

Leicester  
City Council

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

**DATE: WEDNESDAY, 21 AUGUST 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 Cassidy, Gopal, Halford, Joel, Kennedy-Lount, Kitterick,  
Modhwadia, 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](mailto:jessica.skidmore@leicester.gov.uk) / Sharif  
Chowdhury, Senior Governance Services Officer, email: [sharif.chowdhury@leicester.gov.uk](mailto:sharif.chowdhury@leicester.gov.uk)  
Governance Services, Leicester City Council, City Hall, 115 Charles Street, Leicester, LE1 1FZ**

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## **PUBLIC SESSION**

### **AGENDA**

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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**

Members to note that the minutes of the previous meeting held on 24 July 2024 are to be brought to the next meeting.

**4. PLANNING APPLICATIONS AND CONTRAVENTIONS [Appendix A](#)**

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.

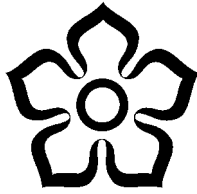
(i) **20240579 62 EVINGTON VALLEY ROAD** [Appendix B](#)

(ii) **20240386 42 SOUTHERNHAY** [Appendix C](#)

(iii) **20240612 23 MERTON AVENUE** [Appendix D](#)

(iv) **20240332 288 EVINGTON ROAD** [Appendix E](#)

**5. ANY URGENT BUSINESS**



Leicester  
City Council

**Wards:**  
**See individual reports.**

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Planning & Development Control Committee

Date: 21 August 2024

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## REPORTS ON APPLICATIONS, CONTRAVENTIONS AND APPEALS

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### 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**

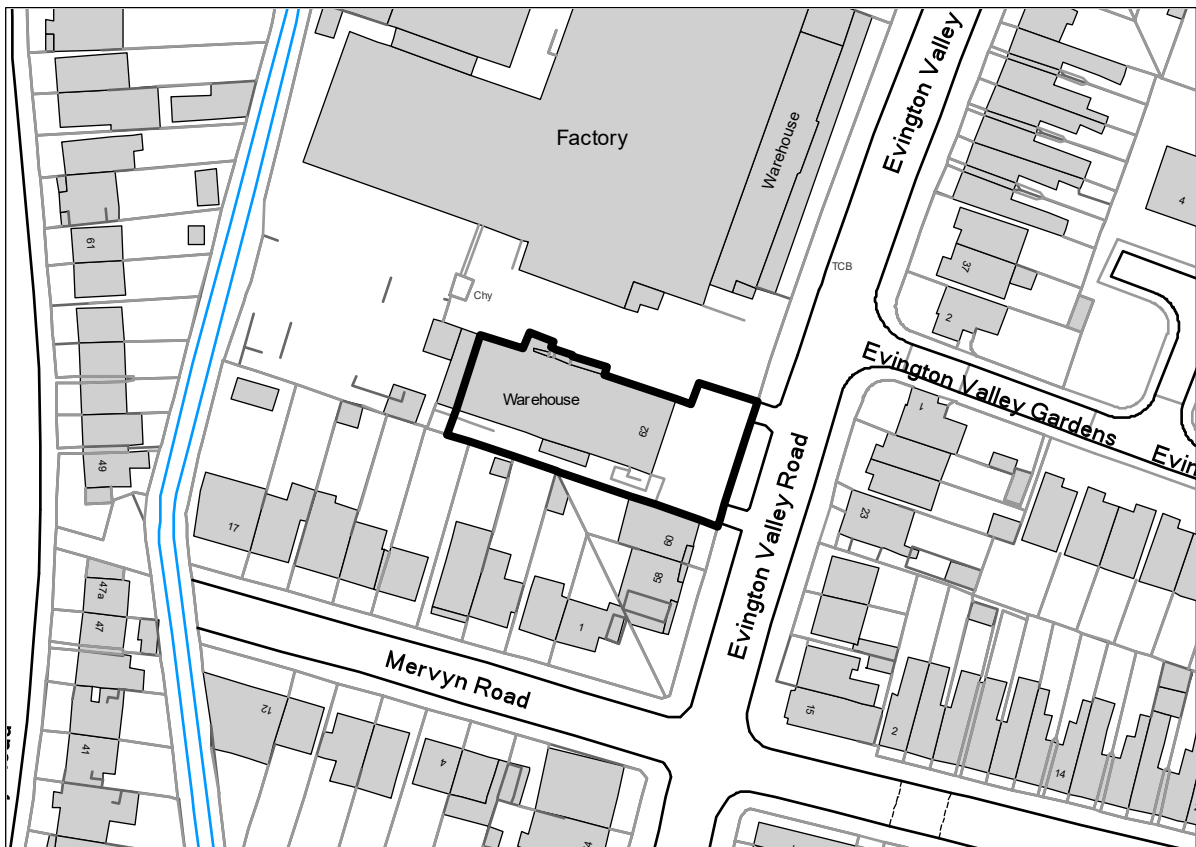
- 8.1 The recommendations in this report are made under powers contained in the Planning Acts. Specific legal implications, including the service of statutory notices, initiating prosecution proceedings and preparation of legal agreements are identified in individual reports. As appropriate, the City 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.





## COMMITTEE REPORT

<b>20240579</b>	<b>62 Evington Valley Road, Unit 14 Ground Floor</b>	
Proposal:	Retrospective application for change of use of the ground floor from religious, education and community use (Use Class F2) to wedding and events venue (Sui generis), external alterations to the front facade	
Applicant:	Mr Salman Patel	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	23 August 2024	
ACB	TEAM: PE	WARD: Stoneygate



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### Summary

- The application is reported to the committee due to the number of objections received.
- 32 objections received on grounds of noise and highway impact.
- 63 comments received in support of the application.
- Main issues are impact on amenity of local residents, impact on the highway and design.

- The application is recommended for approval.

## The Site

The application site is the ground floor of a three-storey building which was originally built as a factory but now has a lawful use as a religious, education and community use under Class F2. The upper floors are vacant and do not form part of the application.

The surrounding area is a mix of residential houses to the south and east on Mervyn Road and Evington Valley Road and a complex of former industrial buildings that are now a play centre, MOT station, place of worship, supermarket and pharmacy.

The building is located within flood zone 2 while the surrounding area is located within flood zone 3a and an area at risk of flooding from a 1 in 1000 year event as well as a critical drainage area.

## Background

In October 1983 planning permission 19831374 was granted for the change of use of the ground, first and second floors of the building from industrial to recreation and community use. The permission was personal for the use of the Leicester Asian Youth Association only.

