconvenience of building works to residents,
- plan states no loss or gain of non-residential floor space, but the upstairs flat will be turned into classrooms,
- non-residents of the area making decisions as to what happens to it – object to anyone agreeing to the application that doesn't live in the area,
- questioning the potential to extend the floor plan with tents/marquees on a semi-permanent basis without extra planning, further concern about applicant raising money to re build a new mosque with further impacts on parking,
- The City Mayor should visit the area to assess the situation before any decision is made,
- inconsistent communication was given between the imam and a councillor as to the proposal including a new extension,
- not clear what the building will look like and hours of use,
- this is a fait accompli application,
- there was a meeting to discuss this but it was full so neighbours couldn't join and haven't had their say,
- accusation of disco nights/football showings and derogatory comments about the area,
- the site should be visited before the decision,
- increase in crime rate from the application from people who don't live in the area;
- area is looking untidy with litter and
- one objector did not receive a visit from a councillor.

Consideration

Principle of Development

The site is a vacant public house within a primarily residential area but lies adjacent to a small retail centre. I acknowledge that some objectors would prefer the site to be re-developed for housing in the context of a shortfall of housing supply and some objectors wish the site to be re-instated as a pub. However, planning applications must be assessed on their own merits and whether the proposed use as a place of worship is acceptable.

The following local planning policies are most relevant to the assessment of the principle of this change of use.

“Core Strategy Policy CS8: Existing Neighbourhoods

- The provision of new community facilities will be supported where they meet the identified needs of local communities and have viable long-term management and funding proposal. Where there are increased demands on existing facilities as a result

of development, the enhancement of facilities or suitable additional provision will be sought.

- In considering proposals for new places of worship the council will take account of the demand for it within the local neighbourhood, the scale of activities for which it is likely to be used and the nature of the area around it. They will be acceptable in principle in lower quality employment areas.

Core Strategy Policy CS16: Cultural Strategy

We consider that new developments should create an environment for culture and creativity to flourish by:

- Encouraging investment to improve the quality of infrastructure for arts, sports, museums, parks, play provision, libraries, cemeteries and crematoria and leisure. Facilities should be accessible and fit for purpose, attracting participants from outside Leicester as well as building communities at the neighbourhood level.
- Creating or retaining cultural facilities and opportunities, including places of worship, cemeteries and crematoria, that help people who live here to develop a sense of belonging, to the value of cultural diversity and heritage of our city and become more confident and proud of Leicester, seeing it as a good place to live.”

The following national planning policy is also relevant:

NPPF paragraph 97:

“planning decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.”

The lawful existing use of the site is as a public house, albeit vacant since 2017. As such, generally in planning terms, the proposal is to change the use from an existing local community use ancillary to the neighbourhood, to a different use serving the local area.

Whilst there is an ancillary flat, this is not self-contained and so there is no significant loss of residential land occurring from the proposal.

The use as a place of worship would, by its nature, accord in principle with the objectives of the above policies of planning positively for communities and providing community and cultural facilities for neighbourhoods.

Whilst objections do not consider that the proposal would be for the whole community (and some consider that the facility should be non-denominational) planning applications must be assessed on their own merits. As places of worship would be an acceptable use in principle, the local planning authority could not consider or require an alternative use at this stage, nor determine or condition the denominations of people proposed to use the site.

Whilst objections consider that there are already enough similar uses in the area, as the proposed use is acceptable in light of the policies described above there is no planning ground to refuse the development on that basis.

I therefore consider that the principle of the development is acceptable.

Neighbouring Residential Amenity

Policy/Guidance context

NPPF paragraph 130f requires a high standard of amenity to be provided for occupiers. NPPF paragraph 185 requires planning decisions take into account effects of pollution on living conditions, including avoiding noise giving rise to significant adverse impacts on health and quality of life. Local Plan policy PS10 requires the noise, vibrations and smell caused by the development to be taken into account in respect of amenity of residents. Policy PS11 states that proposals which have the potential to pollute by reason of noise, vibrations, or smell will not be permitted unless the amenity of neighbours can be assured.

The Planning Practice Guidance on Noise states that decision making needs to take account of the acoustic environment and in doing so consider whether or not a significant adverse effect is occurring or likely to occur; whether or not an adverse effect is occurring or likely to occur; and whether or not a good standard of amenity can be achieved. The Guidance advises that as noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying this policy.

Assessment

I acknowledge the concerns raised in objections regarding noise and disturbance impacts to neighbours as listed above.

Firstly, I note that the existing planning use class of the site is as a pub at ground floor and there are no limiting planning conditions on this use. Whilst the site has been vacant for some time, in planning terms the site could be brought back into use as a pub at any time with noise impacts on neighbouring residential properties on a regular basis and at anti-social hours.

The proposed use as a place of worship would also have the potential for noise impacts if there were social events or functions taking place or more generally from raised voice/music in the building.

A noise impact assessment was submitted with the application. The assessment concluded that there would be limited noise impacts on neighbouring residential properties from congregational noise within the building. The noise pollution officer and I have reviewed the content of the assessment and agree with its conclusions in this regard.

As such, and given the existing lawful noisy use, I conclude that there would be no unacceptable noise/disturbance to neighbouring properties from the proposed use of the building.

Comings and goings and the use of outdoor areas for events associated with the place of worship could occur more frequently than the outdoor use associated with a public house and this has the potential for disturbance to the closest neighbours. I therefore recommend a condition ensuring that the hardstanding around the site and the grassed area to the south and east of the main building shall not be used for any formal scheduled activities including worship, religious events, weddings, classes or community events.

There would be an overall increase in floorspace used for activities at the site that could increase the comings and goings to and from the building. As such I recommend a condition limiting the hours of use to Mon-Fri 0900-2100, Sat-Sun 0900-1700. I do not consider further reduction of hours on bank holidays would be

reasonable or necessary. I also recommend a condition requiring no amplified call to prayer or other external aural announcement of activities at the site.

With the above conditions I consider that the use of the proposal would not result in unacceptable noise or disturbance to neighbouring residential properties and that the proposal would be in compliance with the policies and guidance described above.

Highways & Parking

NPPF paragraphs 108, 114, and 116, Core Strategy policies CS14 and CS15, Local Plan saved policies AM01, AM02, and AM11 and Local Plan Appendix 001 – Vehicle Parking Standards require developments to provide a sustainable and effective transport network, appropriate levels of parking for non-residential development, ensure suitable access, and preserve safety for highway users including motorists, cyclists and pedestrians. Local Plan policy PS10 requires consideration of potential additional parking and vehicle manoeuvring on neighbouring residential amenity.

I acknowledge the high number of objections that raise highways and parking issues. Houses in the area do not all have off-street parking and, coupled with the commercial uses in the area, I note that this has potential to cause high levels of on-street parking demand. I also note the issues raised in the detailed response from the Highways Authority.

However, the existing lawful use of the site is as a public house at ground floor with no limiting planning conditions. Whilst the site has been vacant for some time, in planning terms the site could be brought back into use as a pub at any time. Such a use could attract significant numbers of visitors and also host social events or be busy during the evenings and weekends on a regular basis.

Whilst I note the concerns regarding high numbers of people attending the site leading to onstreet parking and acknowledging the proposal being right next to a 4 way junction and other commercial uses, the internal floorspace of the site is not that of a large arena that would likely attract larger numbers of people from a wider area.

