

Leicester
City Council

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

DATE: WEDNESDAY, 23 NOVEMBER 2022

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 Riyait (Chair)

Councillor Aldred (Vice-Chair)

Councillors Broadwell, Chamund, Joshi, Dr Moore, Thalukdar, Valand and
Westley

One unallocated Labour group place

One unallocated Non group place.

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

For Monitoring Officer

Officer contact:

Aqil Sarang, tel: 0116 454 5591 / Jacob Mann, tel: 0116 454 5843 /

e-mail: aqil.sarang@leicester.gov.uk / jacob.mann@leicester.gov.uk

Democratic Support, Leicester City Council, City Hall, 115 Charles Street, Leicester, LE1 1FZ

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If you have any queries about any of the above or the business to be discussed, please contact:
Aqil Sarang, tel: 0116 454 5591 / Jacob Mann, tel: 0116 454 5843 or , Democratic Support Officers.
Alternatively, email aqil.sarang@leicester.gov.uk / jacob.mann@leicester.gov.uk, or call in at City Hall.

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PUBLIC SESSION

AGENDA

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- 1. APOLOGIES FOR ABSENCE**
- 2. MINUTES OF THE PREVIOUS MEETING**

Members are asked to confirm that the minutes of the meeting of the Planning and Development Control Committee held on 5 October 2022 are a correct record.

- 3. 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.

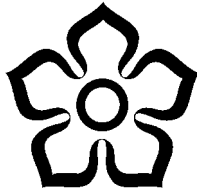
4. PLANNING APPLICATIONS AND CONTRAVENTIONS [Appendix A](#)

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) 20220977 - 8 THORESBY STREET [Appendix A1](#)**
- (ii) 20213007 - 80 QUEENS ROAD [Appendix A2](#)**
- (iii) 20213040 - MELTON ROAD, LAND NORTH OF SAINSBURY'S [Appendix A3](#)**
- (iv) 20221993 - 87 KINCAPLE ROAD [Appendix A4](#)**
- (v) 20221334 - 22A STAVELEY ROAD [Appendix A5](#)**
- (vi) 20221285 - 9 UPPINGHAM CLOSE [Appendix A6](#)**

5. ANY URGENT BUSINESS

6. CLOSE OF MEETING



Leicester
City Council

Wards:
See individual reports.

Planning & Development Control Committee

Date: 23 November 2022

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.

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- 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.

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- 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.

- 8.4 The impact on the human rights of an applicant or other interested person must be balanced against the public interest in terms of protecting the environment and the rights of other people living in the area.
- 8.5 Case law has confirmed that the processes for determination of planning appeals by the Secretary of State are lawful and do not breach Article 6 (right to a fair trial).

9 Background Papers

Individual planning applications are available for inspection on line at www.leicester.gov.uk/planning. Other reasonable arrangements for inspecting application documents can be made on request by e-mailing planning@leicester.gov.uk . Comments and representations on individual applications are kept on application files, which can be inspected on line in the relevant application record.

10 Consultations

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

11 Report Author

Grant Butterworth grant.butterworth@leicester.gov.uk (0116) 454 5044 (internal 37 5044).

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APPLICATION ORDER**

Page Main	Page Supp	Application Number	Address	Ward

COMMITTEE REPORT

20220977	8 Thoresby Street	
Proposal:	Retrospective application for construction of single storey extension at front, side and rear of house; alterations (Class C3) (Amended plans received 5/8/2022)	
Applicant:	Mrs R Mann	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	12 August 2022	
ACB	TEAM: PE	WARD: North Evington



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Summary

- Application is reported to the committee at the request of Councillor Joshi.
- No objections have been received
- Issues are the impact of the extension on the residential amenity of neighbouring properties
- Application is recommended for refusal

The Site

The application site is a semi-detached house located within a residential part of the City. Part of the rear garden is within an area at risk of flooding from a 1 in 1000 year event.

Background

In January 2021 planning permission 20202359 was granted for the construction of a single storey canopy at the front, a single storey extension at the side and rear and the construction of a decking area at the rear.

Also in January 2021 under notification 20202466 it was determined that prior approval was not required for the construction of a single storey extension to the rear of the house. Notes to applicants were included on both applications to advise that they could not be constructed in one building operation.

In April 2022 a report was received by the Enforcement Team that a large extension was being constructed to the side and rear of the house.

The Proposal

The application has been submitted as a result of the investigation and is for retrospective permission for the construction of a single storey extension to the front, side and rear of the house.

The front extension is in the form of a canopy and is 3.5m high and spans the width of the original front of the house.

The side extension is 1.9m wide, 14 metres deep and 3.2 metres high with a dual pitched roof.

The rear extension projects 6 metres from the rear of the house. It is 5.4 metres wide and 3.5 metres high with a dual pitched roof.

The extensions would be finished in render and the existing house would also be rendered. The extensions have been constructed in one building operation.

Amended plans were submitted showing a corner of the extension closest to 10 Thoresby Street being removed, however the applicants have requested that the application be determined based on the originally submitted plans.

Policy Considerations

National Planning Policy Framework 2021 (NPPF)

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 126: 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 130 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 130(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 159 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

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

Residential Amenity SPD

Representations

The application was advertised by letters to neighbours. No comments have been received from members of the public.

Councillor Joshi has requested that the application be determined by your committee to allow wider discussion on the issues related to the case.

Consideration

Principle of development

The application is for extensions to a house in a residential area. Therefore it is acceptable in principle subject to considerations regarding design, residential amenity and in this case the impact on flooding.

Design

Policy CS03 of the Leicester Core Strategy states that 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 proposed canopy to the front of the property would be a small scale addition to the front of the property and would not be supported by brackets rather than columns. The neighbouring property at 10 Thoresby Street also has a canopy and there are other examples of canopies on Thoresby Street.

The proposed side extension is set back from the front of the property and replaces a poorly designed covered area.

The proposed rear extension has a different roof arrangement from the original house, however it is located to the rear of the property and cannot be seen from the public view. Given the depth of the extension it would be difficult to provide a single pitched roof and I therefore consider that a refusal on design grounds could not be justified.

Residential amenity (*neighbouring properties*)

The neighbouring property at 6a Thoresby Street remains as constructed. The side extension would be located on the boundary with this property. Whilst the proposed extension would intersect a 45° line taken from the centre point of the nearest window to a habitable room in this property the extension replaces a garage that also intersected the 45° line. I therefore consider that the impact on the residential amenity of the occupiers of this property would not be significantly harmful to justify refusal.

The neighbouring property at 10 Thoresby Street has been extended to the rear with a two and single storey extension. The single storey extension projects 3 metres from the rear of the house at the point closest to the proposed rear extension and there is a set of double doors to the rear of this extension- these are the only windows available to this room. The proposed extension would intersect a 45° line taken from the centre point of these doors and the proposed rear extension would result in a loss of light and outlook from the neighbouring property at 10 Thoresby Street to the detriment of the residential amenity of the occupiers of this property. I therefore consider that the proposal would be contrary to paragraph 130(f) of the NPPF and saved policy PS10 of the City of Leicester Local Plan in this regard.

The neighbouring property to the rear at 17 The Littleway is approximately 27 metres from the rear of the proposed rear extension and this would be greater than the separation distance required by the guidance in the Residential Amenity SPD. I therefore consider that the impact on the residential amenity of the occupiers of this property would not be significant enough to justify refusal.

Highways and Parking

The proposal results in the loss of one off street parking space in the form of the covered area to the side. However, this space would not have been considered to be wide enough to accommodate a vehicle of modern standards. There remains sufficient space for off street parking on the front of the property and I therefore consider that a refusal on the impact on the highway could not be justified.

Drainage

Part of the rear garden of the property where the rear extension is proposed is within an area at risk of flooding from a 1 in 1000 year event. If the proposal were recommended for approval I would propose a condition requiring floor levels to be no lower than the existing and for flood proofing and resilience measures to be included.

Other matters

Whilst planning permission has been granted for the front and side extension and a determination that prior approval was not required for the rear extension has also been made, these are separate decisions operating under separate areas of planning and the two developments cannot be constructed at the same time. The reason behind this is that the prior approval extension would not comply with the submitted details and the side extension would breach the condition relating to the approved plans under the previously approved. The resulting development may be similar had it been built in separate stages however planning permission and prior approval are given for the construction of the buildings and not the resulting building.

The Prior Approval Notification procedures did not allow the impact on the 45 degree line affecting the adjacent property to be considered- however this is now a material consideration with regard to the retrospective application to retain the structure as built subject of this report.

Conclusion

In conclusion I consider that the application would have a significant detrimental impact on the residential amenity of the occupiers of 10 Thoresby Street due to loss of light and outlook.

I recommend REFUSAL for the following reasons:

REASONS FOR REFUSAL

1. The proposal by virtue of its depth and siting would result in an adverse impact on the amenity of occupants of 10 Thoresby Street in terms of loss of outlook and light to their rear ground floor principal window and would be contrary to the National Planning Policy Framework (2021) paragraph 130 (f) which requires development to afford a high standard of amenity for existing and future occupiers. The proposal would also be contrary to saved policy PS10 of the City of Leicester Local Plan and guidance in Residential Amenity SPD (2008).

NOTES FOR APPLICANT

1. REFUSAL - NEGOTIATION

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_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'.

COMMITTEE REPORT

20213007		80 Queens Road	
Proposal:	Retrospective application for change of use from Betting Shop (Sui Generis) to Restaurant (Class E) and for installation of ventilation flue		
Applicant:	Mr Vimal Kumar Rana		
App type:	Operational development - full application		
Status:	Change of use		
Expiry Date:	24 May 2022		
BL	TEAM: PD	WARD: Castle	



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Summary

- The application is at committee as more than five objections have been received from Leicester addresses
- 15 objections have been received.
- The main issues are the principle of the development, the proposed hours of use and other factors that may have an impact on residential amenity.
- Recommendation is for approval.

The Site

The application relates to 80 Queens Road which is within the Queens Road Local Centre. It is the northern most of a short row of six purpose built commercial units set

back further from the highway than many of the other commercial units along the northern part of Queens Road.

Background

Previous planning history dates from 1969 to 2004, and relates to changes of use, advertisement consent and shopfront alterations. The most recent change of use is listed below:

20031360 - Conditional approval for the change of use from retail (Class A1) to betting shop (Class A2); new shop front; three air conditioning units (amended)

Condition no.3 of this approval stated that *“The use shall not be carried on outside the hours of 0900 – 2200 daily. (In the interests of the amenities of nearby occupiers, and in accordance with policy(ies) S10 of the City of Leicester Local Plan.)”*

Recent changes to the Use Classes Order mean that betting shops now fall under sui generis and not Use Class A2 as was the case in 2003.

The Proposal

The application is a retrospective application for the change of use of the ground and first floors from a betting shop (Sui generis) to restaurant (Class E) and for the installation of a ventilation flue at the rear.

The application form states that the intended opening hours are: 10:00 am to 0:00 am Mondays to Fridays, 10:00 am to 01:00 am Saturdays and 10:00 am to 00:00 am Sundays and Bank Holidays. However, this is not the opening hours as currently advertised on google and on site. For reference, the advertised opening hours are: 02:00 pm to 10:00 pm Sundays, 11:00 am to 10:00 pm Mondays to Thursdays and 11:00 am to 11:00 pm.

The ventilation flue projects upwards from the first floor and through the ceiling of the property to the rear. Its height is approximately 1m above the ridge of the building.

The ground floor accommodates the main restaurant seating and counter area to the front, with a kitchen, toilet, and utility area to the rear. The first floor is ancillary to this ground floor use and its internal structure has not changed, though alterations have been made to the existing kitchen to install the ventilation flue and a cold room.

With the exception of painting and new advertisements, no other substantial shopfront alterations have been made.

Policy Considerations

National Planning Policy Framework (NPPF) 2021

Paragraph 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 86 to 91 (Ensuring the Vitality of Town Centres)

Paragraphs 185 to 188 (Noise Pollution)

Development Plan policies

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

Consultations

Noise and Pollution Control – No objections to the change of use and consider that the proposed ventilation system is suitable for this type of food outlet.

Representations

Objections have been received from fifteen different persons including one from Cllr Danny Myers. All objections raised concerns over the hours of use proposed in the application for and in particular the impact that this would have on the residential amenity of the area. In addition, other concerns included:

- noise from ventilation flue and possible detrimental impact on residential amenity
- ambiguity concerning whether the use would be a restaurant or a hot food takeaway
- identified concerns relating to the use as a hot food takeaway including increased traffic, littering, antisocial behaviour (one representation recommends that the use be restricted by condition to a restaurant)
- the loss of a retail unit and its impact on the commercial vitality and viability of the Queens Road Local Centre
- concerns over potential noise from the shared service yard (and conditions suggested ensuring that all activity is to the front facing Queens Road including customer access, point of off-sales, use by private vehicles, use by the postal service, deliveries and a suggested ash tray to the front of the premises to avoid littering)
- conditions suggested controlling the level of music and ensuring that windows are shut except for access escape
- conditions suggested restricting the number of visitors to the premises in line with the premises license
- conditions suggested that all rubbish be stored to the rear
- concerns regarding level access to the toilet facilities
- concerns that representations related to the application are not possible by email.