Condition 4 of the permission stated *“The premises shall not be used as a banqueting hall or function room in association with wedding or birthday celebrations or similar.”*

The permission was implemented and the premises operated until 2010.

In May 1989 planning permission 19890665 for the removal of the conditions attached to planning permission 19831374 was granted but restricted the use to a place of worship and education only.

In August 1994 planning permission 19940513 was granted for a variation of the conditions attached to planning permission 19831374 to allow the premises to be open until 11.00pm on 15 occasions in the year to 31 July 1995.

## The Proposal

The application is for retrospective permission for the change of use of the ground floor of the premises from religious, recreation and community use (Class F2) to a wedding and events venue. (Sui Generis)

The application is accompanied by a Planning Statement which states that the events that would be carried out are weddings and charitable and community events.

The proposal is also for alterations to the front of the property which involve the removal of windows and the installation of new windows and doors.

## Policy Considerations

### National Planning Policy Framework (NPPF) 2023

Paragraph 2: applications for planning permission must be determined in accordance with development plans unless material considerations indicate otherwise.

Paragraph 11: A presumption in favour of sustainable development.

Paragraph 97 states that:

To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) 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;
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

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

Paragraph 131: the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 135 sets out criteria for assessing planning applications and requires decision makers to ensure that development proposals function well and add to the overall quality of the area, are visually attractive as a result of good architecture, are sympathetic to local character and history, establish or maintain a strong sense of place, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible and which promote health and well-being.

This paragraph, specifically 135(f), also requires development to afford a high standard of amenity for existing and future occupiers and is consistent with policy PS10 of the City of Leicester Local Plan.

Paragraph 173 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where

appropriate, applications should be supported by a site-specific flood-risk assessment.

Paragraph 174 states that applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 59.

Paragraph 193 states that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

### Development Plan policies

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

## Consultations

Local Highway Authority – No objections.

Noise and Pollution Control – Initially assessed that the details in the Noise Assessment were acceptable but requested further details relating to delivery times and operating hours. On receipt of the requested information they raise no objections subject to the premises operating in accordance with the submitted details.

Local Lead Flood Authority (LLFA) – Request a sustainable drainage scheme and a flood risk assessment.

## Representations

32 objections have been received. The grounds of objection are.

- Loss of community facility.
- The premises does not have sufficient parking for the proposed use and would exacerbate existing parking problems.
- Noise from drumming, car horns, people cheering and fireworks.
- Blocking of driveways by people attending weddings.
- Increase in litter in the area.
- Change of use has occurred without planning permission.
- There are flashing bright lights on the front of the property.

A petition with 101 signatures in objection to the application has also been received. The petition states "We the residents of Evington Valley Road, Evington Valley Gardens, Mervyn Road, Bannerman Road, Ethel Road oppose the retrospective application for the change of use of the ground floor from community use (Use Class

F2) to a wedding and events venue (Sui Generis). The new use has introduced significant disturbances including excessive noise, invasive lighting, increased traffic and parking problems and uncontrolled waste management all of which negatively impact our residential area.”

63 comments in support of the application have also been received.

## Consideration

### Principle of development

Policy CS10 of the Leicester Core Strategy states that designated employment land will be retained for employment purposes.

Whilst the property is located within a primarily employment area, it has been operating as a religious, educational and community facility since the 1980s. I therefore consider that the proposal would not result in the loss of an employment use and would not be contrary to policy CS10 of the Leicester Core Strategy.

Policy CS08 of the Leicester Core Strategy states that the Council will seek to retain existing places of worship in order to ensure provision for the wide variety of religious groups active in the City.

The application site was limited by condition to the use by the Leicester Asian Youth Association only. The association folded in 2010 and there appear to have been no other proposals from other religious groups to use the property. The proposal involves the use of the premises mainly for holding weddings. I consider that this is a similar use in planning terms to a place of worship through assemblies of visitors for purposes which represent community use of the building. I therefore consider that the proposal is acceptable in principle.

### Design

Policy CS03 of the Leicester Core Strategy states that good quality design is central to the creation of attractive, successful and sustainable places. We expect high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. Development must respond positively to the surroundings, be appropriate to the local setting and context and take into account Leicester’s history and heritage.

The proposed alterations to the building are the removal of two windows to the front and windows above the door and a replacement door. I consider that these are minor alterations to the building that do not have a significant impact on the design of the building and are therefore not contrary to policy CS03 of the Leicester Core Strategy.

### Residential amenity (*neighbouring properties*)

There are a number of residential properties in the vicinity of the site on Evington Valley Road, Mervyn Road and Bannerman Road. The properties on Mervyn Road have rear gardens that face the side of the building.

The proposed operating hours for events are 10.00 to 23.00 on Monday to Saturday and 10.00 to 20.00 on Sunday. The building would be open between 08.00 and 00.00 on Monday to Saturday and 08.00 to 21.00 on Sunday. The additional times before and after events are to allow for setting up and taking down of events.

A Noise Management Plan has been submitted which states that pre-recorded amplified music would be played until 22.30 at the latest and guests are required to leave by 23.00 on Monday to Saturday and 22.00 on Sunday. The premises would also be fitted with a noise limiting device which can be controlled through the premises licencing process.

Objections have been received over noise outside the premises particularly from drumming and car horns. The submitted Noise Management Plan states that outdoor activity would be prohibited.

I consider that the Noise Management Plan is clear and that subject to a condition being attached that the premises operates in accordance with this plan, the impact on the residential amenity of the occupiers of nearby properties would not be significantly harmful to justify refusal and should be controllable through planning powers if contravened in a way which is detrimental to local people.

Such action would not be possible in the absence of the proposed condition. This application also allows further conditional controls to be secured which would not be possible should the use become immune from enforcement action through operation for 10 years.

### Highways and Parking

Policy CS14 of the Leicester Core Strategy states that development should be easily accessible to all future users, including those with limited mobility, both from within the City and the wider sub region. It should be accessible by alternative means of travel to the car, promoting sustainable modes of transport such as public transport, cycling and walking and be located to minimise the need to travel.

Policy CS15 of the Leicester Core Strategy states that to meet the key aim of reducing Leicester's contribution to climate change, opportunities should be provided that will manage congestion on the City roads.

A Transport Statement has been submitted with the application which states that the proposed capacity of the premises would be 200 people. The statement also states that the property has 7 car parking spaces to the front of the site and an agreement with the operators of the Fun Valley play centre at 70 Evington Valley Road that the car park for this premises can be used for visitors to the premises. This car park has 43 spaces. The proposed site plan shows that the spaces to the front of the premises would also be marked out as they are not currently clearly defined. The proposal would also provide four cycle parking spaces

The statement presents the results of a parking survey that was carried out during an event being held at the premises on 27 January 2024. This showed that despite the Fun Valley car park not being available on that day there was sufficient capacity in terms of on street parking available for the visitors to the premises.