There would be c.134sqm of prayer/worship space on the ground floor between the mens/womens areas and c.70sqm of classrooms/conference space for a total of 204sqm of actively usable space. The standard provided in the Local Plan Appendix 1 – Vehicle Parking Standards document for non-residential institutions in this use class in outer areas of the city is 1 space per 22sqm. As such, the 23 spaces is in excess of the policy requirement.

Given the compliance with parking standards I do not consider that the proposal would warrant refusal on the basis of lack of parking. I acknowledge that there could be increased visitors to the site at times of pick-ups and drop-offs. However, the updated transport statement shows that class times would be staggered at 5pm-615pm and then 6.45-8pm. Given the scale of the proposal again I do not consider that the proposal would warrant refusal in this regard. I acknowledge the concerns that other similar uses may attract parking congestion. However, I do not consider that this would outweigh the general consistency with policy of the proposal.

The agent has provided drawings showing a detailed parking layout. I consider that the layout appears reasonably usable with space for cars to manoeuvre in the site and into and out of the parking spaces.

Whilst concerns are noted that users of the site would not walk to/from the place of worship, the site is located within a residential area and there would be likely to be a

substantial amount of attendees that would be able to and likely to walk/cycle to the venue. In any case, the site is on/near several bus routes. I recommend a condition that the cycle facilities are provided prior to the commencement of the use.

I consider that the revised car parking layout plan addresses the issues initially raised by the Highways Authority. I consider that there would be adequate space within the curtilage of the site so that management of the building could reasonably accommodate suitable waste management and would not consider that such an issue would require further consideration from the local planning authority.

I recommend conditions to ensure that the site is marked out as shown prior to the commencement of the use and for the front hardstanding to only be used for access/parking for the lifetime of the use and for clear entry and exit points. This would improve the vehicular use of the site from the present situation. Improvements are also proposed for pedestrians at both access points replacing the existing concrete with tarmac footway crossovers and a new segregated pedestrian entrance is proposed to minimise the risk of conflict between vehicles and pedestrians.

Overall I note the high number of objections regarding the highway safety at this junction and acknowledge the existing cumulative impacts from lack of off-street parking in the area and nearby commercial uses. However, for the above reasons I conclude that the proposal provides an acceptable amount of parking and subject to conditions would not pose an unacceptable highway risk.

Other Issues

The applicant submitted flood risk and biodiversity information. By reason of the limited operational development taking place as part of the application, I do not consider that the proposal would have significant impacts in terms of drainage or biodiversity. I recommend a condition for the development to take place in accordance with the submitted Flood Risk Assessment to secure a safe development in regard to flood risk and I recommend notes to applicant in terms of SuDS, further flood resistance measures, and protected species.

The proposal does not propose significant operational development that would affect the character and appearance of the area, other than ancillary works such as cycle shelters. I consider the proposal is acceptable in terms of appearance of the area.

Objections consider issues of credibility of the support comments, credibility of the consideration process, need to take locals views into account including with the city mayor/councillors, clarity/poor communication of what is proposed. However, I consider that the application has sufficient information to make a suitable planning assessment. Residents surrounding the site were notified at the start of the consideration process and a site notice displayed near the site on 6/2/24 and as such the statutory publicity requirements have been carried out.

Objections also are concerned regarding future expansion of the site. However, planning applications must be assessed on their own merits and cannot be determined on speculation of future development.

Objections were concerned with litter and crime rate in the area. However, I have no reason to conclude that the proposed use would inherently result in either of these occurrences which would be matters outside the control of the local planning authority.

Conclusion

The principle of development is acceptable and, subject to conditions and having regard to the existing lawful use, the development would not cause unacceptable additional impacts in terms of residential amenity and highways impacts. The development is compliant with national and local planning policies. I have considered matters raised in representations and conclude that there are no material considerations that would override the compliance with the development plan. Approval is therefore recommended subject to the following conditions.

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The use shall not be carried on outside the hours of Mon-Fri 0900-2100 and Sat-Sun 0900-1700. (In the interests of the amenities of nearby occupiers, and in accordance with saved policy PS10 of the City of Leicester Local Plan.)
3. The use shall not commence until the hardstanding has been marked and laid out in accordance with details shown on the car park layout drawing (drawing ref 454/P1-02, received 15/05/2024), including signs indicating the entrance (vehicular) from Ocean Road and exit (vehicular) onto Gervas Road. The markings (including the entrance and exit signs) shall be retained and the front area of hardstanding shall not be used for any purpose other than access/egress and vehicle parking for the lifetime of the use. (In the interests in highway safety, and in accordance with saved policies AM01 and AM11 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS14.)
4. The hardstanding around the site and the grassed area to the south and east of the main building shall not be used for any formal scheduled activities (for example worship, religious events, weddings, classes or community events) at any time during the lifetime of the use (in the interest of the amenity of neighbouring residents and in accordance with saved policy PS11 of the City of Leicester Local Plan).
5. No amplified call to prayer or aural announcement of activities shall take place at the site at any time (in the interest of the amenity of neighbouring residents and in accordance with saved policy PS11 of the City of Leicester Local Plan).
6. The use as a community centre shall not commence until the cycle shelters have been installed as shown on the approved car park layout drawing (drawing ref 454/P1-02, received 15/05/2024). The shelters shall be retained for the lifetime of the use. (In the interests of the satisfactory development of the site and in accordance with saved policy AM02 of the City of Leicester Local Plan).
7. The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated December 2023 and the following mitigation measures detailed within the Flood Risk Assessment (FRA):
 - Safe access/egress
 - Emergency Flood Plan

- Flood resistance and resilience measures
- Finished Floor Levels (FFL)

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements detailed within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the Lead Local Flood Authority (to provide a safe development and in accordance with Core Strategy policy CS02).

8. Development shall be carried out in accordance with the following approved plans:
 - Car park layout - drawing ref 454/P1-02, received 15/05/2024
 - All plans - drawing ref 454/P1-01, Rev A, received 15/05/2024.
 (For the avoidance of doubt).

NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process.
The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2023 is considered to be a positive outcome of these discussions.
2. The site is partially within Flood Zone 2 and a critical drainage area. Including sustainable urban drainage systems within the development can reduce surface water runoff. The Lead Local Flood Authority recommends that the following SuDS could be integrated: rainwater harvesting; bioretention; green/brown roofing; & blue roofing.
3. The Lead Local Flood Authority recommend that:
The design should be appropriately flood resistant and resilient by:
 - using flood resistant materials that have low permeability to at least 600mm above the estimated flood level
 - making sure any doors, windows or other openings are flood resistant to at least 600mm above the estimated flood level
 - using flood resilient materials (for example lime plaster) to at least 600mm above the estimated flood level
 - by raising all sensitive electrical equipment, wiring and sockets to at least 600mm above the estimated flood level
 - making it easy for water to drain away after flooding such as installing a sump and a pump
 - making sure there is access to all spaces to enable drying and cleaning
 - ensuring that soil pipes are protected from back-flow such as by using non-return valves.

4. As the building will be undergoing an 'extensive refurbishment program', it is recommended that a Preliminary Bat Roost Assessment (PRA) be carried out in order to determine the likely presence/absence of bats within the building prior to commencement of works.