Considerations

Principle of Development

The proposal would add a new restaurant in a defined local centre. The change of use would not alter the footprint of the unit. Queens Road retains a healthy retail function and I consider that, overall, there would not be likely to be such harm to the retail viability of the local centre to be sufficient to refuse the application on the principle of development.

Residential Amenity

Intended opening hours are 10:00 am to 0:00 am Mondays to Fridays, 10:00 am to 01:00 am Saturdays and 10:00 am to 01:00 am Sundays and bank holidays. However, and as noted above, this is not the advertised hours of opening.

I have concerns that the hours applied for within the application form are later than for other licensed premises in the area and could potentially cause nuisance to local residents if activity extends into to the later hours of the night. As such I consider it

appropriate to attach a condition restricting opening hours of the restaurant to between 10:00 am and 11:00 pm.

The ventilation flue projects upwards and outwards from the first floor, and project 1m above the ridge of the property to the rear and due to its positioning is not easily visible from the street scene. The termination point of the proposed flue is acceptable as it would result in sufficient dispersal and diffusion of odours. A condition ensuring that no noise or vibration is perceptible from the ventilation flue would ensure that the flue does not harm residential amenity in this respect.

For a commercial use in a designated local centre I do not consider that conditions ensuring that all activity is to the front (facing Queens Road), controlling the level of music and ensuring that windows are shut except for access escape, restricting the number of visitors to the premises in line with the premises license or requiring that all rubbish be stored to the rear would be necessary or appropriate.

I consider that, subject to conditions restricting the hours of use, that the change of use and installation of the ventilation flue both comply with saved Core Strategy policy CS03 and saved City of Leicester Local Plan policies PS10 and PS11 and are acceptable in terms of visual amenity and noise pollution and any other potential nuisance to neighbouring residential properties.

Highways/Parking

The restaurant is small and is unlikely to have many more staff than the previous use. There is access outside to the front, side, and rear of the site to be used for potential customers or delivery drivers. I consider it unlikely that there would be sufficient reason to refuse the application on the grounds of highway safety.

I conclude that there is no overwhelming conflict with NPPF paragraph 112, and saved City of Leicester Local plan policies AM11 and R05.

Other matters

Alterations to the internal toilet facilities have not been applied for.

The local planning authority takes into consideration all written representations whether they are received by email or via the online representation facility.

Conclusion

The proposal is acceptable in principle and will provide local community facilities, which is a priority land use for the potential development area. There are no concerns regarding waste storage and collection (subject to condition) and drainage. Subject to the recommended conditions, I consider that the parking/highways and residential amenity concerns would not be significant as to outweigh the community benefits. On balance, I recommend that this application is APPROVED subject to 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. No noise or vibration from the operation of the ventilation system detrimental to amenity shall be perceptible in any adjoining property. (In the interests of the amenities of nearby occupiers, and in accordance with policies PS10 and PS11 of the City of Leicester Local Plan.)

3. The use shall not be carried on outside the hours of 10:00 to 23:00 daily. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
4. Development shall be carried out in accordance with the following approved plans:
Plans – 2021/12/340/B Pages 1-8 – Received on 17/02/2022
(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 planning considerations, including planning policies and representations that may have been received and subsequently determining 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 2021.

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_AM11	Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01.
2006_BE10	In developments involving a new shopfront, the design should be an integral part of the whole building and should be in proportion to the lines of the facade of which it forms a part.
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_R03	Retail development outside the Central Shopping Core will be confined to the existing and proposed shopping centres.
2006_R05	Proposals for the use of premises within existing shopping centres for food and drink purposes (Use Classes A3, A4 and A5) will be permitted subject to 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_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.

COMMITTEE REPORT

20213040	Melton Road , Land North of Sainsburys	
Proposal:	Construction of a dual brand motor retail facility (Sui Generis), including car showroom, offices, repair, MOT testing and valeting, alongside access, landscaping and associated works	
Applicant:	Henry Boot Developments Limited	
App type:	Operational development - full application	
Status:	Smallscale Major Development	
Expiry Date:	19 October 2022	
JL	TEAM: PM	WARD: Rushey Mead



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Summary

- The application is reported to the committee as six representations have been received raising concerns with or objection to the proposal.
- The representations have raised issues in relation to noise pollution, air pollution, impacts on living conditions and waste.
- Main issues relate to the impact of the proposed built development and related activities on neighbours
- The application is recommended for approval.

The Site

The application site is a vacant area of brownfield land, which previously accommodated the GE Thorn Lighting factory. The site is relatively flat and covered with scrub grassland. At the time of the site visit it was evident that fly tipping had occurred at the site. There are currently two bell-mouth access points to the site which are off the delivery road for the existing supermarket. The main access is from the Melton Road (A607), which is a classified road and major road into the city.

To the north of the site are residential properties with fencing and trees along the boundary. To the Southeast is the Jesse Jackson Park and to the South is a Sainsburys supermarket, car park and petrol filling station. To the west of the site is a vacant area of land on which there is currently a planning application under consideration for a fast-food takeaway restaurant and a food supermarket.

The site is in flood zone 2, a critical drainage and final hotspot area.

Background

20181373 - HYBRID APPLICATION FOR CONSTRUCTION OF A SUB-DIVISIBLE EMPLOYMENT UNIT (USE CLASSES B1/B2/B8), AND A FAMILY RESTAURANT/PUB UNIT (USE CLASS A4) WITH ACCESS, CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS (FULL), AND FURTHER SUB-DIVISIBLE EMPLOYMENT UNITS (USE CLASSES B1/B2/B8) WITH ACCESS, CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS (OUTLINE). This permission has not been implemented and has expired

Planning permission had previously been granted on site for Class B use under reference 20171124 - HYBRID APPLICATION FOR THE CONSTRUCTION OF A SUB-DIVISIBLE EMPLOYMENT UNIT (USE CLASSES B1/B2/B8), AND A RESTAURANT/PUB (USE CLASS A4) WITH ACCESS, PARKING, LANDSCAPING AND ASSOCIATED WORKS (FULL). FURTHER SUB-DIVISIBLE EMPLOYMENT UNITS (USE CLASSES B1/B2/B8) WITH ACCESS, CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS (OUTLINE) (AMENDED PLANS). This application was not determined and no decision made. An appeal for non-determination was made but later withdrawn.

20120416 - FOODSTORE (CLASS A1) WITH PETROL FILLING STATION , ASSOCIATED CAR PARKING, LANDSCAPING, HIGHWAY WORKS AND REMOVAL OF TPO TREES (FULL APPLICATION); EMPLOYMENT USES (CLASS B1, B2, B8) (OUTLINE) (AMENDED PLANS) (SUBJECT TO S106 AND S278 AGREEMENTS). The foodstore (Sainsburys) element was implemented, however no reserved matters applications were made for the Class B uses.

There had been an extensive history to the now demolished GE Thorn Lighting factory.

To the west of the site, application reference 20212042 is currently under consideration for a drive through restaurant and food supermarket.

The Proposal

The proposal seeks permission to erect a dual brand car showroom, including workshops and MOT testing facilities for both brands (Kia and Volvo). Access to the site from Melton Road would be via and from the existing service road to the Sainsburys store.

It is proposed that the building would have a flat roof with a height of 7.5m (two storey). The building would have a length of 66.2m and width of 38.5m. It is proposed that the building would have a floor area of 3,241sq m. It is noted that the previously approved Use Class B building had a height of 10m but that would have been located approximately 20m from the rear elevation of the nearest properties.

To the ground floor, it is proposed that the showrooms, delivery bays, workshops, storerooms and offices will be located. To the first floor, offices and welfare facilities for staff are proposed, with much of the space left as void over the showrooms.

Externally on the site, it is proposed that a substation, bike store, covered valet bays, storage buildings (for waste) and parking, including service bays and 6 electric charging points are proposed. Landscaping is proposed, to also include swales to the north and west of the site. It is proposed that solar PV's will be erected to the roof of the building, covering approximately 250m². To the rear of the site, a 3.5m high acoustic fence is proposed. The site plan indicates three flag poles and two pylon identification signs to the front of the site. There will be a requirement to apply for advertisement consent for these, which is acknowledged in the submitted design and access statement.

Policy Considerations

National Planning Policy Framework (NPPF) (2021)

Paragraph 2 states that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration.

Chapter 2 – Achieving sustainable development

Paragraph 11 states that decisions should apply a presumption in favour of sustainable development, which includes c) approving development proposals that accord with an up-to-date development plan without delay.

Paragraph 12 highlights that the presumption in favour of sustainable does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. Local planning authorities should work proactively with applicants to secure developments that will improve the

economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Paragraph 56 states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision-making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

Paragraph 81 states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

Paragraph 110 states that in assessing applications, it should be ensured that a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 111 states that development should only be prevented or 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 112 goes on to say that within this context, applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Paragraph 119 states that 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 126 states that 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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Paragraph 130 states that decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change; d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 131 states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning decisions should ensure that opportunities are taken to incorporate trees in developments, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

Paragraph 134 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, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to: a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Paragraph 135 states that local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

Paragraph 152 states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk. It should help to shape places in ways that contribute to radical reductions in greenhouse gas

emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Paragraph 157 states that in determining planning applications, local planning authorities should expect new development to: a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption

Paragraph 159 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 167 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#. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan

Paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should: a) take account of advice from the lead local flood authority; b) have appropriate proposed minimum operational standards; c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and d) where possible, provide multifunctional benefits.

Paragraph 174 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, including by establishing coherent ecological networks that are more resilient to current and future pressures; e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 180 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary

objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Paragraph 183 states that planning decisions should ensure that: a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation); b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

Paragraph 185 states that planning decisions should also 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, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they 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, intrinsically dark landscapes and nature conservation.

Paragraph 188 states that the focus of planning 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. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

Development Plan policies

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

Most relevant Core strategy policies and Local plan policies are PS10, PS11, AM11, E03, UD06 and CS02, CS03 and CS17.

Supplementary Planning Documents (SPD)

Biodiversity in Leicester SPG (October 2003)
Climate Change SPD (January 2011)
Employment Land SPD (December 2007)

Other Informative Documents

National Design Guide (MHCLG)
Economic Development Needs Assessment (2020)

Consultations

- Air Quality – No objection subject to condition.
- Land Pollution – No objection subject to condition.
- Local Highways Authority – No objection subject to conditions covering cycle parking, travel plan, surfacing and construction management plan.
- LLFA - This site is at risk to pluvial and fluvial sources and flood protection measures are proposed to address and manage this risk. Flood protection in the form of raised FFL is proposed to comply with the National Planning Policy Guidance (NPPG) “Standing Advice for vulnerable developments”. Surface water is to be managed using a combination of SuDS (permeable paving, cellular attenuation, rainwater harvesting and swales) prior to controlled discharge using flow control devices into the public sewer. A number of Flood Risk, Drainage Strategy and Water Quality requirements remain outstanding. These will need to be satisfied or secured through condition prior to determination. Conditions relating to SuDS, drainage and construction have been requested. The LLFA have also recommended that the applicant consult STW regarding *Consent to Discharge Trade Effluent* for the proposed valeting building, to get an agreement in principle from STW. This is on the grounds of water quality control and correspondence from STW will need to be provided as part of this or any associated future application.
- Noise and Light Pollution – No objection subject to conditions.
- Sustainability – No objection subject to conditions.
- Tree Officer – No objection.

Representations

Six letters have been received from different city addresses which raise the following concerns or objections:

- Questions regarding position of the building to dwellings, size of buffer zone, screening details, trees to be retained, height of proposed building.
- What are the air quality mitigation measures? Previous issues of dust pollution from Sainsburys development.
- What are the proposed construction hours (issues with Sainsburys).
- What are the operation hours as well as deliveries?
- What are the waste storage details.
- Current issues with vermin on site.
- How will any car valet pollution be mitigated?
- Concerns about security on site following previous crimes committed.
- Concerns about noise.
- Noise at weekends needs to be kept to a minimum.
- Concerns about safety of trees on the boundary.
- What are the details for the maintenance of landscaping?
- Concerns about increase in traffic.
- Proposed valet/workshop is very close to the adjacent boundary.
- Concerns about height of proposed acoustic fence.
- Concerns about trees affecting outbuilding.