The site is also within walking distance of regular bus routes on both Evington Valley Road and Evington Road.

The lawful use of the premises as a religious and education centre would be likely to generate a similar amount of visitors to the premises as the proposed use would, and I therefore consider that the proposal would not result in harm to the highway network to justify refusal.

### Flooding

The site is within an area at risk of flooding. There is no change in the built form of the development and the proposed change does not increase the vulnerability of the use in terms of flooding. I therefore do not consider that there is justification for a sustainable drainage system to be provided and that the proposal is not contrary to policy CS02 of the Leicester Core Strategy.

### Other matters

In relation to the change of use having occurred without planning permission, it is not an offence for development to take place without planning permission. Unauthorised use of the premises had been reported to the Compliance and Monitoring Team in 2016 but no breach of planning control was identified at that time. Following the lifting of restrictions due to covid-19 the premises has been clearly operating as a wedding venue and a breach of planning control was established leading to the submission of the current application which allows consideration of appropriate controls through new planning condition.

In relation to the objections relating to blocking of driveways, this is not a matter that can be controlled under planning legislation and can be addressed through enforcement.

In relation to the concerns about lights on the premises, these are installed to the front of the premises and do not require planning permission as they are fixed to the building.

### **Conclusion**

In conclusion I consider that the proposal is acceptable and provides an opportunity to attach planning conditions to an unauthorised use to enable it to operate without causing harm to residential amenity and highway safety.

I recommend that this application is APPROVED subject to conditions.

## CONDITIONS

1. Within 6 months of the date of this consent, all parking areas shall be surfaced and marked out in accordance with details shown on plan 1195-MPD-XX-ZZ-DR-A-1101 revision P02 received by the City Council as Local Planning Authority on 16 May 2024, and shall be retained for parking and not used for any other purpose. (To ensure that parking can take place in a satisfactory manner, and in accordance with saved policy AM11 of the City of Leicester Local Plan and Core Strategy policies CS03, CS14 and CS15.)
2. The use shall not be carried on (except preparation of events and cleaning/taking down after the events) outside the hours of 0800-2300 Monday to Saturday and 0900-2100 on Sundays. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
3. The use shall only operate in accordance with the details in the Noise Management Plan received by the City Council as local planning authority on 24 July 2024. (In the interests of the residential amenity of the occupiers of nearby properties and in accordance with saved policy PS10 of the City of Leicester Local Plan.)
4. Development shall be carried out in full accordance with the following approved plans:
  - Proposed Elevations, 1195-MPD-XX-ZZ-DR-A-1400, rev P02 received 16 May 2024
  - Proposed Ground Floor Plan, 1195-MPD-XX-ZZ-DR-A-1200, rev P02 received 16 May 2024
  - Location Plan and Proposed Site Plan, 1195-MPD-XX-ZZ-DR-A-1101 rev P02, received 16 May 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 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.

### **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_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.
- 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.



## COMMITTEE REPORT

<b>20240386</b>	<b>42 Southernhay Road</b>	
Proposal:	Demolition of existing dwelling; construction of detached two storey dwelling (6 beds) (Class C3)	
Applicant:	Mr Dhillon	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	28 May 2024	
CY1	TEAM: PD	WARD: Knighton



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### Summary

- This application has been brought to committee as there has been 8 objections from neighbours, along with objections from Stonegate Conservation Area Society, and Councillor Whittle.

- The main concerns are the demolition of the existing dwelling, increased flooding, loss of biodiversity, impact on the highway and parking, publicity procedure for planning applications, and design.
- The main considerations are design, amenity, biodiversity, flooding, and impact on highway and parking.

## The Site

The application relates to a two-storey dwelling in a primarily residential area. With regards to flooding constraints the site is within a critical drainage area and an area with a low risk of surface water flooding. There are also a number of trees on the site.

## Background

No relevant formal planning decisions on site

A pre-application application was submitted in line with paragraph 39 of the NPPF.

## The Proposal

The application is for the demolition of the existing dwelling and construction of a two-storey dwelling of a similar design in its place. At ground floor level the dwelling would measure w16.8m x d12.8m and include a garage, two living spaces, an open plan kitchen and dining area, utility space and spice kitchen, and a bedroom with ensuite. At first floor level it would measure w11.8m x d9.5m and have four bedrooms (two with ensuite) and a family bathroom. In the loft, facilitated by two dormers, there would be a sixth bedroom and study, with a further bathroom.

The application is accompanied by a floorspace schedule, drainage strategy, ecology survey, and an arboricultural impact assessment.

## Policy Considerations

### National Planning Policy Framework 2023

Paragraph 2 (Primacy of development plan)

Paragraph 11 (Sustainable development)

Paragraph 39 (Early engagement)

Paragraph 43 (Right information crucial)

Paragraph 56 (Six tests for planning conditions)

Paragraph 60 (Housing supply)

Paragraph 70 (Small housing sites)

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 136 (Trees)  
Paragraph 139 (Design decisions)  
Paragraph 140 (Clear and accurate plans)  
Paragraph 165 (Avoiding flood risk or making development safe)  
Paragraph 168 (Flood sequential test)  
Paragraph 169 (Flood exception test)  
Paragraph 170 (Application of the exception test)  
Paragraph 171 (Both elements of the exception test)  
Paragraph 173 (Flood risk considerations and SuDS)  
Paragraph 180 (Natural environment considerations)  
Paragraph 186 (Biodiversity in planning decisions)  
Paragraph 188 (Habitats site)

#### 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

Residential Amenity SPD 2008

Leicester City Council Corporate Guidance – Achieving Well Designed Homes 2019

Housing and Economic needs Assessment (HEDNA) Main Report (2017)

Department for Communities and Local Government - Nationally described space standard

Waste Management Guidance (2015)

Leicester City Council – Leicester Street Design Guide 2020

Local Plan Appendix 001 – Vehicle Parking Standards

Residential Car Parking Research for Leicester (2011)

GOV.UK Planning Practice Guidance – Flood Risk and Coastal Change

<https://www.gov.uk/guidance/flood-risk-and-coastal-change>

GOV.UK Planning Practice Guidance – Flood Risk Assessments

<https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications>

GOV.UK Planning Practice Guidance – FRA Standing Advice

Shopfront Design Guide 2017

Equality Act (2010) – Public sector equality duty

Leicester Biodiversity Action Plan (2021)

#### **Consultations**

Lead Local Flood Authority (LLFA) – no objections subject to conditions.