Policies relating to this recommendation

- 2006_AM01 Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.
- 2006_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
- 2006_AM11 Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01.
- 2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2006_PS11 Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
- 2014_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
- 2014_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
- 2014_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.
- 2014_CS16 The Council aims to develop culture and leisure facilities and opportunities which provide quality and choice and which increase participation among all our diverse communities. New developments should create an environment for culture and creativity to flourish.

Item 6b

Recommendation: Conditional approval	
20212876	190 London Road
Proposal:	Construction of detached three storey building to provide 8 flats (2 x Studio, 6 x 2 bed) (Class C3); provision of soft and hard landscaping, car and bicycle parking, bin store, drainage infrastructure and boundary treatment; removal of trees; alterations to existing accesses and frontage boundary wall; and demolition of single storey structures adjacent to 190 London Road. (amendments received 26/10/2023)
Applicant:	Mr Shameet Thakkar
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20212876
Expiry Date:	1 July 2023
TEI	WARD: Stoneygate



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Summary

- Reported to committee as more than 5 objections were received from city addresses.
- Objections relate to the principle of development, design, residential amenity of neighbouring properties, loss of trees and access and other highways issues.

- The main issues are the principle of development, design including heritage considerations, the living accommodation of future occupants, the residential amenity of neighbouring properties, loss of trees and other biodiversity considerations and access and other highways issues.

The Site

This application relates to a 0.25 hectare site between London Road and Evington Footpath, within the Evington Footpath Conservation Area. The site has an irregular, staggered configuration and site levels fall gently across the site from the London Road frontage to Evington Footpath at the rear.

The part of the site fronting London Road is occupied by a detached two storey mid-Victorian villa, now in use as offices. To the north of the villa, at the rear, is a single storey detached double garage. The part of the site adjoining Evington Footpath sits to the rear of 192 & 194 London Road.

Adjoining the front part of the site are: to the north, 'The Park', a 1970s four storey block of purpose built flats; and to the south, 192 London Road, a semi-detached three storey mid-Victorian villa now in use as a veterinary practice. Adjacent to the rear boundary is the blank, flank wall of 7 Oxford Avenue.

Adjoining the front part of the site are: to the north-west, 7-13 Oxford Avenue, a terrace of two storey late Victorian houses; to the south-east, the beer garden of The Old Horse public house; and to the south-west, the rear gardens of 192 & 194 London Road (194 is in use as a children's day nursery). Adjacent to the rear boundary is the Evington Footpath and an electricity substation.

As well as falling within the Evington Footpath Conservation Area, the site is also within a Critical Drainage Area and an Air Quality Management Area. The putative course of the Via Devana Roman road runs through the rear part of the site, and the adjacent Evington Footpath is a public right of way. London Road is a classified road. Victoria Park, on the opposite side of London Road, is a grade II Registered Historic Park and Garden.

Background

Planning permission was granted in 1982 for the construction of an underground nuclear shelter (19812316).

Planning permission was refused in 1991 for the construction of a two storey office block in the rear garden (19910233). A subsequent appeal against the refusal of planning permission was dismissed.

Planning permission was granted in 1994 for the change of use of 190 London Road from offices (then Class B1) to a nursery (then Class D1) (19931713).

Planning permission was granted in 2019 for the change of use of 190 London Road from a nursery (then Class D1) to an office (then Class B1) (20182714).

The Proposal

In its amended form, this application seeks planning permission for the following operational development:

- Construction of a three storey building to provide eight flats. The building would be sited in the rear garden of the villa at 190 London Road. The building would have a maximum width of 23 metres and a maximum depth (including balconies) of 13 metres. The principal elevation (containing the main entrance to the flats) is the south-east elevation. The second floor would be partially contained within the roofspace resulting in feature gables on the principal elevation and on the rear (north-west) elevation. The walls would be finished in brick and the roofslopes in slate tiles.
- The laying of hardsurfacing to form an access driveway and vehicle turning area alongside the south/east boundary of the site, and to provide 13 car parking spaces, footways, a cycle parking area and a bin storage enclosure.
- The installation of drainage infrastructure, including areas of permeable paving and a flow control device.
- The demolition of the existing detached double garage and other minor single storey structures to the rear of the Victorian villa.

The proposed flats would comprise two studio flats and six 2-bedroom flats. They would be served by a communal entrance, stairs and lift, and the ground floor of the building would contain a plant room.

The development would involve the loss of some existing trees, and the plans make provision for replacement tree planting and other incidental areas of soft landscaping, and communal amenity space provision on the rear part of the site (behind the Oxford Avenue properties). The plans also show the provision of four further car parking spaces on the already-hardsurfaced forecourt and north-side of the Victoria villa.

Legal Context

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Policy Considerations

National Planning Policy Framework (NPPF) (2023)

The presumption in favour of sustainable development

Paragraph 11 states that decisions should apply a presumption in favour of sustainable development which means: (c) approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies (or the most important policies are out of date) granting permission unless NPPF policies that protect areas or assets of particular

importance provide a clear reason for refusal, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against NPPF policies as a whole.

Decision taking

Paragraph 38 encourages local planning authorities to approach decisions in a positive and creative way and states that they should work proactively with applicants. It goes on to state that decision makers should seek to approve applications for sustainable development where possible.

Paragraph 43 states that the right information is crucial to good decision-making, particularly where formal assessments are required, and that to avoid delay applicant should discuss what information is needed with the local planning authority and expert bodies as early as possible.

Paragraph 56 lays down the tests for planning conditions. They are that planning conditions must be: necessary; relevant to planning; relevant to the development; enforceable; precise; and reasonable.

Delivering a sufficient supply of new homes

Paragraph 70 states that local planning authorities should support the development of windfall sites through their planning decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.

Promoting sustainable transport

Paragraph 114 states that, in assessing applications for development, it should be ensured that: (a) opportunities to promote sustainable transport have been taken up; and (b) safe and suitable access can be achieved.

Paragraph 115 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Making effective use of land

Paragraph 123 states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 124 states that planning decisions should: (d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

Paragraph 128 states that planning decisions should support development that makes efficient use of land, taking into account: (d) the desirability of maintaining an area's prevailing character and setting (including residential gardens) or of

promoting regeneration and change; and (e) the importance of securing well-designed and beautiful, attractive and healthy places.

Achieving well-designed places

Paragraph 131 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

Paragraph 135 states that planning decisions should ensure developments: (a) will function well; (b) are visually attractive; (c) are sympathetic to local character and history; (d) establish or maintain a strong sense of place; (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and (f) create places with a high standard of amenity for existing and future users.

Paragraph 136 notes that trees make an important contribution to the character and quality of urban environments and can also help mitigate climate change. It states that planning decisions should ensure that existing trees are retained wherever possible.

Paragraph 139 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Meeting the challenge of climate change, flooding and coastal change

Paragraph 157 states that the planning system should support the transition to a low carbon future in a changing climate.

Paragraph 159 states that new development should be planned in ways that: (a) avoid increased vulnerability to the range of impacts arising from climate change; and (b) can help to reduce greenhouse gas emissions.

Conserving and enhancing the natural environment

Paragraph 180 states that planning decisions should contribute to and enhance the natural and local environment by (d) minimising impacts on and providing net gains for biodiversity.