- Would like a contact for during the construction phase following issues with Sainsburys.
- Concern about loss of light.
- Loss of privacy to bathroom and bedroom at rear of property
- Not able to enjoy garden due to noise from the show room, traffic and workshop/valet
- Loud music from valet and workshop
- Health and safety concerns regarding noise, pollution and chemicals from workshop and valet
- Rodents from storage of waste
- Trees might be cut down (along rear boundary)
- Lights on during the night from the show room and advert boards
- Building is an eyesore and can't enjoy property garden.

Following the submission of some of the original comments received, a site visit was made to neighbouring occupiers to discuss the proposal and to answer some of the questions raised- following the site visit, questions raised were put to the agent for a response, which was subsequently published on the website for neighbours to view. A neighbour who had been at the meeting had been emailed about the additional information.

Consideration

Principle of development

The site corresponds to the Site B part of Application 20181373, on which approval, subject to conditions, was granted for employment units.

The application site falls within a site allocated as primarily employment land. Core Strategy (2014) Policy CS10 'Employment Opportunities' and Saved Local Plan (2006) Policy E03 'Primarily Employment Areas' both apply. These policies protect existing employment land for B-class use. Policy CS10 'Employment Opportunities' states that the City Council will work with partners to ensure that Leicester has a thriving and diverse business community that attracts jobs and investment to the city. It also states that employment land will be retained for B1(c), B2 and B8 uses. In lower quality employment areas, as defined by the existing Employment Land SPD (2007) and the subsequent revised Employment Land Study, day nurseries, places of worship, **car showrooms**, and other uses that do not have a use class but are commonly found in industrial estates will be acceptable in principle.

Saved Local Plan Policy E03 'Primarily Employment Areas' states that:

"Within Primarily Employment Areas planning permission will be granted for development of B1, B2 and B8 uses as appropriate, and not for changes to other land uses unless it can be shown that:

- a) the land and buildings are no longer viable for employment purposes; or*
- b) the use is ancillary or complementary to an existing or proposed B-Class use; or*
- c) the use would provide a significant number of jobs; or*
- d) redevelopment of the site would make an important contribution to improving the wider urban environment; or*

*e) the use would be for housing on a site without a greater need to be retained for employment purposes; or
f) the use proposed is a local community facility for which there are no alternative sites available, for which there is a demonstrable need in the area, and which will not have unacceptably adverse effects on existing businesses.”*

It is acknowledged that the land has been vacant for a significant amount of time and that the proposed use for the site would provide a significant number of jobs, in line with exception c) of Policy E03 'Primarily Employment Areas'. Furthermore, it is accepted in planning policy terms that certain Sui Generis uses such as car showrooms are an acceptable use on primarily employment land. The information submitted with the application states that this proposal would allow an existing business in the City to expand, which has outgrown its current site and where there is no scope to expand.

It is considered that the principle of the proposed development is acceptable.

Design

The proposal would result in one single showroom/ workshop for the two brands. The proposed building would have two floors, with much of the second floor a void area over the showrooms.

In relation to proposed materials, it is proposed that the building will be constructed of materials that are commonly found on this type of development, including an aluminium curtain wall system with wall panels and acrylic render. The information submitted in relation to materials is considered acceptable, subject to the submission of a sample panel and detailed specification of the materials. The proposed building would have a flat roof and a typical car show room design with expanses of glazing across the lower level of the front elevation and wrapping round the south western corner of the building.

Officers had questioned if the building could be divided to reduce the massing on site, however due to operational requirements of the operator this was rejected. It was also asked if the building could be moved further forward on the site, however this would then move more activity to the rear of the site, creating more noise for neighbours to the rear.

The proposed building would have a large amount of parking to the front and sides of the building, however due to the nature of the proposed use, it is expected that there would be a significant amount of parking surrounding the building. 27 standard customer bays, 8 accessible parking bays, 7 service parking bays, 18 demonstrator bays, 119 used parking bays, 32 service work bays, 21 staff bays and 12 cycle parking spaces are proposed. Many of the parking bays proposed would be for display or servicing parking. Therefore, although there will be a significant amount of parking on site, given that many of the cars would be for sale, there would not be a significant number of vehicular movements.

The proposed valet building located to the northeast corner of the site, would have a length of 11.6m, width of 9.1m and maximum height of 4.6m (3.8m to the rear). It is proposed that the building would be able to house two cars at one time. It is proposed that the building would be constructed of composite roof cladding panels and the walls

with profile sheets. The valet building would be enclosed, which would help to reduce noise transmission.

Taking into account the location, proposed use and proposed materials, I consider that the design of the development is appropriate and in accordance with policy CS03 of the Core Strategy, and the relevant policies of the NPPF in relation to design.

Heritage Assets

There are no heritage assets near to the application site which would be affected by the proposal.

Residential amenity (*neighbouring properties*)

The proposed building would be located 9.8m from the rear boundary of residential properties at its closest point, with a height of 7.5m. It is proposed that the valet building will be located approximately 7m from the rear boundary. A daylight assessment has been submitted with the application which demonstrates that the proposed building would not result in a loss of light to the occupiers at the rear and therefore would not have a detrimental impact on the amenity of the occupiers. The proposed development would not have any windows at first floor to the rear of the building therefore protecting privacy.

The proposal includes a 3.5m high acoustic fence to the rear boundary. The gardens to the rear of the site vary in length from approximately 3.6m at 32 Cotton Close, to 17m at 6 Locke Avenue where the fence starts to move away from the rear boundary, to 14m at 17 Locke Avenue where the fence ends. Initially to the west of the site the fence sits directly on the boundary with the neighbouring properties (31 Cotton Close to 35 Cotton Close) and is then positioned to gradually move away from the boundary at a slight angle. Along the length of the boundary the plans show existing boundary treatments are to be retained and where the fence does not sit against the boundary, vegetation/ landscaping is proposed. It is noted that the boundary treatment at some properties is more substantial at some than others. The length of this fence was extended following discussions with residents living to the rear of the site to project past the valet building and service parking bays. This fence would help to prevent noise transmission but would reduce the amount of daylight to the rear of some properties, especially 31-34 Cotton Close. The loss of this light would be most prevalent during winter months, especially as the fence would be positioned to the south of the dwellings affected. Whilst the loss of light to the neighbouring properties is regrettable, it is considered that noise as a result of the operation of the site could have a more detrimental impact on the living conditions for residents than the potential loss of light. The residents on Cotton Close have not raised concerns over the height of the fence. It is considered that residents on Locke Avenue and Townsend Close would have gardens of sufficient length (ranging from 10.2m to 17m in length) for the proposed fencing to not cause a loss of light which would warrant the refusal of the application. Where it has been possible, the fence has been positioned away from the rear boundary of the neighbouring properties. A sectional drawing has been submitted with the application to demonstrate the impact the fence would have on the rear gardens and dwellings affected.

Concerns have been raised by residents in relation to the potential noise impact the proposal would have, from general operations, deliveries, the workshop and valet

operations. The proposed workshop doors will be on an induction loop system, which will close the doors, where it is proposed they will be closed 75% of the time. The proposed acoustic fence will help to reduce any noise transmission to the residential occupiers at the site. The information submitted with the application states that the background noise level is 50dB(A) and at the worst noise from the workshop will be 52dB(A) and 38dB(A) from the valet building. The levels stated are within the WHO guidance regarding gardens and control for annoyance.

It is noted that the site historically was used for industrial use and that there were no restrictions on the opening/operational hours of the site. However, it is appropriate to include conditions relating to opening hours (including workshop) and deliveries to reduce the potential impacts of noise on neighbouring occupiers. This is as the nature of the site is different from that previously, with more activity taking place to the rear of the site where historically this has not been the case.

An amended site plan has been submitted which shows the location of where out of hours deliveries would be made to, which would be to the eastern side of the building. Due to the operators' requirements, it has been stated that two out of hours deliveries may be required during the night. In order to protect the amenity of the residents to the rear of the site, vehicular movements out of hours would be restricted at the rear of the site and a deliveries management plan would be required to be submitted and approved prior to occupation.

I do not consider the building to have a detrimental impact on the amenity of neighbouring occupiers in terms of overlooking or overbearing. However, the proposed acoustic fence would have an impact on the amenity of neighbours due to the height of the fence and length of some of the rear gardens to properties on Cotton Close. This fence is required for noise mitigation and I consider that the proposed fence is required to protect the amenity of occupiers.

Waste storage and collection

It is proposed that waste storage units will be located to the rear of the site. The proposed bin storage is to be constructed of slatted timber screen fence and profile roof sheets. The building would have a length of 7.6m and depth of 4.8m. Concerns have been raised by residents in relation to this due to safety issues of the storage (especially in relation to waste chemicals and the storage of batteries and tyres) and the existing issue of vermin on the site.

The issues of existing waste and vermin on the site are not material planning considerations but it is likely that once developed and occupied the site would be managed and maintained which would positively address this issue. The storage and disposal of waste such as car batteries and chemicals are covered by non-planning legislation. Waste removal will be by private contractor due to the commercial nature of the development.

Highways and Parking

The main access to the site is a signalised junction on the A607, where it is then proposed that the site will be accessed from an existing access point off the service road for the Sainsburys supermarket. It is also proposed that in addition to the delivery yard for Sainsburys and this application, that this service road would also be used to

access two other proposed users, for which a separate planning application is being considered, and the land to the east of the application site. The access junction, access road and access points have been designed to accommodate articulated heavy goods vehicle movements.

It has been demonstrated as part of this application that although there would be no transporter deliveries to the site (all deliveries being limited to a single flatbed truck for 2 vehicles), in order to protect the amenity of neighbouring occupiers and in the interests of highway safety a condition is proposed to control deliveries to the site.

It is considered that the amount of parking proposed, and the proposed internal site layout is acceptable for the proposal. 27 standard customer bays, 8 accessible parking bays, 7 service parking bays, 18 demonstrator bays, 119 used parking bays, 32 service work bays, 21 staff bays and 12 cycle parking spaces are proposed. Details of the proposed cycle storage rack have been provided. A draft travel plan was also submitted with the application to demonstrate how sustainable travel options to and from the site could be made.

I consider that the proposed development is acceptable in terms of highway safety and would not have a detrimental impact on the local highway network. Relevant conditions regarding construction, parking and travel plans will be included to secure these details.

Sustainable Energy

Details of proposed energy efficiency measures have been included as part of this application, however the final design details of these have not been confirmed. It is proposed that in relation to daylight, the glazing to the show room will be treated with contravision film, which would allow for privacy but allow natural light in at the same time.

It is proposed that air source heat pumps will be used for the show rooms and main office areas, with electric radiators to toilets and circulation spaces.

It is proposed that solar panels will be installed to the roof, covering approximately 250m² with an output of approximately 50kWp. The final design details of these have not yet been confirmed.

I consider that the proposed approach and measures to sustainability are acceptable, and a condition will be included to secure these measures. I consider the proposal would accord with Core Strategy policy CS02 in relation to climate change.

Drainage and Flood Risk

Parts of the site fall within flood zone 2, however the majority is in flood zone 1.

It is proposed that surface water will be managed using SuDS, including permeable paving, cellular attenuation, rainwater harvesting and swales, before discharging into the public sewer. Further information will be required to be submitted prior to the commencement of development on site regrading drainage and SuDS.

The applicant will also need to obtain an agreement from Severn Trent Water in relation to discharging trade effluent. It is also proposed that the SuDS to be installed on site would help to mitigate against any potential pollution.

I consider that the proposed development is acceptable, taking into account the requirements of the NPPF and policy CS02 of the Core Strategy.

Nature conservation/Trees/landscaping

The submitted Ecological Impact Assessment is satisfactory and no further ecological surveys are required. The site is not designated for nature conservation and comprises of previously cleared land that has been left to naturally re-colonise. Features of interest including scattered trees will be largely retained within the scheme. It is noted that boundary vegetation is to be enhanced along the boundary with Jesse Jackson Park and wider extent of the site.

The site was found to provide suitable conditions for breeding birds, for which mitigation will be required. The site also offers limited suitable habitat for hedgehogs, with connectivity to Jesse Jackson Park to the east and residential gardens to the north, although no evidence of the species was recorded during the survey. Again, mitigation measures will be required for this.

The supplied Lux contour plan is acceptable and light spillage would be limited to acceptable thresholds for bats and other nocturnal species around the boundaries of the site.

It had been recommended by the LPA's Ecologist that the provision of a green or brown roof be included in the scheme along with further nesting/roosting provision for birds, bats and hedgehogs (x2 bat x2 bird and x1 hedgehog boxes). Due to the proposed solar PV on the roof, a brown or green roof has not been proposed, however it would be possible to condition nesting/roosting boxes.

Conditions will be included to require further details of the specifications and locations of the bat, bird and hedgehog boxes prior to the commencement of development, to be included within a Landscape and Ecological Management Plan (LEMP).