Trees and Woodlands – no objections subject to conditions.

## Representations

8 objections have been received from 8 addresses within the local authority boundary with the following concerns:

- There is increased flooding in the area caused by the Tennis Courts behind the site who did not implement sustainable drainage, and this development would create additional flooding problems.
- Drains have been blocked by the applicants.
- A loss of biodiversity on site including loss of trees.
- Number of species have been seen on and around the site.
- Noise and air pollution generated by development.
- Increased parking caused by the development.
- Concerns regarding construction vehicles parking on the street blocking driver's visibility.
- The design of the scheme is unsympathetic and not in keeping with the existing properties.
- The property would have a negative impact on Stoneygate Conservation Area should the conservation area be extended.
- Impact on property prices.
- A lack of publicity for the planning application.
- Demolition of the existing property is not considered to be environmentally friendly.
- Notes a separate matter regarding surfacing issues on Southernhay Road
- Concerns this could cause a precedent for demolition and rebuilding of dwellings in the area.

One additional objection has been received from Stoneygate Conservation Society which notes that the existing property is unremarkable but a distinctive example of its time. They also recognise that appreciation of architecture is cyclic and one day may be regarded as a valuable contribution to architecture. They also had concerns about a precedent being set for the demolition and rebuild of properties.

Lastly one objection has been received from Councillor Whittle who stated they agreed with the submitted objections and had concerns regarding the lack of publicity and the demolition of structurally sound property.

## Consideration

## Principle of Development

The application is considered acceptable in principle subject to the following considerations below.

### Character & Design

Policy CS06 of the Leicester Core Strategy (2014) states that new housing should be provided in accordance with the sustainable development and design principles set out in CS Policies 2 and 3 in order to protect residential amenity and provide quality development.

Policy CS03 of the Leicester Core Strategy (2014) states that high quality, well designed developments that contribute positively to the character and appearance of the local built environment are expected. It goes on to require development to respond positively to the surroundings and to be appropriate to the local setting and context and, at paragraph 1 (first bullet point), to contribute positively to an area's character and appearance in terms of *inter alia* urban form and high-quality architecture. Saved Policy PS10 of the Local Plan (2006) sets out a number of amenity factors to be taken into account when determining planning applications including the visual quality of the area and the ability of the area to assimilate development.

The street is made up of a number of detached dwellings in a variety of styles, materials, and roofscape. This particular property is relatively plain. The proposal would retain a similar massing to the dwelling on the front elevation but with elevated eaves, new fenestration, and a large open supported canopy.

The increased eaves height to the main property would have a negligible impact to its overall scale. The rear dormers are small in size and well sited. The massing to the rear has been increased however the site is large and can assimilate this.

Concerns have been received regarding design, namely one from Stoneygate Conservation Society which notes that the existing property is unremarkable but a distinctive example of its time and one day may be regarded as a valuable contribution to architecture. I do not consider this would be reasonable to restrict development on the basis that in future the property (which lies outside of Stoneygate Conservation area) could one day become a heritage asset when there is no evidence at current that the property holds much architectural value.

The materials would tie in with the existing streetscene, a condition is recommended to ensure this.

I am mindful that the dwelling could be substantially increased by the use of permitted development rights to the detriment of the area, particularly those changes within class B, Part 1, Schedule 2 which could allow changes to the roofscape out of keeping with the proposed dwelling and streetscene. I recommend that this right is removed should planning permission be granted.

I conclude that the proposal would comply with policy CS03 of the Core Strategy (2014), saved policy PS10 of the Local Plan (2006), and NPPF chapter 12 and is acceptable in terms of the character and appearance of the area.

#### Residential amenity (neighbouring properties)

Policy CS03 of the Leicester Core Strategy (2014) states that development must respond positively to the surroundings and be appropriate to the local setting and context.

Saved Policy PS10 of the Local Plan (2006) sets out a number of amenity factors to be taken into account when determining planning applications, including the visual quality of the area, privacy and overshadowing, and the ability of the area to assimilate development.

Number 40 and 44 Southernhay Road are both adjacent to the application site. Each dwelling (excluding the garage) are around 4m away from the boundary shared with the application site. Furthermore number 40 is also situated at a slight angle away from the proposed dwelling at number 42 Southernhay Road. I consider the new dwelling would be a significant distance away from both of these dwellings and so would not result in any loss of outlook and natural light that would be unacceptable to its existing or future occupants.

A number of side windows are proposed however which I recommend be fitted with obscure glazing to prevent overlooking to 40 and 44 Southernhay Road.

I am mindful that the dwelling could be substantially increased by the use of permitted development rights to its detriment, particularly those changes within class A, Part 1, Schedule 2 which could allow changes to the massing which could create an overbearing impact on adjacent properties. I recommend that these rights are removed should planning permission be granted.

I conclude that the proposal would comply with policy CS03 of the Core Strategy (2014), saved policy PS10 of the Local Plan (2006) and paragraph 135 of the NPPF, and is acceptable in terms of amenity to neighbouring properties.



### Living Conditions

The dwelling would far exceed NDSS requirements for a six bedroomed dwelling. All principal rooms would have adequate outlook and natural lighting, the garden space would still exceed minimum garden space requirements.

I am mindful that the site could be substantially increased by the use of permitted development rights to its detriment, particularly those changes within classes A and E in Part 1, Schedule 2 which could allow changes to the footprint of the property and add additional large buildings on site which could significantly reduce garden space to the detriment of the proposed occupiers. I recommend that these rights are removed should planning permission be granted.

I conclude that the proposal would comply with policy CS03 of the Core Strategy (2014), saved policy PS10 and H07 of the Local Plan (2006), and paragraph 135 of the NPPF, and is acceptable in terms of living conditions for the existing and proposed occupiers.

### Highways and Parking

Core Strategy Policy CS14 states development should be easily accessible to all future users, including those with limited mobility, both from within the City and the wider sub region. It should be accessible by alternative means of travel to the car, promoting sustainable modes of transport such as public transport, cycling and walking and be located to minimise the need to travel.

Saved Policy AM12 states level of parking for residential development shall be determined in accordance with Appendix 01 referenced above. Little change is proposed to the parking situation and there is still space on site for parking in accordance with appendix 01.

The application site has space for two vehicles on site in line with parking standards. However, I note that in actuality there is space on site for more. Any increased parking is not considered to warrant a detrimental impact on the highway.

Concerns have been raised regarding the possibility of construction vehicles blocking driver visibility and access. Any parking will need to work within the realms of parking and highway legislation. Any illegal on street parking should be reported to the parking enforcement team.