Paragraph 186 states that: (a) if significant harm to biodiversity cannot be avoided or mitigated, or as a last resort compensated-for, then permission should be refused.

Paragraph 191 states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. It goes on to state that planning decisions should: (a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health

and the quality of life; and (c) limit the impact of light pollution from artificial light on local amenity and nature conservation.

Paragraph 192 states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and cumulative impacts.

Conserving and enhancing the historic environment

Paragraph 200 states that, in determining applications, local planning authorities should require the applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. It goes on to state that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 201 requires local planning authorities to assess the significance of any heritage asset affected by a proposal and take this into account when considering the impact of a proposal on a heritage asset.

Paragraph 203 requires local planning authorities to take account of: (a) sustaining heritage assets with viable uses; (b) the positive contribution heritage assets can make to communities including economic viability; and (c) the desirability of development positively contributing to local character and distinctiveness; when determining applications.

Paragraph 205 states that great weight should be given to the asset's conservation when considering the impact of proposed development.

Paragraph 206 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.

Paragraph 207 states that proposals leading to substantial harm to a designated heritage asset should be refused unless necessary to achieve substantial public benefits or certain circumstances (as specified in criteria a-d of this paragraph) apply.

Paragraph 208 states that proposals leading to less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal.

Paragraph 212 states that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Paragraph 213 states that not all elements of a Conservation Area will necessarily contribute to its significance.

Leicester Core Strategy (2014) and City of Leicester Local Plan (2006)

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

Supplementary Planning Documents and Guidance

Evington Footpath Conservation Area Character Appraisal (2008)
Leicester Tree Strategy (2018-2023)
Local Plan Appendix 01 (2006) Parking Standards
Residential Amenity Supplementary Planning Document (SPD) (2008)

Consultations

Air Quality Officer: no comment.

Conservation Advisory Panel: support principle of development; reservations about dominance of hard landscaping; location of parking bays restricts access to open space beyond; more information on materials and details needed.

Highway Authority: no objection subject to bin collection arrangements and conditions.

Lead Local Flood Authority: no objection subject to conditions.

Pollution Control Officer: noise insulation and ventilation details acceptable.

Trees & Woodlands Officer: no objection subject to condition.

Waste Management Officer: details of bin store design and access needed.

Representations

The application was publicised twice, once on receipt of the application and again following the receipt of amended plans.

In response to the first publicity period, eight objections and one petition with eight names was received. A letter of support was also received.

Issues raised included:

- that the proposal was too high and dominating resulting in a loss of light, loss of view and harmful impact on outlook,
- that the proposal would result in a loss of privacy for and overlooking of neighbouring properties,
- that further consideration to design was needed and that the design and quality of materials should enhance the conservation area,
- concern over the felling of trees
- that the access was poor, that heavy lorries and dustbin lorries would have a harmful impact and that additional parking would increase congestion on an already congested London Road
- that the area was already high density and more occupants would be a retrograde step and that there were already many existing empty properties and unused homes in Stoneygate,
- and that the pond makes no sense.

General concerns were raised:

- that the proposal was not in the best interests of local residents and the local area and does not improve the surroundings,
- that the area should be retained as a yard, or, conversely that the front building be demolished to make way for a better scheme
- and that the proposal could not be described as good development.

Questions were also asked whether maintenance/security proposals would be put in place and whether the proposals would address surface water run-off in the future.

The petition raised concern that the publicity period was not enough time to respond.

The letter of support noted that the proposal was not another HMO for student accommodation, that it would be hidden from London Road by the existing building and that currently responsibility for the maintenance of the communal garden remained unclear.

In response to the second publicity period, one further objection and one further letter of support was received.

Issues raised included:

- loss of sunlight to the neighbouring communal garden
- concerns over the loss of trees in a conservation area
- concerns in relation to noise and dust during construction
- that the proposal would result in overlooking and a loss of privacy
- and that the development was neither needed nor warranted.

The letter of support expressed overall support as a good use of land and sympathetically designed development. It asked whether impact on wildlife and a biodiversity plan had been considered (drawing attention to the use of the site by foxes) and suggested that the garden area be kept private to avoid antisocial behaviour.

Consideration

The main issues in this case are: principle of development; design and heritage; amenity at neighbouring properties; living conditions at the development; trees, ecology and landscaping; drainage; and parking and access.

Principle of Development

The proposal would make a contribution of eight new homes to the city's housing supply in the form of a relatively modest infill residential development on a vacant backland site within this established and predominantly residential area. In these respects, I consider that the proposal would be broadly in accordance with Policies CS06 and CS08, subject to the detailed consideration (below) of the localised impacts associated with the development of this backland site. Furthermore, the development of this under-utilised windfall site, to make more effective use of this

land within an already built-up part of the city would be wholly consistent with the aims of paragraphs 69, 120 & 123 of the NPPF.

I conclude that the proposal would comply with the relevant provisions of Policies CS06 and CS08 and that the principle of developing the subject site for residential use is acceptable.

Character and Appearance / Heritage and Design:

The site is large enough to accommodate some new residential development without causing harm to the character of the Conservation Area if of high quality and contextually responsive design. The smaller outbuildings proposed for demolition are of more limited historic and architectural interest and their loss is acceptable if to facilitate a high-quality new scheme.

The height, massing and roofline of the proposal respect and are well integrated with those of London Road, St James Road, Abingdon Road and Oxford Avenue and provide a proportionate gradation from the massing of London Road to Oxford Avenue in this respect. The proposal is consistent with the urban grain. It has more refined detailing than previous iterations of the scheme, which helps to break up the mass and this, together with its overall design present it as a contemporary addition that references and respects the neighbouring historical buildings and context and follows on appropriately from the Oxford Avenue terrace. The bays, now moved in from the flanking walls, provide a legible entrance, and the proposed landscaping provides a clear threshold between the development and the public realm and softens and better integrates the proposal into its context.

However, the overall appropriateness of the development is also dependant on its materiality and finer detailing and as such I consider it appropriate to attach conditions requiring samples of all external materials, sections of all external windows and doors and 1:20 sections of the building to be submitted and agreed. This is to understand the detailing, projections, recesses and the elevation articulation and to establish a quality benchmark to be secured and maintained during the next stages. These sections should include the balcony detail.

Amenity of neighbouring occupiers

Leaving aside the Oxford Avenue properties the nearest residential property is 190 London Road at approximately 18 metres away. The rear windows of 190 London Road are oriented approximately 45° to the north east away from the proposed development and the proposal will not have an unacceptable impact on the outlook from neighbouring properties.

The north east facing windows of the proposal face the blank wall of the Oxford Avenue properties with other windows facing communal garden spaces. I consider this an acceptable arrangement in respect of privacy of neighbouring properties, particularly in the context of the urban grain of the area and do not consider there will be any unacceptable degree of overlooking. Nor given the scale, massing and siting of the development do I consider that the proposal will have an overbearing impact on neighbouring properties.

There will be inevitable disturbance during the development period. However, I do not consider it proportionate to condition a construction management plan for a development of this scale.

I conclude that the proposal would comply with the relevant provisions of Policies CS03, CS08, PS10 and PS11, and that the proposal would not have an unacceptable impact upon the amenity of neighbouring occupiers.