The proposal includes low level landscaping, swales and retention of trees to the rear boundary. A landscaping plan with plant schedule and maintenance details has been submitted as part of the application. I consider it appropriate to condition the information provided to be implemented and that no further information would be required in respect of landscaping.

Other matters

Concerns have been raised regarding issues that arose during the construction of the Sainsburys supermarket. Any issues during the construction phase of the development are not material considerations and issues such as noise or dust are dealt with other departments within the Council, however conditions regarding air quality and construction methods to prevent dust and dirt are to be included. A Construction Method Statement in relation to highways will be submitted to ensure

that the proposed construction of the development would not have a detrimental impact on nearby parking or the highway network.

Issues regarding waste storage and disposal are covered by other legislation and the Agent has confirmed that these regulations would be followed.

Residents have raised concerns in relation to trees to the rear of the site and the safety of these trees and impact that these trees are having on their property. Any existing issues regarding trees damaging property are not a material consideration for this application.

It is proposed that a new substation will be erected on site. The energy supplier had been consulted on the application but had not responded at the time of this report being written. Whilst the substation is close to the boundary with 31 Cotton Close, it is proposed that the acoustic fence would be an intervening structure between the dwelling and substation. No objection to the substation or its location has been received.

Conclusion

The application site is allocated for business (Class B) use. Whilst a car showroom falls outside any use class and is therefore classed as Sui Generis, it is considered that the proposed use is acceptable for this site, taking into account the location and other nearby uses. The proposal would help an existing business in the city to expand and would provide employment opportunities. The site has been vacant for a number of years and planning permission had previously been granted on the site for Use Class B (B1, B2 and B8).

There are some concerns in relation to the amenity of neighbouring occupiers to the rear of the site in terms of noise from the workshop and general use. It is acknowledged that there would be some loss of light as a result of the acoustic fence to the rear garden of some of the properties to the rear of the site, however this is required to mitigate against any noise which may arise from the use.

In conclusion and considering the planning balance, whilst the proposal may result in some negative impacts on a limited number of residents (those on Cotton Close), the development of the previously developed site would create employment opportunities during the construction and operational phase of the development and would allow an existing business in the city to expand. The site has been vacant for a number of years and the previous history of the site, including the previous 2018 permission, has also been taken into account when considering this application.

I consider that the proposal is in accordance with the relevant saved local plan policies, core strategy and relevant paragraphs of the NPPF.

I recommend that this application is APPROVED subject to 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. No part of the development shall be occupied until 12 secure and covered cycle parking spaces have been provided and retained thereafter. (In the interests of the satisfactory development of the site and in accordance with saved policy AM02 of the City of Leicester Local Plan).

3. No part of the development shall be occupied until an Area Wide Travel Plan for the development has been submitted to and approved in writing by the Local Planning Authority and shall be carried out in accordance with a timetable to be contained within the Travel Plan, unless otherwise agreed in writing by the Local Planning Authority. The plan shall (a) assess the site in terms of transport choice for staff, users of services, visitors and deliveries; (b) consider pre-trip mode choice, measures to promote more sustainable modes of transport such as walking, cycling, car share and public transport (including providing a personal journey planner, information for bus routes, bus discounts available, cycling routes, cycle discounts available and retailers, health benefits of walking, car sharing information, information on sustainable journey plans, notice boards) over choosing to drive to and from the site as a single occupancy vehicle users, so that all users have awareness of sustainable travel options; (c) identify marketing, promotion and reward schemes to promote sustainable travel and look at a parking management scheme to discourage off-site parking; (d) include provision for monitoring travel modes (including travel surveys) of all users and patterns at regular intervals, for a minimum of 5 years from the first occupation of the development brought into use; (e.) a framework Area Wide Travel Plan, to cover all other development within the adjacent development plots, to share best practice (including marketing/promotion/sharing ideas/monitoring etc.) to encourage use of smarter choices of travel to the site for all users; (f.) a Parking Management Plan/Strategy explaining how parking at the site shall be allocated, managed and monitored. (g) A Delivery Management Plan, to plan deliveries to avoid key peak times for large vehicles to reduce interaction with general traffic headed to adjacent uses. The plan shall be maintained and operated thereafter. (To promote sustainable transport and in accordance with saved policies AM01, AM02 and AM11 of the City of Leicester Local Plan and policies CS14 and CS15 of the Core Strategy).

4. No part of the development shall be occupied until the following works have been carried out in accordance with details submitted to and approved in writing in advance by the Local Planning Authority: (a) surfacing and marking out of all parking areas; (b) provision of loading/unloading areas; (c) provision of turning space, (d) provision of EVC spaces and infrastructure to support future conversion of all active parking spaces to EVC spaces. The parking, loading/unloading areas and turning space shall not be used for any other purpose. (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.)

5. No construction or demolition work, other than unforeseen emergency work, shall be undertaken outside of the hours of 0730 to 1800 Monday to Friday, 0730 to 1300 Saturday or at any time on Sundays or Bank Holidays, unless the methodology has been submitted to the City Council Noise Team. The methodology must be submitted at least 10 working days before such work commences and agreed, in writing, by the City Council Noise Team.

The City Council Noise Team shall be notified of any unforeseen emergency work as soon as is practical after the necessity of such work has been decided by the developer

or by anyone undertaking the works on the developer's behalf. (In the interests of neighbour amenity and in accordance with saved policies PS10 and PS11 of the City of Leicester Local Plan).

6. The recommended remediation scheme and any further necessary remediation shall be implemented in accordance with the Remediation Strategy (Ref: 079598-CUR-XX-XX-T-GE-00003, October 2021, Curtins) and a completion report shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is occupied. Any parts of the site where contamination was previously unidentified and found during the development process shall be subject to remediation works carried out and approved in writing by the Local Planning Authority prior to the occupation of the development. This shall be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11". (To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved policy PS11 of the City of Leicester Local Plan.)

7. The development hereby permitted shall be carried out in accordance with the details as contained in Appendix G of the Air Quality Assessment (Project 442563, May 2017, RSK Environment Ltd). (In the interests of air quality and residential amenity, and in accordance with saved policy PS10 of the City of Leicester Local Plan).

8. Prior to the commencement of development full design details of energy efficiency measures including a solar PV array, shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until evidence demonstrating the satisfactory operation of the approved scheme including on-site installation has been submitted to and approved in writing by the Local Planning Authority. The energy efficiency measures shall be retained and maintained thereafter. (In the interests of securing energy efficiency and in accordance with Core Strategy policy CS02). (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

9. 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 in writing by the Local Planning Authority. The use shall not commence 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 approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

10. Prior to the commencement of development details of drainage, shall be submitted to and approved in writing by the Local Planning Authority. The use shall

not commence 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 approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

11. Prior to the commencement of development, a Construction Method Statement, with consideration being given to the water environment and flood risk management in addition to highways, shall be submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period. The Statement shall provide for: (i) the vehicle and pedestrian temporary access arrangements including the parking of vehicles of site operatives and visitors; (ii) the loading and unloading of plant and materials; (iii) the storage of plant and materials used in the development; (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) wheel washing facilities; (vi) measures to control the emission of dust and dirt during construction; (vii) a scheme for storage and management of waste resulting from excavation works (viii) the proposed phasing of development and a detailed description of the works in each phase (ix) the temporary access arrangement to the construction site including vehicle/deliveries routing and temporary signage; (x) procedures to ensure flood risk is managed on site during the period of works for personnel, plant and members of the public (xi) the procedures to ensure flood risk is not increased anywhere outside of the site for the duration of the works; (xii) the procedures to ensure pollution and sedimentation is minimised to any adjacent watercourse and the procedure to be used in case of a pollution incident; (xiii) the measures that will be undertaken to ensure the structure of any adjacent watercourse is not impacted by the proposed development. (To ensure the satisfactory development of the site, and in accordance with saved policies AM01 and UD06 of the City of Leicester Local Plan and Core Strategy policies CS02 and CS03.) (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

12. The workshop, MOT testing and valet element of the use hereby permitted shall take place between the hours of 08.00 and 18:00 Monday to Friday and between 08.00 and 13.00 on Saturdays only and at no time on Sundays or public or bank holidays. (In the interests of the amenities of nearby occupiers, and in accordance with saved policy PS10 of the City of Leicester Local Plan.)

13. Deliveries to and collections from the site shall only be undertaken between 08:00 hours and 22:00 hours, with the exception of up to two parts deliveries per day (Mon-Sat) beyond these hours. The out of hours deliveries shall only be made to the parts drop location as indicated on drawing P-1010 Rev E, with no vehicular movements to the rear of the building and in accordance with provisions detailed within a Deliveries Management Plan, which shall have been submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. (In the interest of neighbour amenity and in accordance with saved policy PS10 of the City of Leicester Local Plan.)

14. Prior to the commencement of development, 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 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, including details of the entrance gates; (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 such as meadow creation and hedgerow improvements including a management scheme to protect habitats during site preparation and post-construction. x) details of the make and type of [2]x bird boxes/tiles/bricks and [2] x bat boxes/tiles/bricks to be erected on buildings and [2] hedgehog boxes to be installed under the guidance and supervision of a qualified ecologist. 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 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 and a written assessment of the landscaped/habitat areas and use by wildlife/species present shall be submitted annually to the Local Planning Authority (In the interests of amenity, and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS17). (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

15. Prior to the construction of any above ground works, sample panels shall be constructed on site, showing all external materials, for inspection and approval in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved sample panel and materials. (In the interest of visual amenity and character and appearance of the area and in accordance with Core Strategy policy CS03).

16. The development hereby permitted shall be carried out in accordance with the following drawings:

P-1120 Proposed Roof Plan,
P-1170 Proposed External Elevations,
P-2100 Proposed Wet Valet Building, received by the Local Planning Authority on 16 December 2021.

P-1110 B Proposed First Floor Plan,
P-3100 Proposed Bin Store Details,
EKV0015 Proposed Substation,
Proposed Cycle Storage, received by the Local Planning Authority on 14 February 2022.

21-116-P-01 C Detailed Soft Landscape Proposals, received by the Local Planning Authority on 5 May 2022.

P-1010 E Proposed Site Plan, and
P-1100 B Proposed Ground Floor Plan, received by the Local Planning Authority on XXX

(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 2021 is considered to be a positive outcome of these discussions.
2. No consent is granted or implied for the advertisement shown on the submitted plans, for which a separate application may be necessary.
3. It is unlikely that any construction or demolition work will be agreed outside of the hours detailed above unless the City Council Noise Team is satisfied that
 - a) the work will not be detrimental to occupiers of neighbouring properties or
 - b) the developer is able to demonstrate that there is no practicable alternative to the proposed work taking place outside of these hours.
4. Development on the site shall avoid the bird nesting season (March to September), but if this is not possible, a re-check for nests should be made by an ecologist (or an appointed competent person) not more than 48 hours prior to the commencement of works and evidence provided to the Local Planning Authority. If any nests or birds in the process of building a nest are found, these areas will be retained (left undisturbed) until the nest is no longer in use and all the young have fledged. An appropriate standoff zone will also be marked out to avoid disturbance to the nest whilst it is in use.
All wild birds are protected under the Wildlife and Countryside Act (1981) as amended making it an offence to kill, injure or disturb a wild bird and during the nesting season to damage or destroy an active nest or eggs during that time.

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_E03 | Planning permission granted for the development of appropriate B1, B2 and B8 uses in Primarily Employment Areas and not for changes to other uses unless it meets criteria. |

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_CS10	The Council will seek to ensure that Leicester has a thriving and diverse business community that attracts jobs and investment to the City. The policy sets out proposals to achieve this objective.
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

20221993	87 Kincaple Road	
Proposal:	Construction of single storey extension at front of house (Class C3)	
Applicant:	Mr & Mrs Bodalia	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	7 December 2022	
CY1	TEAM: PD	WARD: Rushey Mead



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Summary

- This application is brought to committee as the applicant works for Leicester City Council
- One objection has been received regarding damage to property
- The main issues are design and residential amenity
- The application is recommended for approval

The Site

The application relates to a mid-terraced property situated within a primarily residential area. There is a small amount of the site at risk for surface water flooding every 1 in 100 to 1 in 1000 years. The site is also within a 250m buffer from a Landfill site.

Background

An application for prior approval was submitted in 2022 for the construction of a 5m deep single storey rear extension application ([20220268](#)). Prior approval was not required in this case.

An application was submitted for a single storey extension to the front of the house in 2022 (application [20221122](#)) but was withdrawn in September as it was determined this could not be carried out in conjunction with the approved rear extension.

Permission [20220268](#) has now been implemented and as such the applicants have now reapplied for the withdrawn application [20221122](#).

The Proposal

The application is for a front extension to the property. This would allow for a porch and an extension to the living area. The extension would have a width of 4.5m and depth of 1m. It would have a height to eaves of 2.6m and a height to the ridge line of 3.1m. The roof would be mono-pitched.