I conclude that the proposal would comply with policy CS14 of the Core Strategy (2014) and would not conflict with saved policy AM12 of the Local Plan (2006), and is acceptable in terms of highway impact and parking.

### Drainage

The site is located within Flood Zone 1 and is shown to be at medium risk of surface water flooding. The site is located within a Critical Drainage Area and SuDS are required to limit surface water volumes and discharge rates. A drainage strategy and an indicative drainage layout have been provided, proposing the use of permeable paving to limit surface water discharge to the existing surface water sewer. Further details are required on the proposed SuDS measures and the proposed surface water drainage, as detailed below. The LLFA consider these details can be submitted as conditions which I consider to be acceptable.

- Evidence confirming 50% betterment (A.6)
- No further information required
- Updated Drainage Strategy
- Confirm the drainage measures that will prevent surface water flowing onto the public highway
- Proposed Surface Water Discharge Rates
- Updated Drainage Layout Plan
- Detailed drainage calculations
- Further SuDS Recommendations
- If applicable, written justification confirming why SuDS are not to be integrated
- SuDS: Product Specification and/or Design Details
- If required, updated SuDS: Maintenance plan
- If proposed, details of proposed flood protection and/or resilience measures

Concerns have been raised regarding the drainage issues around the tennis court. Nevertheless, should this development go ahead the details submitted will allow reduction of water run off onsite of between 30-50% which will further improve the existing drainage situation on site and in the immediate vicinity.

I conclude that the proposal would not conflict with Policy CS02 of the Core Strategy (2014) and is acceptable in terms of sustainable drainage.

### Waste

Saved Policy PS10 of the Local Plan (2006) sets out a number of amenity factors to be taken into account when determining planning applications, including the visual quality of the area including potential litter problems.

Waste storage is shown on plans however and considered to be acceptable.

I conclude that the proposal would comply with policy CS03 of the Core Strategy (2014) and would not conflict with saved policy PS10 of the Local Plan (2006), and is acceptable in terms of waste storage and management.

#### Nature conservation/Trees/landscaping

Saved Policy UD06 states that *'planning permission will not be granted for any development that impinges directly or indirectly, upon landscape features that have amenity value including areas of woodland, trees, planting or site topography whether they are within or outside the site unless: a) the removal of the landscape feature would be in the interests of good landscape maintenance; or b) the desirability of the proposed development outweighs the amenity value of the landscape feature'*.

Policy CS17 of the 2014 Core Strategy states that development shall maintain, enhance, and/or strengthen connections for wildlife, by creation of new habitats, both within and beyond the identified biodiversity network. In considering the potential impact of development on wildlife, the Council will require ecological surveys and assessments of the site to be undertaken where appropriate to establish the presence or absence of protected species or habitats of particular value prior to any development taking place.

The Preliminary Roost Assessment & Protected Species Walkover report (Gritstone Ecology, February 2024) confirms 'No indications of use by bats were present during the survey, either internally, or Externally' and the 'Trees have negligible suitability for use by roosting bats'. Therefore, further bat surveys are not required. I recommend the recommendations in the report should be secure via a condition; this includes the provision of bat and bird boxes (1 x Sparrow terrace nest boxes, 1 x bird nest box 1 x bat box (specifications provided in section 7 of the report). The report states "All accessible areas of the house and garden were inspected in detail"; there is no mention in the report of any other species or habitats which would present a constraint to the development. Therefore, further surveys or mitigation is not required.

Mandatory Biodiversity Net Gain does not apply to this development as it was exempt from BNG at the time the planning application was submitted (temporary exemption small

sites submitted before 02/04/2024). However, the National Planning Policy Framework still puts emphasis on providing biodiversity net gain on site. There are two trees (a field maple and an apple tree graded as low value) required to be removed to accommodate the proposal, but I consider that mitigation for this can be submitted via a condition under a Landscape and Ecological Management Plan should the application be approved. The following replacement trees are considered to be well suited to this area and site and it is recommended that the applicant takes this into account when submitting a LEMP:

- *Cercis siliquastrum*,
- *Crataegus x lavalleyi*,
- *Malus sylvestris*, (or *Malus Royalty* for a purple leaved form),
- *Prunus subhirtella* 'Autumnalis' (winter flowering cherries) or
- *Sorbus sargentiana* (good for autumn colour)

Retained trees are shown on site close to the proposed development. Mitigation measures to ensure these are not damaged by the scheme are proposed. The tree officer has no objections providing that these mitigations are controlled via a condition which I consider to be acceptable.

I conclude that the proposal would comply saved policy UD06 of the Local Plan (2006), and 2014 Core Strategy policy CS17, and is acceptable in terms of the tree protection and biodiversity.

#### Other matters

Regarding points raised by the objections, the application was publicised in accordance with statutory publicity requirements.

There are concerns about noise pollution and air pollution generated from the building of the dwelling. Whilst construction impacts can affect surrounding residents, this would be a temporary situation and is unavoidable during the development process. Given the scale of the scheme, it would not be reasonable to attach a condition restricting the hours of construction.

Concerns have been raised regarding the demolition of the existing dwelling and this not consistent with environmental policy objectives. Whilst loss of embodied carbon in the existing building might be regrettable, the new building would have to comply with much more stringent energy efficiency requirements of modern Building Regulations and therefore be consistent with applicable planning policy in terms of sustainability.

I note that extension works could have been carried out without a full demolition, however

the internal and external works are as such that this would have resulted in partial retention and would not secure the energy efficiency benefits of a new build proposal. As such I do not consider the demolition to be unreasonable in this instance. I also note that as this is a full demolition and rebuild, the applicant is subject to biodiversity diversity enhancement, along with sustainable urban drainage requirements which would have been considered too onerous to require for extensions to a dwelling. As such biodiversity and drainage will be increased bringing further on site bringing benefits to the environment.

Regarding precedents for demolition and rebuild, each application is assessed on a case by case basis and on its own merits. There is no special presumption or consideration to prevent demolition of properties under current planning legislation on the basis of loss of embodied carbon. Outside of conservation areas there is no policy presumption for retention of existing properties of no particular heritage value.

With regards to existing blocked drainage, this is not a planning consideration and is a matter to be resolved between the affected landowners.

Impact of property prices, or existing surfacing issues on Southernhay Road are not material planning considerations.

Concerns have been raised that the development would have a negative impact on Stoneygate Conservation Area should the conservation area be extended. No presumption can be made that the conservation area is to be extended to include 42 Southernhay Road and withholding planning permission on such grounds would be wholly inappropriate.