Living conditions of future occupiers

The Nationally Described Space Standards (NDSS) are not yet adopted in Leicester. Nevertheless, the adequacy of internal space is part of the creation of a satisfactory living environment for future occupiers and as such remains a material consideration. All proposed flats meet Nationally Described Space Standards with head heights for the second floor provided and also meeting the standards.

All flats have an acceptable level of outlook with the exception of the rear bedroom of Flat 3. However, this flat has good outlook from the living room and front bedroom and on balance, and given the benefits of the scheme, I consider this to be acceptable. Given the proposed landscaping at the front of Flats 2 and 3 I consider that the dwellings will have a sufficient level of privacy.

A noise assessment together with proposed noise insulation measures was submitted during the course of the application and I am satisfied that these measures will ensure an appropriate acoustic environment for future occupants provided that a condition is attached securing measures with the insulation and ventilation performance detailed in Table 9 of the assessment with the same acoustic and ventilation performance retained throughout the lifetime of the development.

There is shared and accessible communal space which is welcomed. However, it is somewhat concealed by the parking spaces and by the dog leg shape of the site and so it is questionable whether it will be readily used by future residents. Nevertheless, the site is close to Victoria Park which is open space of good quality and will likely be used by future occupants.

Bin storage details are limited. However, there is sufficient space on site for suitable bin storage to be provided and I consider these can be appropriately secured by condition.

I conclude that the proposal would comply with the relevant provisions of Policies CS03, CS06, PS10, PS11 and H07, and that the development provide acceptable living conditions to its future occupiers.

Parking and Access

The site is very close to the central commercial zone and with good access to public transport and easy walking into the City centre. The proposed 13 parking spaces are unlikely to cause significant harm to the highway. The size of the proposed spaces

and the general manoeuvrability both appear satisfactory. The 12 proposed cycle storage spaces meet the standards set out in Appendix 1 of the saved City of Leicester Local Plan. These can be secured by condition.

Notwithstanding the need above for additional details in relation to bin storage the proposal does accommodate the manoeuvrability of refuge vehicles and other service vehicles. Nevertheless, in order to maximise this space and secure its proper function I consider it appropriate to attach conditions ensuring a turning space and that the parking spaces are retained.

I conclude that the proposal would comply with the relevant provisions of Policies CS14, CS15, AM02 and AM12, and that the proposal would not have an unacceptable impact upon highway safety and access.

Trees, Ecology and Sustainable Urban Drainage

There will be a total of 7 trees removed (and one partially removed) as part of the scheme. 6 of these trees, including the partial removal, to facilitate the development, and 2 trees (T08 and T15) due to their condition. T01, T02 and G01 (to be removed to facilitate the development) are Category C2 trees with the maple T09 (to be removed to facilitate the development) the only Category C1 tree to be removed.

Building foundations will be required within the root protection areas of trees T01 (Category A2) and T03 (Category C2). Soft landscaping is proposed within the root protection areas of T01 (Category A2), T03, T06 C2, G03 C2, & T16 (all Category C2).

Section 8 of the Arboricultural Impact Assessment details mitigation measures including replacement trees, no dig permeable hard surfacing for access drives, footpaths and hard standing, building foundations in accordance with BS5837:2012 'Special Engineering for foundations within the Root Protection Area' and the implementation of soft landscaping with no cultivation of topsoil and that the trees are to be protected from damage during the course of the works in accordance with the guidance of BS5837:2012.

With these mitigation measures and appropriate replacement trees, I consider it appropriate to attach a condition to secure these mitigation measures (ie. sections 4 to 16 of the Arboricultural Impact Assessment), to secure the measures of the Tree Protection Plan and to secure replacement trees.

The bat survey carried out September 2023 confirms that "as the likely-absence of roosting bats within the buildings has been established, no impacts on bat roosts are anticipated from the proposed works". Council ecologists are satisfied with this conclusion.

In order to secure ecological enhancements in accordance with Core Strategy CS17 I consider it appropriate to attach a condition requiring opportunities to improve biodiversity in and around the site including details of specific biodiversity enhancements (measurable from the environmental condition of the site at

30.01.2020) and a strategy for the maintenance of all landscaped parts of the site over a 30 year period.

A revised SuDS Strategy Report was submitted on 26th February. The report is broadly acceptable. However, there are other details required which can be secured by condition including detailed design for the sub-base storage and a maintenance plan for the SuDS measures.

The Planning Balance

As noted above, paragraph 11 of the NPPF establishes a presumption in favour of sustainable development and sets out an explanation of what that means for decision taking. Footnote 8 to the paragraph further explains that out-of-date policies includes situations where the local planning authority cannot demonstrate a five years' supply of deliverable housing sites (with the appropriate buffer).

The City Council cannot currently demonstrate a five years' supply of deliverable housing sites and as this planning application involves the provision of dwellings the so-called 'tilted balance' under paragraph 11 of the NPPF would be engaged if the application is considered for refusal.

In this case, however, the proposal is recommended for approval and would make a modest but nevertheless welcome contribution to the city's housing supply. In view of this, there is no need to consider the planning balance further.

I recommend that this application for planning permission be **APPROVED** subject to the following conditions:

CONDITIONS

1. START WITHIN THREE YEARS
2. Before works above ground level, samples of the slate for the roof and treatment for the blacked out windows shall be submitted to and approved by the City Council as local planning authority and the works carried out in accordance with the approved details. (In the interests of visual amenity and the character and appearance of the Evington Footpath Conservation Area, and in accordance with Core Strategy policies CS03 and CS18).
3. Before works above ground level, a 1 sqm sample panel of the brickwork (including brick type, bonding and mortar) for the areas of the front elevation marked "facing brick" and "brick detailing" shall be submitted to and approved by the City Council as local planning authority and the works carried out in accordance with the approved details. (In the interests of visual amenity and the character and appearance of the Evington Footpath Conservation Area, and in accordance with Core Strategy policies CS03 and CS18).

4. Before works above ground level, section drawings at a scale of 1:10 for all proposed external windows and doors shall be submitted to and approved by the City Council as local planning authority and the works carried out in accordance with the approved details. (In the interests of visual amenity and the character and appearance of the Evington Footpath Conservation Area, and in accordance with Core Strategy policies CS03 and CS18).
5. Before works above ground level, section drawings at a scale of 1:20 for the proposed front, side and rear elevations (including balcony sections) shall be submitted to and approved by the City Council as local planning authority and the works carried out in accordance with the approved details. (In the interests of visual amenity and the character and appearance of the Evington Footpath Conservation Area, and in accordance with Core Strategy policies CS03 and CS18).
6. Prior to occupation of the approved flats insulation and ventilation measures shall be installed in accordance with the treatment detailed at Table 9 and Appendix 2 of the report by Blue Acoustics NS353/4 received by the City Council as local planning authority on 09.08.23 and shall retain the minimum acoustic and ventilation performances detailed in Appendix 2 of that report throughout the lifetime of the development. (In the interests of the amenities of future occupiers, and in accordance with saved policies PS10 and PS11 of the City of Leicester Local Plan.)
7. Prior to occupation of the development drawings at a scale of 1:20 of the bin storage shown on the Proposed Site Plan shall be submitted to and approved in writing by the City Council as local planning authority. The bin storage shall be installed in accordance with these details and retained as such throughout the lifetime of the development. (In the interests of visual amenity and the character and appearance of the Evington Footpath Conservation Area and in accordance with Core Strategy policies CS03 and CS18).
8. No part of the development shall be occupied until the cycle parking shown on the Proposed Site Plan has been provided and retained thereafter, in accordance with written details previously approved by City Council as local planning authority. (In the interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan).
9. Prior to the occupation of the flats, a turning space, to enable vehicles always to enter and leave the site in a forward direction, shall be made available within the site. The turning space shall be retained throughout the lifetime of the development. (In the interests in highway safety, and in accordance with saved policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)
10. Before the occupation of the flats, the parking spaces shown on the Proposed Site Plan shall be marked out and shall be retained for vehicle parking throughout the lifetime of the development. (To secure adequate off-street parking provision, and in accordance with saved policy AM12 of the City of Leicester Local Plan and Core Strategy policy CS03.)
11. The development shall be carried out in accordance with the measures detailed in Sections 4 through to 16 of the Arboricultural Impact Assessment