Policy Considerations

National Planning Policy Framework 2021 (NPPF)

Paragraph 2 –

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Paragraph 11 –

Presumption in Favour of Sustainable Development

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 38 –

Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 39 –

Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.

Paragraph 126 –

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 130 –

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 134 –

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Paragraph 183 –

Planning policies and decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

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)

Appendix 01 Parking Standards – City of Leicester Local Plan (2006)

Residential Car Parking Research for Leicester (2011)

Leicester Street Design Guide (2020)

Representations

One objection, along with four accompanying emails and three photographs have been received from an address within the local authority boundary with concerns regarding destruction to their property caused by the previous approved application (20220268) and worries that further damage could occur with the approval of this application. The objector also has concerns that further development will impact their health and wellbeing due to negative discussions between the objector and the applicants regarding the previous application.

Consideration

Principle of development

Alterations to residential properties are acceptable in principle subject to the considerations below.

Design

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.

87 Kincapple Road is made up of a variety of house types, primarily terraced and semi-detached properties. Whilst not part of the original dwelling, a front extension is a common feature on many properties within this stretch of the road, namely property numbers 73, 79, 83, 97, 99, 101. Each extension has a mono-pitched roof that respects that of the main property, and match in terms of scale, materials, and window alignment. Due to the uniform design of these extensions, and their abundance, I consider them to be a main component of character in the streetscene.

The proposed extension on number 87 follows this design and roof type also, the new window is also aligned with the window at first floor level. I consider it would be a subservient addition to the property and, providing that a condition is attached for materials to match the existing property, I consider that this would assimilate well with the streetscene.

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 the character and appearance of the area.

Living conditions (*The proposal*)

The extension would not result in loss of light or outlook to the host property. 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 living conditions for the existing and proposed occupiers.

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.

The extension would not result in any overlooking, overbearing, or loss of sunlight that would detrimentally affect any neighbouring occupiers. The extension would replace the existing porch situated next to boundary shared with number 89. Number 89 has a principal room window close to this boundary. Whilst I note the

height of the porch would be slightly larger due to the mono-pitched roof, the depth would be the same, and I do not consider the slight increase in overall size to cause an overbearing impact that would be detrimental to the occupiers at number 89, nor impact the sunlight to this room to a harmful extent. The extension would extend up to the existing porch at number 85, given there is a porch there as existing the extension would be set far enough from principal room windows on number 85 to not cause harm to this property.

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 the privacy and amenity of the neighbouring occupiers.

Drainage

The front of the site is shown to be at very low risk to the impacts of surface water flooding. I consider that a requirement for a scheme of flood risk mitigation or sustainable drainage would be onerous and that the impact of the proposal in terms of increased surface water run-off is unlikely to be significant.

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

Other matters

Concerns have been raised regarding potential damage to the neighbouring properties. It is understood at current the damage consists of a dislodged pole at the boundary and weed growth along the boundary line. It should be noted that no permission would be granted for any development that extends onto neighbouring properties, including any guttering, and any damage to neighbouring properties would be a civil matter and not a planning matter.

The site is located within 250m from a landfill site, meaning that there is a perceptible risk from landfill gas adversely affecting this site. I recommend a note to applicant is attached recommending that the advice of a suitable consultant should be sought and carried out in the design and development of any building at this site, or underground services associated with them. It should be noted that it is the developer's responsibility for the safe development and secure occupancy of this site.

Conclusion

I recommend that this application is APPROVED subject to 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. Development shall be carried out in accordance with the following approved plans:
Proposed Elevations, PL87 A202, revision A, received 12 October 2022
Proposed Roof Plan, PL87 A201, revision A, received 12 October 2022
Proposed Ground Floor Plan, PL87 A200, revision A, received 12 October 2022
Existing and Proposed Site Plan, PL87 A205, revision A, received 12 October 2022
(For the avoidance of doubt).

NOTES FOR APPLICANT

1. No permission is granted or implied for any development (including any overhanging projection/s) outside the application site.
2. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material planning considerations, including planning policies and representations that may have been received and subsequently determining 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 2021.
3. It is considered that there is a perceptible risk from landfill gas adversely affecting this site. It is therefore recommended that the advice of a suitable consultant should be sought and carried out in the design and development of any building at this site, or underground services associated with them. It is pointed out that it is the developer's responsibility for the safe development and secure occupancy of this site.

Policies relating to this recommendation

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| 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_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'. |

COMMITTEE REPORT

20221334	22A Staveley Road	
Proposal:	Demolition of builders yard building; construction of two-storey building to provide 8 flats (1 x 1 bed & 7 x 2 bed) (Class C3) (amended plans)	
Applicant:	Nico Properties Ltd	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	17 October 2022	
WJJ	TEAM: PM	WARD: Stoneygate



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Summary

- Brought to the Committee as the recommendation is for approval and objections have been received from more than five different City addresses.
- Eighty-six objections have been received. They raise concerns including: the redevelopment of the site for housing and the number and size of units proposed, residential amenity for existing and proposed residents, inadequate parking, servicing, emergency evacuation and access provision, impact on

highway and resulting pollution, impact on character and appearance of the area, loss of trees and habitat for wildlife, increase in the demand for services and increase in flood risk.

- The proposal is very similar to that of the last application which was the subject of an Appeal Against Non-Determination. The appeal was dismissed. The Inspector ruled that the only reasons for dismissal were that the Sequential Test for Flooding had not been addressed and that it had not been demonstrated that flood risks could be suitably managed for the lifetime of the development.
- In the light of the appeal decision, the most significant main issues are the Sequential Test for Flooding and flood risks. Other main issues are: appearance, residential amenity of future residents and neighbours, waste storage and collection, highway and parking matters.
- The application is recommended for approval subject to conditions.

The Site

The site is within a residential area characterised by a dominance of 1920's and 1930's semi-detached houses. While most properties in the area front a street, this site is surrounded by houses on all sides. It is within a triangle of land between Staveley Road, Hollington Road and Kedleston Road. Vehicular and pedestrian access is by a driveway onto Staveley Road. To the west of the site is a car park for Evington Community Centre (formerly the Coach and Horses Public House) with access onto Kedleston Road.

Evington Community Centre is on the Local Heritage Asset Register (LHAR).

With regards to potential flooding from Main River (MR) sources, the site straddles MR Flood Zones 1, 2, 3a & 3b. The Evington Brook runs between Staveley Road and Evington Valley Road and is designated a Main River here. Most of the site is within MR Flood Zone 1. MR Flood Zone 1 has a very low estimated risk of flooding, with an estimated risk of less than 1 in 1000 years. Going east along the site access drive, towards Staveley Road, there is a transition from MR Flood Zone 1 to MR Flood Zone 3b. MR Flood Zone 3b has a very high estimated risk of flooding, with an estimated risk of greater than 1 in 30 years.

With regards to potential flooding from Surface Water (SW) sources, much of the site is in SW Flood Zone 1. It is estimated to have a very low risk of flooding, with an estimated risk of less than 1 in 1000 years. Small parts of the site, down the eastern boundary and along the vehicle driveway that leads to Staveley Road, are in SW Flood Zone 2 with an estimated risk of between 1 in 100 and 1 in 1000 years.

The site is also within a Critical Drainage Area (CDA). This means that although flooding from pluvial sources is reasonably unlikely to take place here, a rapid rate of surface water runoff from the CDA may contribute to flooding in neighbouring Hotspots.

The site is at a very low estimated risk of flooding from Ordinary Watercourses (OW). It is within OW Flood Zone 1 with an estimated risk of less than 1 in 1000 years.

There is a known source of pollution at Kainth Autos on Dore Road.

Background

Maps from the 1880's indicate this area consisted mostly of fields that were close to the outskirts of the city. In the early 1900s there were allotments here and streets and buildings were appearing nearby on all sides. The four roads around the application site (Chesterfield Road, Hollington Road, Kedleston Road & Staveley Road) seem to have been laid out either shortly before or after the second world war. The historic maps show the houses on those roads and the Evington Community Centre (then the Coach & Horses Public House) had been built by the 1950's. Maps from the 1950's label the site as 'Builder's Yard'.

On this site there have been a number of planning applications for small scale development from the 1960's onwards. They refer to the existing use as 'Builder's Yard'. There is a single storey building on the site.

In 2017 an application in outline with all matters reserved, save landscaping, was made for a block of twenty flats, each with two bedrooms (20170775). The indicative plans showed a four-storey building. This was withdrawn.

In 2018 an application in full was made for a three-storey block of fifteen flats, each with two bedrooms (20180858). This was withdrawn.

Planning application 20190368 for the construction of a three-storey block of fifteen flats (4 x 1 bed and 11 x 2 bed) was refused for the following reasons:

- 1. By reason of the proximity of the windows and balconies and the height, massing and position of the proposed building in relation to neighbouring dwellings on all sides and in particular 8, 10 and 12 Hollington Road the scheme will significantly and unacceptably reduce their light, outlook and privacy they enjoy and have an overbearing impact upon them. As such the scheme is contrary to policy PS10 in the City of Leicester Local Plan and NPPF paragraphs 124 & 130.*
- 2. By reason of the very poor outlook, light and useable garden/outdoor amenity space of many of the proposed flats the proposed scheme will result in unacceptable living conditions for future residents. As such the scheme is contrary to policy PS10 in the City of Leicester Local Plan, policy CS03 in the Core Strategy and NPPF paragraphs 124 & 130.*
- 3. By reason of the unacceptable width and entrance/exit radii of the driveway, the inadequacy of parking provision and the scale and use of the development proposed the scheme is likely to be significantly harmful to highway safety by reason of vehicles reversing onto the highway and the access being blocked. As such the scheme is contrary to policy AM01 of the city of Leicester Local Plan, CS03 in the Core Strategy and paragraphs 108, 109 and 110 in the NPPF.*
- 4. The applicant has failed to demonstrate satisfactory provision for the collection of refuse on bin collection days. No storage area is proposed close (within 10m for 1100 litre bins and 20m for two wheeled bins) to the highway edge and there is no space for one within the application site without reducing the width of the already narrow driveway. This arrangement is likely to lead to bins blocking the end of the driveway or the public pavement on bin collection days. This will be harmful to the effective working of the highway and will be harmful to highway safety. As such it is contrary to the Leicester City Council Waste Management guidance notes for residential properties, policies CS03, CS14 and CS15 in the Core Strategy and NPPF paragraphs 110, 124 & 130.*

5. *No information has been provided to demonstrate the scheme passes the Sequential Test and the Exception Test for flooding. As such there may be other sites that may be sequentially preferable and there is no reason to believe an exception for this scheme should be made. As such the scheme unjustifiably increases the number of dwellings at risk from flooding and is contrary to policy CS02 of the Core Strategy and paragraphs 155, 158, 159, 160 and 161 in the NPPF.*

Planning application 20200259, for a block of nine independent living units (1 x 1 bed and 8 x 2 bed) (Class C2), was refused for the following reasons:

- 1. By reason of the proximity of the windows and balconies and the height, massing and position of the proposed building in relation to neighbouring dwellings on all sides, the scheme will significantly and unacceptably reduce outlook and privacy enjoyed by nearby occupiers and have an overbearing impact upon them. As such the scheme is contrary to policy PS10 in the City of Leicester Local Plan and NPPF paragraphs 124 & 130.*
- 2. By reason of the very poor outlook, light and useable garden/outdoor amenity space of many of the proposed flats the proposed scheme will result in unacceptable living conditions for future residents. As such the scheme is contrary to policy PS10 in the City of Leicester Local Plan, policy CS03 in the Core Strategy and NPPF paragraphs 124 & 130.*
- 3. By reason of the unacceptable width and entrance/exit radii of the driveway, the inadequacy of parking provision and the scale and use of the development proposed the scheme is likely to be significantly harmful to highway safety by reason of vehicles reversing onto the highway and the access being blocked. As such the scheme is contrary to policies AM01, AM02 and AM12 of the city of Leicester Local Plan, policies CS03 and CS15 in the Core Strategy and paragraphs 108, 109 and 110 in the NPPF.*
- 4. The applicant has failed to demonstrate satisfactory provision for the collection of refuse on bin collection days. No storage area is proposed close (within 10m for 1100 litre bins and 20m for two wheeled bins) to the highway edge and there is no space for one within the application site without reducing the width of the already narrow driveway. This arrangement is likely to lead to bins blocking the end of the driveway or the public pavement on bin collection days. This will be harmful to the effective working of the highway and will be harmful to highway safety. As such it is contrary to the Leicester City Council Waste Management guidance notes for residential properties, policies CS03, CS14 and CS15 in the Core Strategy and NPPF paragraphs 110, 124 & 130.*

The applicant appealed against the Council's decision to refuse application 20200259 (20208021A). The appellant argued the scheme had been mis-classified by the Council as independent living units within Class C2 when it was for market housing within Class C3. The inspector determined the appeal on the basis that the use was market housing within Class C3. The appeal was dismissed on the basis that the flats would provide poor living conditions for future residents and would not provide an acceptable amount of vehicle parking.