All foundations, gutters and downpipes should be wholly within the application site. No permission is granted for development on, above or under any adjacent property outside the ownership of the applicant. The applicant may need to enter into a Party Wall Agreement with regard to adjacent impacts with those affected and I recommend this is attached as a note to applicant should the application be approved.

## Conclusion

I therefore recommend that the application be APPROVED subject to the following conditions:

### CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. Prior to works above ground level, the proposed bricks to be used on all external elevations shall be submitted to and approved by the City Council as local planning authority. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03).
3. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to any dwelling house of types specified in (amend as necessary e.g. Part 1, Classes A, B, and E of) Schedule 2 to that Order shall be carried out without express planning permission having previously been obtained. (Given the nature of the site, the form of development is such that work of these types may be visually unacceptable or lead to an unacceptable loss of amenity to occupiers of neighbouring properties; and in accordance with policy PS10 of the City of Leicester Local Plan).
4. Before the occupation of the proposed extension new windows facing 40 and 44 Southernhay Road shall be fitted with sealed obscure glazing to Pilkington level 4 or 5 (or equivalent) (with the exception of top opening light) and retained as such. (In the interests of the amenity of occupiers of 40 and 44 Southernhay Road and in accordance with policy PS10 of the City of Leicester Local Plan).
5. 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/property 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). (To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

6. Prior to the commencement of development details of drainage, shall be submitted to and approved by the local planning authority. No flat/property shall be occupied until the drainage has been installed in accordance with the approved details. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy). (To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
7. Prior to any works above ground level, a detailed landscape and ecological management plan (LEMP) showing the treatment and maintenance of all parts of the site which will remain unbuilt upon shall be submitted to and agreed in writing with the City Council as local planning authority. This scheme shall 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), (viii) a detailed plan of the biodiversity enhancements on the site including a management scheme to protect habitat during site preparation and post-construction, and (ix) specifications of 1 x Sparrow terrace nest boxes, 1 x bird nest box 1 x bat box, and their locations in the application site. The approved LEMP shall contain details on the after-care and maintenance of all soft landscaped areas and 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 policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03, and CS17 Biodiversity).
8. The development shall be carried out in accordance with the recommendation outlined in the tree protection plan received by the city council as local planning authority on the 26th February. (In the interest of biodiversity and in accordance with Core Strategy policy CS17, saved policy UD06 of the 2006 Local Plan and paragraph 136 of the National Planning Policy Framework 2023).
9. Notwithstanding condition 7, development shall be carried out in accordance with the following approved plans:  
2024/02/33, pages 1 to 12 received 26 February 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 (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.
2. Any development where surface water runoff will be managed through discharge into a public sewer will require approval from Severn Trent Water (STW). It is recommended that STW are consulted regarding the proposed connection. An application for connection will need to be completed and submitted to STW once planning approval is granted.  
Where indirect drainage connections are proposed (within private land) as part of a development, the two following steps must be completed:
  - Approval from Severn Trent Water (STW) must be obtained for an indirect connection.
  - Permission must be obtained from the affected Landowner(s) for any works to take place in their land and for the connection to be made into their private sewer network. It is recommended that legal advice is sought to secure an appropriate agreement. Any disputes regarding this are considered neighbour disputes.
3. All foundations, gutters and downpipes should be wholly within the application site. No permission is granted for development on, above or under any adjacent property outside the ownership of the applicant. The applicant may need to enter into a Party Wall Agreement.
4. Condition 3 refers to alterations/extensions that you are normally allowed to carry out to houses without planning permission. In this case the City Council wants to be able to control any alterations and extensions to preserve the appearance of the property or protect the amenities of neighbouring properties. You should submit a pre-application enquiry on our website if you are considering such works.



## **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\_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 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\_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\_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.



## COMMITTEE REPORT

<b>20240612</b>	<b>23 Merton Avenue</b>	
Proposal:	Replacement of timber windows and doors to UPVC windows and doors at rear of dwellinghouse (Class C3)	
Applicant:	Mrs Rakhi Ward	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	20 July 2024	
CY1	TEAM: PD	WARD: Fosse



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### Summary

This application has been brought to committee as the applicant is related to a member of staff at Leicester City Council. One objection has been received regarding concerns about the impact of the development on St Paul's Conservation Area. The main concern is the impact of the development on the heritage asset.

## The Site

The application relates to a mid-terraced dwelling located within St Paul's Conservation Area. The site is also within a Critical Drainage Area.

## Background

None

## The Proposal

The replacement of timber windows and doors to UPVC windows and doors at the rear of the dwellinghouse (Class C3) this includes 2 doors and 6 windows. Two are currently obscure glazed.

## Policy Considerations

### National Planning Policy Framework (NPPF) 2023

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

Paragraph 11 (Presumption in favour of Sustainable Development)

Paragraphs 39 and 40 (Pre-applications)

Paragraphs 43 (Sufficient information for good decision making)

Paragraph 56 (Six tests for planning conditions)

Paragraphs 135 and 139 (Good design and ensuring high standard of amenity)

Paragraphs 201, 203 and 205 (Heritage Assets)

### Development Plan Policies

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

### Supplementary Planning Documents (SPD)

Residential Amenity SPD (2008)

St Paul's Conservation Area Character Appraisal 2022

### Other legal or policy context

Planning (Listed Building and Conservation Areas) Act 1990

Planning (Listed Building and Conservation Areas) Regulations 1990

## Representations

One objection has been received with concerns about the impact of the development on the character of the conservation area.

## Consideration

### Impact on St Paul's Conservation Area:

23 Merton Avenue is a traditional late 19th century mid terrace two storey dwelling located in the St Pauls Conservation Area. The existing windows and doors throughout the property are later 20th century timber replacements in a modern top hung casement style. As such they are of limited historic or architectural interest and make no meaningful contribution to the significance of St Pauls Conservation Area as a heritage asset.

This application seeks to replace all the windows and doors in the rear elevation with heritage style uPVC. The size of the windows will remain the same, but they will be sash sliding, in a cream wood grain effect. To give the appearance of painted timber.

Due to the tight development grain and back-to-back gardens, views of this elevation are limited to within private gardens, and do not form part of the public realm.

UPVC is an inappropriate material for use in sensitive and/or historic settings and is generally discouraged within Leicester's conservation areas. However, in a context such as this one a high quality, heritage style sliding sash window in uPVC can be accepted when replacing existing timber joinery in rear elevations. Further, the reintroduction of historically appropriate 2/1 sliding sash windows in place of modern top hung casements can be supported as a significant visual enhancement.

### Impact on neighbouring amenity:

The smaller window at ground floor level would no longer be obscure glazed. Given its size, I do not consider this would result an unacceptable loss of privacy to the occupants of 25 Merton Avenue.