submitted by Bea Landscape Design and received by the City Council as local planning authority on 26.10.23. (In the interests of visual amenity and proper landscaping and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03).

12. The development shall be carried out in accordance with the Tree Protection Plan detailed at Appendix C of the Arboricultural Impact Assessment submitted by Bea Landscape Design and received by the City Council as local planning authority on 26.10.23. (In the interests of visual amenity and proper landscaping and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03).

13. Prior to the occupation of the flats a scheme for replacement trees to compensate for those removed to facilitate the scheme shall be submitted to and approved in writing by the City Council as local planning authority. The replacement trees shall be planted within one year of the approval of these details. For a period of not less than thirty years from the date of planting, the applicant or owners of the land shall maintain all planted trees. The trees shall be replaced if they die, are removed or become seriously diseased. The replacement planting shall be completed in the next planting season. (In the interests of visual amenity and proper landscaping and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03).

14. Prior to the occupation of the first flat a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the City Council as local planning authority. The biodiversity enhancements at (viii) below shall be measured from the environmental condition of the site at 23.11.2021 and the LEMP 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) and (viii) the location and type of biodiversity enhancements to be incorporated into the built design or garden areas (ix) management and maintenance details of the Landscape and Ecology Management Plan. The approved landscaping and mitigation scheme shall be carried out within one year of the approval of these details. For a period of not less than 30 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 saved City of Leicester Local Plan policy UD06 and Core Strategy policies CS03 and CS17.)

15. Prior to the commencement of development full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system shall be submitted to and approved by the local planning authority. No flat shall be occupied until the system has been implemented. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall include: (i) full design details, (ii) a timetable for its

implementation, and (iii) a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy).

16. Development shall be carried out in accordance with the following approved plans:

Proposed Site Plan, ref. no. DSA-20075-PL-PRO-01, rev J, received 26.10.2023

Proposed Floor Plans and Elevations, ref. no. DSA-20075-PL-PRO-02, rev D, received 26.10.2023

(For the avoidance of doubt).

NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process.

The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2023 is considered to be a positive outcome of these discussions.

Policies relating to this recommendation

2006_AM02	Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
2006_AM12	Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
2006_H07	Criteria for the development of new flats and the conversion of existing buildings to self-contained flats.
2006_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
2006_PS11	Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
2006_UD06	New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
2014_CS02	Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
2014_CS03	The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.

- 2014_CS06 The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
- 2014_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
- 2014_CS17 The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.
- 2014_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.

Item 6c

COMMITTEE REPORT

20240175	42 Clarefield Road	
Proposal:	Change of use from residential dwelling (Class C3) to residential care home (Class C2) (max 2 children)	
Applicant:	Mr Idris Adetayo	
App type:	Operational development - full application	
Status:	Change of use	
Expiry Date:	13 June 2024	
SS1	TEAM: PD	WARD: Western



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Summary

- The application is brought to committee as the planning agent is married to a councillor,
- the main issues in this case are the principle of development, the character and appearance of the area, the amenity of neighbouring occupiers, the living conditions of the future occupiers and parking,

- objections have been received from 4 separate addresses,
- the application is recommended for approval subject to conditions.

The Site

The application relates to a two-storey semi-detached property located within a primarily residential area on the corner of Clarefield Road and Nevanthon Road. There is a three storey block of flats with a parade of shops on the ground floor level opposite the site and to the north on Nevanthon Road. The site is within a Critical Drainage Area (CDA).

Background

There is one previous planning application at this address:

20200888 - Change of use from dwelling house (Class C3) to residential care home (2 Bedrooms)(Class C2)(Amended)

- Approved subject to conditions. Not implemented.

The Proposal

The proposal is for the change of use of the property from a dwellinghouse (Class C3) to a residential care home (Class C2).

The care home would have a living/dining room and kitchen with ancillary storage on the ground floor and 2 bedrooms, a bathroom and office on the first floor.

The application states that:

- the home would provide 24-hour care and assisted living for two individuals (aged 7-18 years) that may or may not have mental or physical disabilities,
- there would also be staff on site that would work shifts, with up to 4-6 staff (with care provision specialisms where required)
- visiting hours would be 10am-5pm with up to two visitors at a time,
- on-site parking be available for 3 cars.

A noise impact assessment was submitted. The assessment proposes separating wall construction and a sound insulation upgrade against predicted sound transfer levels.

Policy Considerations

National Planning Policy Framework 2023

Paragraph 2 (Primacy of development plan)

Paragraph 11 (Sustainable development)

Paragraph 115 (Unacceptable highways impact)

Paragraph 116 (Highways requirements for development)

Paragraph 135 (Good design and amenity)

Paragraph 191 (Pollution impacts)

Paragraph 194 (Land Use)

Local Policies

CLPP policy AM01 (Impact of development on pedestrians)

CLLP policy AM12 (Residential car parking provision)
CLLP policy PS10 (Residential amenity and new development)
CLLP policy PS11 (Protection from pollution)
Policy CS03 (Designing quality places)
Policy CS06 (Housing strategy)
Policy CS14 (Transport network)

Supplementary guidance

Appendix 1 CLLP 2006 - Vehicle Parking Standards.

Consultations

Noise and Pollution Control Team

Response on initial submission

Concerned of noise impacts to neighbours from the proposed use. Requested an insulation scheme and a noise management plan.

Response on submission following receipt of the noise impact assessment

Happy with the report. The sound insulation performance levels set out in section 2.3 of the report should be implemented as a minimum specification. Would wish to see a noise management plan.