Planning application 20210135 was for a block of eight independent living units (1 x 1 bed and 7 x 2 bed) (Class C3). The application was made without an attempt to address the Sequential Test for Flooding. The applicant appealed against the failure of the Council to determine the application within the statutory period; known as an 'Appeal against Non-Determination' (20218051A). The appeal was dismissed on the

grounds that the Sequential Test for Flooding had not been addressed, and that it had not been demonstrated that flood risks could be suitably managed for the lifetime of the development.

The Proposal

The proposal is to demolish the existing single storey building on the site and to build a single and two-storey block of eight flats. Most of the proposed building has two storeys, with a small single storey part on the southern side. Seven of the flats have two bedrooms, and one flat has one bedroom. The block is sited close to the western boundary of the site. Car parking spaces are proposed to the east and north of the block. A communal garden is proposed in the northern corner of the site. Small ground floor gardens are proposed to the east of two of the ground-floor flats (Flats 1 & 4). East facing first floor balconies are proposed for two of the flats (Flats 6 & 7). Fifteen car parking spaces are proposed within the site. Cycle storage is proposed between the north wall of the block and the communal garden in the northern corner of the site. A green roof is proposed.

All the flats are accessed by entrances on the east facing wall of the block. Flats 1 & 4 have their own entrances, Flats 2, 5 & 6 and flats 3, 7 & 8 are accessed through separate communal entrances respectively. The ground floor flats (Flats 1, 2, 3 & 4) also all have patio style windows to their living rooms. The four flats on the first floor (Flats 5, 6, 7 & 8) are all accessed solely by stairs; no lifts are proposed.

The building would have a varying depth of around 6 to 11 metres, and it would have a length of around 45 metres. The single storey part of the building on the southern side would have a flat roof with a height of 3.3 metres, and the two storey parts of the building would have a height of 5.7 and 6.25 metres.

The plans indicate the applicant owns 24 Staveley Road (blue edged on location plan). The driveway will be widened where it meets Staveley Road by using the south-eastern corner of the front garden of 24 Staveley Road. Bin storage is proposed by the side of the driveway behind the rear garden of 24 Staveley Road.

The proposed block of flats is in a similar location, close to the western boundary, to previous applications: 20170775, 20180858, 20190368, 20200259 & 20210135.

The differences to the previous scheme (20210135) which was dismissed following an Appeal against Non-Determination (20218051A) are as follows:

- The paperwork submitted with the application includes a report that seeks to address the Sequential Test and Exception Test for Flooding.
- The Daylight Modelling Exercise report that was submitted with the appeal against the non-determination of the last application (20218051A) has been submitted.

Policy Considerations

National Planning Policy Framework (NPPF) July 2021

Paragraph 2 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

Paragraph 11 contains a presumption in favour of sustainable development. For decision-taking this means:

'c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'

The city does not currently have a five-year deliverable land supply for housing.

Paragraph 8 contains a definition of sustainable development consisting of three objectives *'which are interdependent and need to be pursued in mutually supportive ways'*. In shortened form, these are as follows:

a) an economic objective

b) a social objective

c) an environmental objective

Transport aspects. The following paragraphs are particularly relevant to the transport aspects of this scheme.

Paragraph 110 states that *'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users; and

c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code

d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'

Paragraph 111 states that *'Development should only be prevented or 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 112 states that *'Within this context, applications for development should:*

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Density aspects. The following paragraphs are particularly relevant to matters related to density.

Paragraph 119 states that *‘Planning policies and 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. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or ‘brownfield’ land.’*

Paragraph 124 states that *‘Planning policies and decisions should support development that makes efficient use of land, taking into account:*

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- 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, attractive and healthy places.’

Paragraph 125 states that *‘... Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. ...*

- b) the use of minimum density standards should also be considered for other parts of the plan area (Case Officer note – outside ‘city and town centres and other locations that are well served by public transport’). It may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range; and
- c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).’

Design aspects. The following paragraphs are particularly relevant to design matters.

Paragraph 126 states that *‘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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.'

Paragraph 130 states that *'Planning policies and decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*

Paragraph 135 states that *'Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).'*

Sustainable Drainage aspects. The following paragraph is particularly relevant to sustainable drainage matters.

Paragraph 168 states that *'Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:*

- a) take account of advice from the lead local flood authority;*
- b) have appropriate proposed minimum operational standards;*
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
- d) where possible, provide multifunctional benefits.'*

Habitat and biodiversity aspects. The following paragraphs are particularly relevant to habitats and biodiversity matters.

Paragraph 174 states that *'Planning policies and decisions should contribute to and enhance the natural and local environment by:*

d) *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*

e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;*

f) *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.'*

Paragraph 180 states that *'When determining planning applications, local planning authorities should apply the following principles:*

c) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.'

Other planning and material considerations

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

Supplementary Planning Document – Residential Amenity

City of Leicester Local Plan (2006). Saved policies. Appendix 1: Parking Standards

Leicester Street Design Guide (First Edition)

Leicester City Council Waste Management guidance notes for residential properties

Technical housing standards – Nationally Described Space Standards – March 2015 (NDSS).

National Design Guide (Ministry of Housing, Communities & Local Government)

Leicester City Corporate Guidance – Achieving Well Designed Homes 2019

Building Research Establishment (BRE) - Site layout planning for daylight and sunlight: a guide to good practice (BR 209), Second Edition. *(Case Officer note – In June 2022 a third edition of the BRE guide was released; the same month that this planning application was made. Given there have been a number of similar schemes for this site and two appeals, and that the last appeal decision did not raise concerns regarding light, I consider evaluating this scheme against the second edition to be acceptable in this instance.)*

Consultations

Lead Local Flood Authority (LLFA)

Surface water will be managed using a brown roof, Type C permeable paving and attenuation tanks before discharging to surface water public sewer at 5l/s/ha using a proprietary flow control device. This is acceptable. Due to soil conditions there are limited opportunities for discharge through infiltration.

A linear drain is needed at the entrance to the driveway next to Staveley Road. This is to intercept and prevent surface water from travelling onto the highway. This can be secured by condition.

The building will be set at 150mm above the external levels which offers acceptable protection against water ingress.

In the event of a flood, access and egress from the site by residents is within acceptable limits and emergency vehicles will be able to access the site.

Water quality will be maintained onsite via filtration using proposed permeable paving as part of the treatment train for surface water flows.

All future residents of the scheme are encouraged to sign up for the Environment Agency's free Flood Warning service and the Met Office severe weather warnings email alert service.

Environment Agency

The proposed building is located within Main River Flood Zone 1, at low probability of flooding. The driveway lies within Flood Zones 2, 3a & 3b, at high probability of flooding from the Evington Brook. However, flood depths are likely to be relatively shallow and present a low hazard rating to people within more extreme events. For situations where dry access/egress is not available, they strongly advise that a flood emergency plan for residents is agreed in consultation with the Council. *(Case Officer Note – A flood emergency plan has been submitted with this application and is acceptable.)*

Severn Trent Water

No comments have been made.

Pollution (Land Contamination)

The Phase 1 report submitted with this application (Ref: 1511R V2 Nico - Leicester) is acceptable along with the recommendation for further investigation. Further investigation can be secured by condition.

Pollution (Noise)

This development is close to numerous dwellings that are in a relatively quiet location. In order to protect residents during construction, from noise and dust, a construction management plan and the hours of construction should be secured by condition.

Local Highway Authority

The access, turning, vehicle and cycle parking are acceptable. The access is wide enough and has acceptable visibility. A fire engine can be turned within the site. Fifteen vehicle parking spaces are proposed which accord with one space per bedspace. This is in accordance with the City of Leicester Local Plan (2006) Vehicle Parking Standards. The use of sustainable means of transport can be encouraged by the provision of travel packs to new residents of the scheme. This can be secured by condition.

Waste Management

This scheme, with eight flats and fifteen bedrooms, will require sufficient space for the storage of refuse bins and recycling bins with a capacity of 1128.75 litres for refuse and 645 litres for recycling (2X 1100 litre or 4x 360 litre refuse bins and 1X 1100 litre or 3x 240 litre recycling bins). The proposal shows a bin store which may not be large enough.

Representations

Eighty-six objections. Grounds:

- Loss of light from the height and bulk of the proposed building for the rooms and gardens of neighbouring properties.
- Loss of privacy for the rooms and gardens of neighbouring properties from the windows and balconies of the proposed building.
- The loss of light and privacy may be a breach of Human Rights.
- The proposed building will have an overbearing impact on neighbouring properties.
- The rear of neighbouring properties will be viewable from the proposed flats and people will be able to access the rear gardens of neighbouring properties from the application site. This raises concerns regarding safety and security.
- In order to protect the amenity enjoyed by neighbours, extensions to houses are limited. These limitations should also apply to new blocks of flats.
- Exhaust fumes, noise and congestion from vehicles are currently a problem in the area. Traffic associated with the proposed flats and the use of electric charging points close to existing gardens may increase this problem. In the past, traffic movement for the business on the site was mostly during the day. With households living here, then there may be traffic movement throughout the day and night. They may also bring in new problems, such as vibration from plant and vehicles.
- Fumes and dust from the vehicles going to and from the site and parked close to the boundaries with neighbours, could potentially contaminate plants and home-grown vegetables growing, and harm the health of children playing, in neighbouring gardens.
- The loss of light during daytime, may affect the health of plants growing in neighbouring gardens, where shadow is cast.
- Light pollution at night may harm the amenity and health of neighbours. This may be through external lights and car headlights. This light pollution may also harm biodiversity and contribute to sky glow.
- The applicant may be planning to extend the block of flats upwards, once it is built. Such an extension would cause further harm to neighbours.
- The access road is narrow and bendy, so that a vehicle will not be able to see if the access road is clear before entering or exiting. As such, only one car will be able to go in or out at a time. There is not adequate space for pedestrians. Together they may cause congestion for Staveley Road and pedestrian safety problems along the access road and along the existing pavement that crosses the entrance.
- The entrance passage into the site is too narrow for safe waste collection and fire engine access.
- There is no footway down the access drive for pedestrians.
- The fifteen car parking spaces proposed is not adequate for eight flats with a total of fifteen bedrooms. Many households in the area have more than two cars.

- Parking on Staveley Road currently causes problems. People often park on double yellow lines, junction corners and zig zags at crossings. Residents and those visiting the area struggle to find on-street parking. Traffic associated with the proposed flats may increase this problem. This may cause access difficulties for emergency vehicles.
- If existing provision for on-street parking remains next to the entrance, then vehicles leaving the site will not have adequate visibility.
- No parking for the disabled is provided.
- The proposed bin store is close to some existing neighbouring properties. This may cause odour and waste overflow problems for those properties.
- The bin store is not close to Staveley Road and is on a private drive. Waste vehicles prefer not to use private drives. Will waste collection be acceptable? Will bins be left on Staveley Road for long periods?
- The small and triangular nature of the garden means it will not be able to cope with the number of residents and, without a second means of access, there may be problems carrying out an evacuation, should there be an emergency.
- The access road may be used for anti-social behaviour.
- The scheme includes a border of vegetation and a communal garden that cannot be seen from the street. This will encourage people to hang around here and maybe engage in anti-social behaviour.
- A lot of families live in the area. Will the flats be occupied by people who do not fit into such an area and engage in anti-social behaviour?
- As this is a private site, the Police will not be able to cope, unless professional 24 hour-a-day security is provided. Security cameras will not be sufficient. No statement regarding security has been provided with this application.
- The site has been used for employment purposes for many years and should now be used for a modern employment use, such as an office, and not housing.
- This site is appropriate for two or three houses. Eight flats will be overdevelopment.
- This site is appropriate for four to five dwellings.
- The site is suitable for semi-detached houses and not flats.
- According to the City of Leicester Local Plan 2006, policy H03, this land is suitable for four to five small terraced houses.
- The scheme is overcrowded; unpleasant for both future residents of the scheme and for neighbours.
- Although the scheme is only for eight flats, many flats in the city are occupied by more than one household; so there could be many more than eight households living here.
- The character of the area is of suburban two storey houses. The proposed block of flats does not fit in with this character. Flats are more suited to the city centre and main roads with lots of access.
- There are too many flats in the city.
- The proposed flats will have an unpleasant appearance and will be bulky.