## Conclusion

I recommend APPROVAL subject to the following conditions:

### CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)

2. The development shall be carried out in accordance with the approved external materials and details and retained as such. This should include:
  - Vertical sliding sash windows, 'bottom smaller window', and 'Patio door' (as described in the proposed elevation plans) shall be upvc with a cream woodgrain effect shall be upvc with a cream woodgrain effect: and
  - 'Kitchen door (as labelled in the proposed elevation plans) to be upvc with a Chartwell Green (or similar) woodgrain effectas shown in the proposed elevations 'proposed windows and doors' received on the 2nd April 2024. (In the interests of visual amenity, and to preserve the character of St Paul's Conservation Area in accordance with Core Strategy policy CS03.)

## 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/or pre-application).

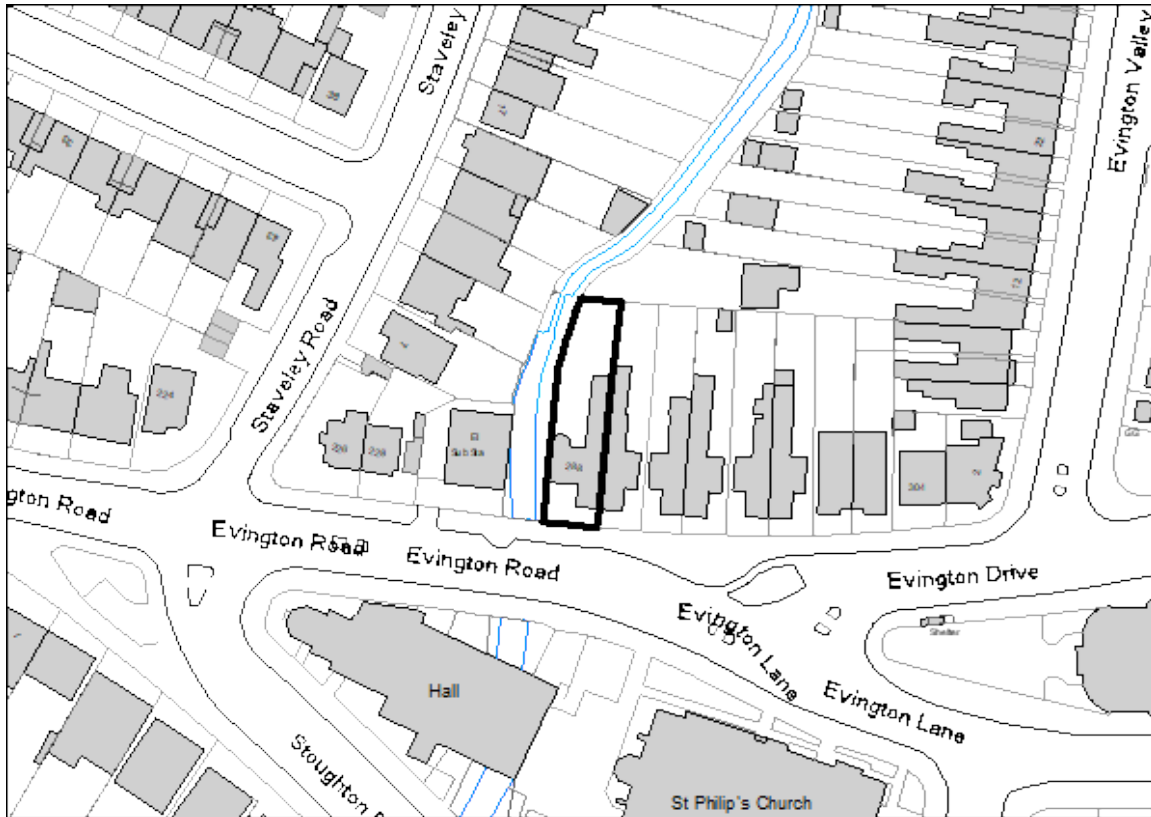
The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2023 is considered to be a positive outcome of these discussions.

### **Policies relating to this recommendation**

- |           |  |
|-----------|--|
| 2006_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.   |
| 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_CS18 | The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.   |

## COMMITTEE REPORT

<b>20240332</b>	<b>288 Evington Road</b>	
Proposal:	Demolition of conservatory; construction of two storey extension at side; dormer at rear of house (Class C3); alterations (Amendments received)	
Applicant:	Sir Peter Soulsby	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	22 August 2024	
CY1	TEAM: PD	WARD: Stonegate



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### Summary

This application has been brought to committee as the applicant is a Member of Leicester City Council. The application is recommended for approval. The main considerations are design, impact on amenity, flooding, and trees.

## The Site

The application relates to a two-storey semi-detached dwelling situated in a residential area. With regards to flooding, the site is adjacent to the Evington Brook watercourse and is within flood zones 3b, 3a, and 2, along with a critical drainage area. The site is adjacent to a biodiversity enhancement site and there are a number of mature trees on and around the site. There is a locally listed substation to the west of the site adjacent to the brook and a locally listed church opposite.

## Background

[20220164](#), demolition of conservatory and construction of two storey extension at side and extension of roof including dormer at rear of house (Class C3), withdrawn.

[20090471](#), single storey extension at front, two storey extension at side and rear of house (Class C3) (amended plans), granted conditional approval in 2009 but not implemented.

## The Proposal

The application is for the demolition of the existing conservatory and construction of a two-storey extension at the side of the property, along with a dormer at the rear.

Amendments were received on the 9<sup>th</sup> of April, then on the 11<sup>th</sup> of June, fixing a discrepancy on the dormer between the section and rear elevation.

Amendments were received on the 17<sup>th</sup> of July updating the ecology report.

## Policy Considerations

### National Planning Policy Framework (NPPF) 2023

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

Paragraph 11 (Presumption in favour of Sustainable Development)

Paragraphs 39 and 40 (Pre-applications)

Paragraphs 43 (Sufficient information for good decision making)

Paragraph 56 (Six tests for planning conditions)

Paragraph 114 (Assessing transport issues)

Paragraph 115 (Unacceptable highways impact)

Paragraph 116 (Highways requirements for development)

Paragraph 135 (Good design and amenity)

Paragraph 136 (Trees)

Paragraph 139 (Design decisions)



Paragraph 140 (Clear and accurate plans)  
Paragraph 165 (Avoiding flood risk or making development safe)  
Paragraph 173 (Flood risk considerations and SuDS)  
Paragraph 180 (Natural environment considerations)  
Paragraph 186 (Biodiversity in planning decisions)  
Paragraph 188 (Habitats site)  
Paragraph 189 (Land instability or contamination)  
Paragraph 195 (Heritage as an irreplaceable resource)  
Paragraph 200 (Heritage statement)  
Paragraph 201 (Considering impact on heritage assets)  
Paragraph 203 (Sustaining significance of heritage assets)  
Paragraph 209 (Non-designated heritage assets)

#### Development Plan Policies

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

#### Other legal or policy context

Residential Amenity SPD (2008)  
Appendix 01 Vehicle Parking Standards (2006)  
Residential Car Parking Research for Leicester (2011)  
Leicester Street Design Guide (2020)  
Leicester Biodiversity Action Plan (2021)

### **Representations**

None received.