Representations

Objections were received from 4 separate addresses. The following issues were raised:

- Clarefield Road is a residential street for families, not a place of industry/business, these two things should be kept apart,
- it is a strange site for a residential care home,
- there is already a care home at 37 Clarefield, providing 3 additional vehicles which present a danger to children and pedestrians, and 2+ shift changes per day which cause disturbance particularly in the morning – this development would provide additional vehicles and disturbance,
- this is a business operating 24/7 creating non-stop activity which affects neighbours' right to peace and quiet,
- noise from the proposed use would escalate affecting the neighbour's quality of life, different from a family where children would go to school, the staff would be busy and cause noise, there would be noise from cars coming and going,
- the neighbour's house would not have peace and comfort,
- the neighbour's house would be de-valued,
- noise from the property will affect the neighbour's ability to work from home,
- noise from the property already occurs late at night and in the early morning, including people talking, shutting doors, the washing machine and cooking,
- noise from the property will affect neighbours when they are on leave from their work,
- other residents in the street agree this is not acceptable,
- the needs of neighbouring properties have not been taken into account,
- the use is better suited to a detached property, rather than a semi-detached property constructed in the 1970s with paper thin walls,

- there is only parking space for two cars when four vehicles for carers may need to come to the house,
- there are visibility issues for vehicles because of the road layout and fences,
- there are hedges at the side of the property and
- the house only has 2 bedrooms, with a residential care home for up to 2 children this will involve sharing of bedrooms if staff are present at all times. There would seem to be a lot of people for such a house if they are not related, there could be 4-5 adult size people in a tiny semi-detached house, without a place for the carers to sleep.

Consideration

Principle of Development/Character of the Area

I note the concerns raised in objections regarding the development being inappropriate in a residential area for families and how objectors consider the proposed care home as a commercial business. However, the proposed care home will be managed housing with assisted living provided for residents. The proposal is small in scale and I do not consider its managed nature would be particularly perceptible in the wider area. It would have an acceptable impact on the suburban character of the area in terms of general noise and disturbance. Furthermore, and in accordance with Core Strategy policy CS06, the City Council aims to facilitate the provision of a range of accommodation to meet the special housing needs of all City residents including identified special needs. As such, the principle of the use is in accordance with the aims of this policy and the principle of development is acceptable.

Whilst it is noted that there may be another care home at no.37, I have no evidence to show that there is a significant concentration of such uses in the area, nor would there be any policy reason to refuse the application on that basis.

Whilst it is noted that there are objections on the basis of the development being within a semi-detached property, this proposal must be considered on its own merits and I assess the further planning matters of the proposal below.

Neighbouring Residential Amenity

Taken together, NPPF paragraph 135f, and Local Plan policies PS10 and PS11 require a good standard amenity to be retained for neighbouring residents.

I note the concerns raised in objections in relation to noise impacts from the site and the proposed use. The objections note that noise impacts are already occurring and there is the concern that the proposed use would cause noise from the future occupiers. I also note that the property is part of a semi-detached couplet, sharing a wall with no.40.

Notwithstanding the above, the proposal is to provide managed care for 2 young people with carers always present for professional oversight and supervision. Whilst there would be potential for there to be more people present in the house, I do not consider that there would any noisy uses or activities that would be out of character for a residential area. Whilst neighbours may experience different character of activities such as staff changes and, possibly, more transient occupiers over the longer term, I do not consider that these differences will equate to harm.

Notwithstanding the above, I have considered it prudent to confirm wall insulation details to ensure a good standard of sound reduction between the application site and the neighbour in the semi-detached couplet. The agent submitted a noise impact assessment to show insulation that would reduce the noise levels between the houses significantly.

The noise impact assessment sets out that the current separating wall provides a sound reduction of Rw50, meaning that if noise levels at the application property reached 85db the noise level in the adjacent house could reach 35db.

At chapter 2.2, it details how an independent wall lining system with specifications could raise the insulation to Rw65 (potentially up to Rw90). As such, this would mean that even very loud noises in the proposed house would not cause significant noise impacts to the neighbour. The noise pollution control officer is satisfied with this report.

The noise impact assessment also notes that the only room in the care home adjacent to the separating wall is the first floor office. The living areas and bedrooms are acoustically buffered from the adjacent property by the kitchens, bathrooms, corridors and stairs.

With the wall lining system installed, I consider that there would be no unacceptable impacts in terms of noise transmission between the properties in the couplet as the insulation would be considerably improved. A condition can secure the implementation of this.

I do not consider that noise from within the building, used as a children's home, poses an unacceptable risk in terms of amenity enjoyed within any other neighbouring dwellings. I do not consider that use of the rear garden by staff and occupiers of the home, nor general comings and goings associated with the property, are likely to give rise to noise impacts that would unacceptably impact amenity at any neighbouring properties.

I conclude that the proposal would not conflict with NPPF paragraph 135f, and Local Plan policies PS10 and PS11, and that the proposal would be acceptable in terms of impact upon amenity.

The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise complaints be received but there would be no planning justification to withhold permission on this basis. Whilst the noise pollution control officer has requested a noise management plan and noting again the issues raised in objections, the NPPF paragraph 194 states that: *'The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.'* As the proposal would be an acceptable use of land and given the suitable insulation between the application site and the neighbour, there is no planning reason to require a noise management plan on the grounds of noise/disturbance/anti-social behaviour which again, could be dealt with by noise pollution control, the police or Ofsted. I also consider that a noise management plan for this type of use would present significant technical enforcement challenges and as such would not be appropriate to impose.

Living Conditions for Occupiers

Saved Policy PS10 of the Local Plan (2006) applies to the amenity of future as well as existing neighbouring residents and I note the concerns raised in objections regarding future living conditions. However, the house has good light and outlook from its windows, an acceptable level of gross internal floorspace and a good provision of garden space for 2 children with staff working shift patterns. Overall, the proposal would provide good living conditions for its future occupiers.

Highways/Parking

Local Plan saved policies AM01 and AM02, and NPPF paragraphs 108, 114, and 116 require developments to provide suitable facilities for traffic and parking.

Local Plan Appendix 01 calls for one car parking space per 4 bedrooms for Class C2 residential institutions, and as such the application proposal generates a standard requirement for only 1 space. There would be space for a car on the driveway. It is noted that notwithstanding the above requirement the development would require several staff members on site at all times meaning that there may be some on-street parking required. I note too that the site is a corner plot. However, the site is close to bus stops on Hinckley Road and Glenfield Road therefore some staff may use public transport or alternative methods to the private vehicle. I have no evidence that the area is experiencing significant parking congestion at present. Overall, c.2 additional cars required to be parking on the street in the area would be unlikely to cause unacceptable or severe highways/parking impacts above the existing situation as a C3 house in accordance with NPPF paragraph 115 and the proposal would not warrant refusal on highways grounds.

Other Issues

I note the issue raised in an objection relating to impact on property values. However, planning decisions are concerned with land use in the public interest and applications are determined in accordance with policies in the development plan for Leicester.

Conclusion

The application is acceptable in principle and I recommend approval.

Within Class C2 the property could be used for a residential school, college, training centre or health facility. Further consideration for these types of uses would be necessary and for this reason I am recommending a condition that restricts the uses of the property to a care home.

The proposal is for 2 children and I recommend a condition to limit the number of children being looked after to 2 as any increase would also require further consideration.

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The change of use hereby approved shall not take place until sound insulation for the shared party wall with number 40 has been installed in accordance with the details set out in chapter 2.2 of the submitted Noise Report (received 17/05/2024) The sound insulation so installed shall be retained thereafter at

the same acoustic performance. (To safeguard amenity at the adjoining semi-detached house, and in accordance with policies PS10 & PS11 of the City of Leicester Local Plan (2006)).