- The flat roof does not accord with the character of the area, which is for pitched roofs.
- The proposed block of flats will have balconies (for flats 6 & 7). None of the houses around the site have balconies.
- The existing row of trees, just outside the site at the rear (beyond the western boundary), should be retained.
- The planning application form indicates that no trees will be affected by the scheme. This is untrue. The scheme will affect a row of trees that lies close to the rear/western boundary of the site and is within the Evington Community Centre site. (*Case Officer Note – this comment regarding the planning application form is correct, and the matter of the trees is addressed under the Consideration section of this report.*) These trees may be lost through damage to their roots. That may be harmful to the character and appearance of the area. Alternatively, if they remain, they will block light from reaching the proposed flats.
- Harm to wildlife that currently lives here.
- The proposed flats will have poor amenity with poor privacy, light, outdoor amenity space, and outlook; with high level narrow windows in the rear elevation that is close to the site boundary.
- The outdoor amenity space is small and poor; especially for households with children. Is it acceptable for children to walk around the parked cars from the flat entrances to the communal garden?
- Will the communal garden provide a safe play space for children? Should fencing and gates be provided in the manner that school grounds are fenced and gated?
- The proposed building is too close to the properties of Hollington Road.
- Part of the site and neighbouring sites are at high risk of flooding (part of the driveway is within Flood Zone 3b). This risk will be increased by the development. Residents of both the scheme and the area around it may suffer. Insurance premiums in the area may rise in relation to flood risk.
- The access road is currently at high risk of flooding (Flood Zone 3b). With climate change this may increase, so that much or all of the site becomes at significant risk of flooding.
- The scheme may lead to a fall in the price of existing houses in the area. (*Case Officer note – This is not a Planning consideration.*)
- With new hard surfaces the scheme may increase the rate of surface water runoff from the site. This may lead to flooding of other properties.
- The scheme may lead to increased problems with the provision of healthcare and other important services in the area.
- If approved, the scheme may fail to proceed due to action being taken under civil law, the invoking of covenants and a Judicial Review. (*Case Officer note – This is not a Planning consideration.*)
- Should the scheme go ahead, compensation should be paid for the damage caused. (*Case Officer note – This is not a Planning consideration.*)
- The agent has signed the Certificate of Ownership at the end of the planning application form to declare that the applicant owns the land. This may not be true.

- The scheme involves using land that is not within the ownership of the applicant. (*Case Officer Note – The agent has signed Certificate A; confirming they own the site. The agent has confirmed that the applicant owns the site.*)
- There is no path from the entrances of the flats to the communal garden. Residents may need to squeeze between the cars to get there. This is not ideal and especially poor if they have limited mobility.
- Concerns that the existing building on the site may have asbestos in it. Prior to demolition occurring, it should be subject to an asbestos survey and removal by appropriately qualified personal. (*Case Officer note – This is not a Planning consideration.*)
- No objection in principle. The Council must be satisfied that the scheme will not cause flooding problems and is in accordance with other planning policies.
- The Planning Committee should visit the site and consider the scheme in the light of all relevant policies.

Consideration

Principle of development

The site has been used for a builder's yard for many years. Located within a residential area with houses on all sides, a builder's yard is a non-conforming use that has the potential to cause significant disturbance, through noise and dust, to nearby residents. As such, in principle the opportunity to redevelop this site for residential use is welcomed and it would make a positive contribution to the City Council's housing need- as the council does not currently have a Five Year Land Supply the 'tilted balance' in favour of residential developments comes into consideration.

Policy CS06 of the Leicester Core Strategy sets out the housing policies for the city which includes to meet the needs of specific groups including elderly and vulnerable people. The policy seeks to meet the city's housing requirements through small housing infill and conversion schemes to support the development of sustainable communities and seeks to secure an appropriate mix of housing to meet the city's requirements.

The indicative map for policy CS08 locates this site within an area described as the Suburbs. Policy CS08 states '*The Suburbs are popular places to live for families due to a combination of their environment, house types and size and local facilities including schools. It is the Council's aim to ensure that these areas continue to thrive and so provide neighbourhoods that people aspire to live in and which are a genuine alternative to out-migration from the City.*'

With regard to the Suburbs, policy CS08 states that '*Small scale infill sites can play a key role in the provision of new housing. However, these should only be developed where damage can be avoided to the very qualities that make living in these neighbourhoods so desirable.*'

With an area of less than 0.19 hectares in size and surrounded by three streets with dwellings and a community centre, I consider the site is a '*small scale infill site*'. As will be detailed in the later sections of this report, I consider that the scheme proposed will contribute to '*neighbourhoods that people aspire to live in*'.

Efficient use of land

Support for appropriately dense development is found in Paragraphs 117, 122 & 123 of the NPPF. Paragraph 123 states *'Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.'*

Saved policy H03 from the City of Leicester Local Plan (2006) indicates the density of new dwellings should be:

- a) *50 dwellings per hectare (dph) on sites of 0.3hec + within Central Commercial Zone.* The site is not within the Central Commercial Zone.
- b) *40dph on sites of 0.3hec + within walking distance of main public transport corridors or defined Town and District Centres.* The site is about 270m walking distance along Staveley Road from the Evington Road. Buses run along a number of other roads in the area such as East Park Road.
- c) *30dph on all other sites*

The site is under 0.19 hectares in size. Policy H03 indicates it should therefore have a minimum density of 30dph. With eight flats the density of the proposed scheme is about 43dph. Therefore, in terms of density alone, the scheme is acceptable.

Part d) of paragraph 122 states - *Planning policies and decisions should support development that makes efficient use of land.* However, of particular relevance to this scheme are parts d) and e). Planning decisions should take into account *'d) the desirability of maintaining an area's prevailing character and setting (including residential gardens) and e) the importance of securing well-designed, attractive and healthy places.'*

Paragraph 123 states that *'Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.'* Of particular relevance to this scheme is part c) which states *'In these circumstances: c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).'*

The *'prevailing character'* (NPPF paragraph 122) of the area is semi-detached houses with substantial front and rear gardens and good outlook from windows. This can be seen on nearly all the plots on the streets neighbouring the site and for some streets further afield. The proposal, a part single part two storey block of flats with a small amount of garden and limited outlook for windows to the rear (west facing), has a different character to most of the houses nearby. However, while clearly different, I do not consider the proposed flats to be so different as to be discordant. This matter is discussed in more depth in the Design section of this report.

Design

The site is within a residential area characterised by a dominance of 1920's and 1930's semi-detached houses. Although these dominate the character of the immediate area, there are exceptions such as the Evington Community Centre (former Coach and

Horses Public House) and, within a short distance, are Victorian/Edwardian terraced houses, shops, factories and warehouses. While a two-storey block of flats may be different from the two storey 1920's and 1930's semi-detached houses, that does not mean it is harmful. I consider that the appearance of the proposed flats is acceptable and there is nothing about their appearance that is clearly incongruous. It will also be lower in height than the houses due to the lack of pitched roof and will be on a site that does not receive many views from the three streets around it, Hollington Road, Kedleston Road & Staveley Road. The reclusive nature of the scheme means that the impact will be small.

Thought must be given to the impact on the setting of the Evington Community Centre (former Coach & Horses Public House) which is on the Local Heritage Asset Register. The Evington Community Centre is about 21m from the application site. When looking at the Evington Community Centre from many views on Hollington Road and Kedleston Road, the proposed flats will be behind the Evington Community Centre and not within view. At a distance of about 21m and often not within view, I consider the proposed block of flats will maintain the setting of the Evington Community Centre.

The plans indicate the site will be surrounded by a 2m high fence. This accords with what is normally Permitted Development and I consider this acceptable. However, where the boundary treatment is between the building line on Staveley Road and the highway edge, I consider it should be lower to maintain the open character of the fronts of properties in the area. This can be secured through a clause on boundary treatments in a landscaping related condition.

With the exception of the RAL colour for the aluminium windows and doors and fascias, details of the materials to be used have been submitted. The walls will be finished in two brick types, Ibstock Leicester Autumn Multi brick and Ibstock Leicester Weathered brick. The balconies will have a frameless balustrade. I consider these materials to be acceptable and the RAL colour for the windows, doors and fascias can be secured by condition.

There is a row of conifer trees within the site of the car park that serves the Evington Community Centre. These are close to the boundary and building works may harm their roots. I consider that these trees do not make a significant contribution to the character and appearance of the area. Although their possible loss as a result of this development is regrettable, I do not consider that this would justify recommending refusal of the application.

To summarise, I consider the scheme will have an acceptable impact on the character and appearance of the area.

Living conditions (*The proposal*)

The rear wall (west facing) of the block of flats is very close to the boundary. As such, outlook and light to rooms from windows in that wall, is very limited. With this in mind, the scheme has been designed to make use of the outlook and light that windows in the front wall (east facing) can provide. Bathrooms and kitchens have been placed at the rear and living rooms and bedrooms at the front.

Concern regarding the restriction of light by the overhang of balconies over ground floor flat windows by previous schemes has been addressed; the balconies no longer overhang.

The applicant has submitted a report that examines the scheme in the light of the *'Building Research Establishment (BRE) - Site layout planning for daylight and sunlight: a guide to good practice (BR 209)'*. This started to be sought by the Council after permitted development rights were extended for the creation of new flats in 2020. In June 2022 a third edition of the BRE guide was released; the same month that this planning application was made. Given there have been a number of similar schemes for this site and two appeals, and that the last appeal decision did not raise concerns regarding light, I consider evaluating this scheme against the second edition to be acceptable.

Paragraph 2.1.8 of the BRE guide states that *'In housing BS8206-2 also gives minimum values of ADF (Average Daylight Factor) of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.'* The Daylight Modelling Study submitted with this application indicates the living area will have an ADF of 1.5% and so complies. As such, I consider that the flats will receive acceptable levels of light.

The Council does not have adopted space standards, but all flats are of a reasonable size. The one-bedroomed flat is 60sqm and the two-bedroomed flats between 72–76.5sqm. This exceeds the Nationally Described Space Standards.

Policy CS06 in the Core Strategy indicates that in order to ensure dwellings can meet the changing needs of residents over the course of their lives, all new dwellings should comply with category M4(2) of the Building Regulations. The design does not include a lift to the upper floors. This means the four flats on the first floor do not comply. However, given the small nature of the scheme, the floor space that a lift and associated corridor would take and the cost of a lift, I consider that it would be difficult to insist on one here. The ground floor flats will be required to comply with category M4(2) of the Building Regulations and I recommend this is secured by condition.

The ground floor east facing flats face the eastern boundary at a distance of between around 7-20m. In front of those windows will be parked cars. While not ideal, I consider this outlook is acceptable given the thin and triangular nature of the site.

The communal garden is surveyed at about 14m distance by a floor to ceiling height ground floor window to Flat 4 and a thin high level first floor window to flat 8. While this is not ideal, I consider locating the communal garden to the side of the flats on the northern side of the site is the best option given the limitations of the site. The SPD for Residential Amenity indicates that where flats have a communal garden it should equate to a minimum 1.5sqm for flats with one bedroom and 2sqm for flats with two. For this scheme this comes to 15.5sqm. The communal garden will be about 240sqm in size. While it is an irregular shape, I consider that this will provide a good level of amenity for residents. Flats 1 and 4 have small gardens in front of their living rooms. They are also acceptable.

Overall, the irregular shape of the site means it is difficult to provide dwellings that score highly on all elements of amenity. On balance, I consider that the scheme will provide residents of the flats with an acceptable level of outlook, light and amenity space. The proposed development is not dissimilar to the previous scheme where the Inspector raised no significant concerns on the matters above.

With suburban housing on most of the streets around the site, the area is relatively quiet. A potential source of noise is the Evington Community Centre and its car park. The flats should be appropriately protected by the installation of noise insulation, as required by the Building Regulations.

Some representations raise concerns about security and suggest the access have a gate. The agent considers that a gate would cause access problems and says the scheme is not designed to be an exclusive development. I consider that the block of flats will provide adequate surveillance of the driveway and parking area and the nature of the use indicates that a high level of site security is not required. The site is also within a relatively quiet suburban area and does not abut a main road. The lack of a gate would not justify a recommendation of refusal.

Residential amenity (neighbouring properties)

The SPD for Residential Amenity indicates the separation distances between dwellings should be as follows:

- 21m where windows face each other
- 18m where windows face each other obliquely
- 15m where a window faces a blank wall

The original rear gardens of the semi-detached houses around the site vary from about 15m-32m in depth. In some cases the gardens have been reduced in length by rear extensions to the houses.

With a flat roof and a height of 6.25m, the proposed building will be a lower than the existing semi-detached houses on all sides, which have pitched roofs.

To the rear (west facing) and side elevations (north and south facing) the proposed block of flats has thin high-level windows on the first floor. I consider that these thin high-level windows minimise the sense of being overlooked for existing neighbouring dwellings, while providing some light to the proposed flats. The distance between these thin high-level windows will be closest on the southern side, where they will be about 20m from the original rear wall of 10 Hollington Road. For the windows at the rear, facing west, they will be about 32m from the from the original rear walls of houses on Kedleston Road. Given their thin and high-level character, I consider their impact on the privacy of existing dwellings around the site to be acceptable.