### **Consultations**

Trees and Woodlands – no objections subject to conditions

Environment Agency – no objections to application but note a permit will be needed to carry out works. They recommend this is added as a note to applicant should the application be approved.

Electricity supplier – none received

Local lead flooding authority (LLFA) – no objections subject to conditions

### **Consideration**

The application is for an extension to a residential property within a residential area. the application is considered acceptable in principle.

#### Character, Design, and Impact on Locally Listed Buildings

The application site is adjacent to an electricity substation on Evington Road, which is a non-designated heritage asset as identified on the Local Heritage Asset Register.

The proposed extension would limit some side views of the substation, but this would not have any impact on its significance. It would also be visible in context of the Church of St Philip and the Masjid Umar, which are also identified local heritage assets, but there would also be no harm to significance in this respect.

The extension is designed to be subservient to the existing dwelling and respects its overall form and detailing. Materials are proposed to match the existing dwelling which is recommended to be conditioned should the application be approved.

I conclude that the proposal would comply with policy CS03 of the Core Strategy (2014), saved policy PS10 of the Local Plan (2006), or NPPF chapters 12 and 16 and is acceptable in terms of the character and appearance of the area including the non-designated heritage assets.

#### Residential Amenity (Neighbours)

The development is located to the side facing the brook and substation. I do not consider that it would not result in any overbearing, overlooking, or overshadowing that would be detrimental to any neighbouring properties.

I conclude that the proposal would comply with policy CS03 of the Core Strategy (2014), saved policy PS10 of the Local Plan (2006), and paragraph 135 of the NPPF, and is acceptable in terms of amenity to neighbouring properties.

#### Residential Amenity / Living Conditions (Application Site)

All principal rooms would have adequate outlook and natural lighting. The garden space would still exceed minimum requirements set out in appendix G of the Residential Amenity SPD/ is still of a usable and ample size.

I conclude that the proposal would comply with policy CS03 of the Core Strategy (2014), saved policy PS10 of the Local Plan (2006), and paragraph 135 of the NPPF, and is acceptable in terms of amenity to existing and future occupiers of this dwelling.

#### Highways/Parking

No changes are proposed to the existing parking situation on site. Only one space could be provided which is not ideal given the road has restricted on-street parking. Nevertheless, as this is an existing situation, and the extensions to the dwelling are modest, I do not consider that the proposal would result in a detrimental highway impact.

I conclude that the proposal would comply with policy CS14 of the Core Strategy (2014) and would not conflict with saved policy AM12 of the Local Plan (2006), and is acceptable in terms of highway impact and parking.

### Drainage/Flooding/Climate Change

The western and northern sections of the site are within Flood Zone 3b, and the site is also shown to be at high risk of surface water flooding. Flood resilience measures will therefore need to be included as part of the application. The drainage strategy provided within the application proposes to manage surface water from the proposed extension via a water butt, and utilising the existing connection into the surface water sewer. The points stated below will need to be satisfied in order to ensure that the development would ensure reduced run off and flood risk mitigation on site, and these can be secured via pre-commencement conditions.

- Demonstrate that the Emergency Flood Planning procedure has been followed
- Update the Drainage Strategy to confirm the capacity of the proposed water butt
- SuDS: Product Specification and/or Design Details
- Update the SuDS Maintenance plan to include the proposed water butt
- Compliance for “Advice for minor extensions” within National Planning Policy Guidance (NPPG) “Standing Advice for vulnerable developments”

### Trees/Landscaping

A tree survey, report, and tree protection plan have been submitted with this application. The tree officer has viewed these and has no objections providing section 7 of the supplied tree survey and report and the tree protection plan could be conditioned. I consider this would be a reasonable condition should the application be approved.

## Conclusion

The proposal is acceptable in terms of all the considerations listed above and would provide a development in accordance with the relevant policies and guidance. I therefore recommend APPROVAL subject to the following conditions:

### CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The external elevations shall be constructed in materials to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03.)
3. The development shall be carried out in accordance with the recommendation outlined in Section 7 of the supplied tree survey and report and the tree protection plan received by the city council as local planning authority on the 19th February. (In the interest of biodiversity and in accordance with Core Strategy policy CS17, saved policy UD06 of the 2006 Local Plan and paragraph 136 of the National Planning Policy Framework 2023).
4. The development shall be carried out in accordance with the recommendation outlined in appendix 01 of the approved Preliminary Bat Roost Assessment received by the Local Planning Authority on 29 July 2023. Should the development not be carried out within 24 months of the original report then a repeat survey shall be carried out and submitted to and agreed in writing with the City Council as local planning authority. (In the interest of biodiversity and in accordance with Core Strategy policy CS17 and section 15 of the National Planning Policy Framework 2023).
5. 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. The extension shall not 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). (To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
6. Prior to the commencement of development detailed measures of flood proofing/resilience techniques shall be submitted to and approved by the local planning authority. The details shall be incorporated in accordance with the

National Planning Policy Guidance (NPPG) "Preparing a flood risk assessment: Standing Advice" to conduct a suitable self-assessment of flood risk. The proposed extension shall not be occupied until the measures have been implemented in accordance with the approved details. It shall be retained and maintained thereafter. (To minimise the risk of damage in times of flooding, and in accordance with policy CS02 of the Core Strategy). (To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

7. No part of the development shall be occupied until the drainage has been installed in accordance with the approved details. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy).
8. The development shall be carried out in accordance with the approved plans:  
Proposed Extension and Sections A-A & B-B, received 11th June 2024  
Tree Protection Plan 01, received 19th February 2024  
Tree Survey and Constraints Plan 01, received 19th February 2024  
Proposed Plans, received 19th February 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 (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.
2. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:
  - on or within 8 metres of a main river (16 metres if tidal)
  - on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
  - on or within 16 metres of a sea defence

- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk).

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

### **Policies relating to this recommendation**

2006_AM12	Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
2006_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
2006_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_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.