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, or any order amending or revoking and replacing that Order with or without modification, the premises shall not be used for any purpose other than for a care home within Class C2 of the Order, unless otherwise approved in writing by the local planning authority. (To enable consideration of the amenity, parking and highway safety impacts of alternative Class C2 uses, in accordance with Policies CS03, CS08 and CS14 of the Leicester Core Strategy (2014) and saved Policy PS10 of the Local Plan (2006).
4. The premises shall not accommodate any more than 2 residents in care at any one time, unless otherwise approved in writing by the local planning authority. (To enable consideration of the amenity of residents and parking impacts of a more intensive use, in accordance with Policy CS14 of the Leicester Core Strategy (2014) and saved Policy PS10 of the Local Plan (2006).
5. Development shall be carried out in accordance with the following approved plans:
Floor Plans & Elevations, drawing no DS_05_20 P2, received 29/01/2024
(For the avoidance of doubt).

NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process.
The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2023 is considered to be a positive outcome of these discussions.

Item 6d

COMMITTEE REPORT

20231161	65 Kirkwall Crescent	
Proposal:	Retrospective application for construction of dormer extension at rear of house with increased ridge height (Class C3)	
Applicant:	Ms Leanne Fowell	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	9 May 2024	
SS1	TEAM: PD	WARD: Thurncourt



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Summary

- Brought to committee due to request from Cllr Osman and at the discretion of the Head of Planning;
- The main issues are the impact of the proposal on the appearance of the area; and neighbouring amenity;
- The proposal is recommended for refusal due to the impact on the appearance of the area.

The Site

The application relates to an end of terrace two-storey 3-bedroomed residential dwelling. The house is in a primarily residential area. Part of the site is affected by a 1 in 1000 year surface water flood risk.

The Proposal

A flat roof dormer extension has been constructed to the rear roofscape and permission is now sought retrospectively for the works. The dormer is 2.9m in height by 5.6m in width by 3.9m in depth. Materials are rendered walls, and uPVC windows. The dormer would accommodate a new bedroom.

Policy Considerations

National Planning Policy Framework 2023

Paragraph 2 (Primacy of development plan)

Paragraph 11 (Sustainable development)

Paragraph 115 (Highways impacts)

Paragraph 135 (Good design and amenity)

Paragraph 139 (Design decisions)

Core Strategy 2014 and Local Plan 2006

CS policy 3 (Good design)

LP policy PS10 (Residential amenity)

LP policy AM12 (Parking)

Further Relevant Documents

Residential Amenity SPD 2008 (Appendix G Design Guide for House Extensions)

Representations

Cllr Osman has advised that he supports the application.

Consideration

The main issues relating to this householder development are: impact on the character and appearance of the area; and impact on neighbouring residential amenity.

Although the proposal is retrospective in nature, the application is to be considered in the same way and against the same considerations as if it had not yet been constructed.

Appearance

Context

Leicester City Council Core Strategy 2014 policy CS03 requires development to respond positively to the surroundings and be appropriate to the local setting and context. National Planning Policy Framework paragraph 135 requires developments to be visually attractive as a result of good architecture and layout, be sympathetic to local character and maintain a sense of place.

Leicester City Council Residential Amenity Guide (p38) advises that flat roofed extensions may be acceptable to the rear of properties with pitched roofs if they are not visible from the street and the construction of roof extensions and dormer windows must not dominate the original house. It goes on to advise (p41) that extensions higher than the existing ridge line will generally not be approved.

Assessment

Kirkwall Crescent has a consistent design of gable end roofs with houses and roofscapes all of similar scale, massing and appearance. This results in a consistent and visually suitable street scene.

The dormer is proposed as a flat roofed dormer and extends to nearly the full width of the existing dwelling, within 0.23m of the edge of the end terrace dwelling. It is only set up 0.5m from the eaves of the main roof and extends above the ridge of the main roof by 0.15m. The dormer would be visible from the street scene on Kirkwall Crescent and would appear as an incongruous feature on this end of the row of terraced houses. It would disrupt the consistent appearance of the houses in terms of massing and roofscapes as described above. As such, due to its position, shape and size the proposed dormer would appear as a disproportionately large roof extension of blunt appearance and as an overly dominating and incongruous feature in the area that would be at odds with the character and appearance of both the host dwelling and the surrounding area. This would result in harm to the character and appearance of the area. The dormer would also be highly visible from neighbouring properties 61, 63, 67 and 69 Kirkwall Crescent and from the rear gardens and windows of 26, 27 and 28 Lyncroft Leys and be an overly dominating feature when viewed from neighbouring properties.

There are no similar roof extensions in the vicinity of the appeal site and the rear roofscapes of other properties along Kirkwall Crescent are largely unaltered.

Consequently, the dormer would conflict with Core Strategy Policy CS03 and with National Planning Policy Framework paragraph 135, as referred to above.

In reaching my conclusion on this issue, I have considered the applicant's proposal to use materials that would match the existing dwelling. However, I consider that the mass and bulk of the dormer would still be unacceptable.

Neighbouring Residential Amenity

Local Plan policy PS10 and National Planning Policy Framework 2023 require developments to avoid impacts to neighbours amenity including having regard to impacts on outlooks, natural light and privacy.

The neighbours to either side are 67 Kirkwall Crescent to the west and 63 Kirkwall Crescent to the east. The proposed dormer extension would be behind the eaves of the roof and as such not be positioned to effect outlook or light to windows or gardens at these neighbours. The dormer window would overlook the applicant's own garden and not face directly towards the neighbour's gardens therefore I do not consider that there would be a significant impact on privacy to the neighbours above the existing situation.

The neighbours to the rear (north) of the application site (in Harborough district) are 26 & 27 Lyncroft Leys. The rear windows of the dormer would be situated c.14.5m away from the rear garden boundaries of these properties. They would also be situated c.21m from the rear extension at no.27 and c.23.6m from the main rear

elevations of these properties. The Residential Amenity Guide advises that windows should not overlook neighbouring gardens at less than 11m and neighbouring windows at not less than 21m. Notwithstanding the height that the dormer window is at, I consider that there would be sufficient separation to avoid unacceptable impacts on to 26 and 27 Lyncroft Leys.

As such the development would be acceptable in regards to retention of neighbouring amenity and comply with Local Plan policy PS10 and National Planning Policy Framework 2023.

Other Issues

Parking

Highways policies listed above require developments to avoid severe impacts on highways functioning. There is no off-street parking at the property, and the proposal would be adding an extra bedroom to the house, meaning it would become a 4-bed dwelling. However, it would remain as a family dwellinghouse and I consider that an additional bedroom would not be likely to result in an increase in parking demand that could be considered a material planning consideration in accordance.

Conclusion

For the reasons given above in relation to the harm to the appearance of the area, the proposal would be contrary to the development plan as a whole, and the NPPF. NPPF paragraph 139 advises that developments that are poorly designed must be refused. The proposal is not sustainable development therefore I recommend refusal for the following reason:

REASON FOR REFUSAL

1. Due to its position, shape and size the proposed dormer would appear as a disproportionately large roof extension of overly dominant and incongruous appearance, disrupting the otherwise consistent appearance of the area to the detriment of visual amenity and conflicting with Core Strategy 2014 Policy CS03 and National Planning Policy Framework 2023 paragraph 135.

NOTES FOR APPLICANT

1. The City Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application no pre-application advice was sought before the application was submitted and no negotiations have taken place during the course of the application. The City Council has determined this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. As the proposal is clearly unacceptable, it was considered that further discussions would be unnecessary and costly for all parties.