To the front (west facing) the proposed block of flats has floor to ceiling windows and balconies on the first floor. The closest of the windows will be around 28m to the original rear wall of 36 Staveley Road. The nearest balcony will be around 34m to the original rear wall of 32 Staveley Road. These distances exceed the guidance in the SPD for Residential Amenity and I consider the privacy of houses on Staveley Road will be maintained at an acceptable level.

Concern has been raised by objectors that the bin store is close to houses and therefore odour from the bin store may harm their amenity. There are numerous bin stores in the city that are close to neighbouring gardens dwellings. While bins can be a source of odour, this is something that can be addressed through appropriate management. I consider that it would be difficult to sustain a refusal for this reason.

The site is close to many dwellings which are in a relatively quiet location. Construction works therefore have the potential to cause unacceptable disturbance to neighbouring residents. I therefore recommend that working practices and hours be addressed and secured by conditions.

External lighting for the proposed scheme has the potential to harm the amenity of residents of the scheme and neighbours. I recommend it be addressed by a condition.

Highway and parking matters

The access, turning, vehicle and cycle parking are acceptable. The access is wide enough and has acceptable visibility. The dropped kerb needs to be extended and this can be secured by condition. A fire engine can be turned within the site. Fifteen vehicle parking spaces are proposed which accord with one space per bedspace. This is in accordance with the adopted Vehicle Parking Standards. Two of the spaces will be fitted with electric charging points.

Secure and sheltered cycle parking is proposed and is acceptable.

The plans indicate the site will be surrounded by a 2m high fence. This accords with what is normally Permitted Development and I consider this acceptable. However, where the boundary treatment is between the building line on Staveley Road and the highway edge, I consider it should be lower to aid visibility. This can be secured through a clause on boundary treatments in a landscaping related condition.

The use of sustainable means of transport can be encouraged by the provision of travel packs to new residents of the scheme. This can be secured by condition.

Waste storage and collection

The bin store is not an acceptable size for the number and size of flats proposed. However, there is space within the site for extra bin storage and the Inspectors did not have significant concerns about this matter in the two appeal decisions. I therefore consider that the bin storage can be addressed by condition.

At around 24m from the highway, the proposed bin store will not be eligible for assisted collection, for which the maximum distance is 10m. As such, bins will only be emptied should they be brought to the highway edge. No storage area is proposed close to the highway edge and there is no space for one within the application site without reducing the width of the already narrow driveway, which is a minimum of around 4.8m wide and 6.1m wide along the edge of Staveley Road. Therefore, this arrangement is likely to lead to bins blocking the end of the driveway or the public pavement on bin collection days. Alternatively, the residents of the flats could arrange for a private collection of waste from the designated bin store. The Inspectors did not have significant concerns about this matter in the two appeal decisions. While not ideal, I therefore consider this is not a concern significant enough to sustain a refusal of this application.

Water environment

A document that addresses the Sequential and Exception Tests for Flooding has been submitted with this application.

Sequential Test for Flooding

The site is within Main River (MR) Flood Zones 1, 2, 3a & 3b, Surface Water (SW) Flood Zones 1 & 2 and Ordinary Watercourse (OW) Flood Zone 1.

The proposed flats, garden and car park are all in MR Flood Zone 1, with the driveway to Staveley Road in MR Flood Zones 2, 3a & 3b.

A large part of the site is within SW Flood Zone 1. Parts of where the proposed garden and car park will be and a small part of the proposed building are within SW Flood Zone 2.

A Sequential Test has not previously been carried out for this type of development on this site

The Council has produced Flood Risk Assessment (FRA) Guidance that includes the Sequential and Exception Tests. It divides the city into six zones. It indicates that an appropriate area of search for alternative sites is the zone in which the proposed scheme is. 22a Staveley Road is within the Inner Area.

For the Sequential Test to be passed, three parts need to be addressed, which I discuss as follows.

1. *Are there sites available in the area that are sequentially preferable (in a lower flood risk zone)?*
2. *Can those sites reasonably accommodate the development?*
3. *Are those sites available? Is it for sale?*

The FRA Guidance states that *'Alternative sites for sites of under 10 units cannot readily be identified from the current SHLAA. Applicants wishing to pursue a proposal on such a site may instead gather evidence for a Sequential Test by consulting local property agents' listings. A minimum of two property agents should be consulted.'*

The FRA Guidance goes on to state that *'A site is only considered to be reasonably available if all of the following bullet points below apply:*

- *The site is within the agreed area of search. (Using the areas shown on the plan in appendix 1).*
- *The site is of comparable size and can accommodate the requirements of the proposed development.*
- *The site is either:*
 - a. *Owned by the applicant;*
 - b. *For sale at a fair market value; or*
 - c. *Is publicly owned land that has been formally declared to be surplus and is available for purchase.*
- *The site is not safeguarded in the Local Plan for another use. Sites are not considered to be reasonably available if they fail to meet any of the above requirements or already have planning permission for a development that is likely to be implemented.'*

The applicant has approached three estate agents asking whether there are sites available within the Inner Zone that could take a development of around the proposed size. These estate agents have provided letters stating that they have no such available sites on their books.

The applicant has also examined the list of sites identified in the Strategic Housing and Economic Land Availability (SHELAA) Summary of Sites (2017). None of these sites are available and some of them are, at least in part, are at a higher risk of flooding than the application site.

Exception Test for Flooding

A block of flats with no basement clearly falls within the More Vulnerable class, as defined by the Flood Risk Vulnerability Classification in Planning Policy Guidance (PPG). I consider that it is less clear which class a driveway leading to a block of flats falls within. Does it fall within the class of the block of flats that it will serve, or could it fall within another class?

The applicant considers that the driveway falls within the Essential Infrastructure class but does not explain why. Which class the flats and the driveway fall into is significant for this scheme. This is because the Flood Risk Vulnerability Classification table in PPG indicates that More Vulnerable uses should not be permitted within Flood Zone 3b, while Essential Infrastructure uses may be acceptable, so long as the Exception Test is passed. I take what I consider to be a pragmatic approach that takes into account the history of the site and area which is as follows.

One part of Essential Infrastructure as defined by PPG is '*Essential transport infrastructure (including mass evacuation routes) which has to cross the area at risk.*' The site is surrounded by dwellings and a community centre. The only access to the site is by the driveway to Staveley Road and it has been this way since this part of the city was developed around the 1920's & 30's. Therefore, I take the view that the driveway has always been, and under this proposal will continue to be, '*Essential transport infrastructure*' for this site.

The Flood Risk Vulnerability Classification table in PPG states that for development classed as Essential Infrastructure, the '*Exception Test is required**'. The footnote for * states '*In Flood Zone 3b (functional floodplain) essential infrastructure that has to be there and has passed the Exception Test, and water-compatible uses, should be designed and constructed to:*

- *remain operational and safe for users in times of flood;*
- *result in no net loss of floodplain storage;*
- *not impede water flows and not increase flood risk elsewhere.'*

I will now address each of these three points.

Remain operational and safe for users in times of flood

While the driveway is estimated to be at very high risk of flooding, it is also estimated that in the event of a flood and including more extreme flooding events, the flood waters would be shallow. A scenario of 'danger for some' has been calculated for the access and egress from the site in the event of a flood. In the event of a flood, vulnerable people may need assistance, or in the most extreme cases, may need to stay in their flat. Their flat should provide a safe refuge as the area of the site for the proposed flats is within MR Flood Zone 1 and therefore at very low risk of flooding. The ground floor flats will be set 150mm above existing external ground levels in that part of the site. Emergency vehicles will be able to access the site during a flood. The Environment Agency has a free flood warning service and the Met Office a severe weather warnings service that are available to residents.

Result in no net loss of floodplain storage

The scheme will not reduce floodplain storage and will increase storage (through a green roof, permeable paving and attenuation tanks) for surface water originating on the site.

Not impede water flows and not increase flood risk elsewhere

A linear drain is needed at the entrance to the driveway next to Staveley Road. This is to intercept and prevent surface water from travelling onto the highway. This can be secured by condition.

With a linear drain secured and the other drainage measures proposed, the scheme will not impede water flows and will reduce flood risk elsewhere by providing storage on the site and reducing the rate of surface water runoff from the site.

To pass the Exception Test PPG states a development must '*show that it will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.*' NPPF Paragraph 8 contains a definition of sustainable development consisting of three objectives '*which are interdependent and need to be pursued in mutually supportive ways*'. In shortened form, these are as follows:

a) *an economic objective*

b) *a social objective*

c) *an environmental objective*

The site has been used for commercial purposes since around the 1920's-30's. It is surrounded by dwellings and a community centre. Redeveloping it with flats removes the possibility that it may be used by a commercial use, that could cause disturbance to neighbouring residents. The city does not currently have a five year deliverable land supply for housing and the scheme will make a small contribution to addressing this. As such, the scheme is socially sustainable.

The loss of a small site that could continue to be used for commercial purposes is not of great significance to the provision of employment in the city and hence the scheme is economically sustainable.

The site is served by the existing streets in this area which will give residents of the scheme good access to community uses, places of employment, parks and public transport. With a good existing street network in this area residents can access facilities by sustainable means of transport. The scheme takes the opportunity to provide wildlife habitats and will reduce the rate of surface water runoff. The scheme involves redeveloping a site that was developed many years ago. As such, the scheme is environmentally sustainable.

In earlier parts of this report, I have discussed flood risk. Overall flood risk will be reduced and nowhere will flood risk increase. I consider the risk to residents of the scheme by flooding of the driveway is acceptable and their flats should be safe for the lifetime of the scheme. On balance, I consider that the wider sustainability benefits to the community will outweigh flood risk and therefore the scheme passes the Exception Test for flooding.

Sustainable Drainage System (SuDS)

Policy CS02 indicates that for all new development the rate of SW runoff for the site should be reduced through a Sustainable Drainage System (SuDS). The site is within a Critical Drainage Area (CDA). This means that although SW flooding is reasonably unlikely to take place here, a rapid rate of SW runoff from the CDA may contribute to flooding in neighbouring Hotspots. Therefore, while reducing the rate of SW runoff through SuDS is desirable in all locations, it is particularly desirable in CDAs.

In addition to reducing the rate of SW runoff, a SuDS can also provide other benefits such as a range of wildlife habitats, multi-use areas (typically combining drainage with play space, landscaping and gardens), water quality, visual amenity, pose less of a threat to safety than other forms of drainage and have low and simple maintenance

requirements. A SuDS can achieve this through incorporating features such as soft landscaping, rain gardens, green and brown roofs, permeable paving and water butts.

The site has limited soil permeability and there is no watercourse on or next to the site. Therefore, surface water will be managed through a SuDS prior to discharge into the public sewer system. The SuDS will consist of a green roof, permeable paving and attenuation tanks. Water will pass through a flow control device before entering the public sewer system. The exact details of these features need to be approved and I recommend they are addressed by condition. The SuDS will also need to include a linear drain at the entrance to the driveway next to Staveley Road, to intercept and prevent surface water from travelling onto the highway.

The surface water drainage proposed has been designed for exceedance. Exceedance will be stored in the proposed car park where it is unlikely to cause significant harm.

Foul drainage

Foul drainage information has been provided and is acceptable. The exact details of these features need to be approved and I recommend they are addressed by condition.

Pollution

Kainth Autos on Dore Road should not pose a significant hazard to residents.

Due to potential past activity on the site the land should be investigated for contaminants and cleaned up if necessary. This can be secured by a condition.

Wildlife

The Biodiversity Impact Assessment, Enhancement and Management Plan (Ecology Resources, June 2021) submitted is acceptable. I recommend a condition be attached to secure a re-survey should development not commence within two years.

To achieve net gain in biodiversity (NPPF paragraph 170) and increase connectivity for wildlife to the wider natural environment, a number of enhancements are required. These include a biodiverse green roof on the flat roof and bat and Swift bricks integrated into the building. These can be secured by clauses in the landscaping related condition.

External lighting also has the potential to harm wildlife habitat. I recommend it be addressed by a condition.

Archaeology

There is considered to be minimal to no archaeological impact from this proposal due to the previous use history of the site; a structure is recorded on this location on the historic OS map sequence from at least the mid-20th century.

Other matters

One objector raised concerns that vegetables grown in neighbouring gardens may be harmed by car exhaust fumes from those living in or visiting the flats. It is unlikely a refusal for this reason could be sustained.

Conclusion

The reuse and redevelop this site offers the following opportunities:

- To replace a non-conforming use (builder's yard) in a residential area with residential flats.
- Provide much needed housing to a standard that will provide residents with a good level of amenity over the course of their lives and to contribute to meeting a 5 year housing supply.
- To improve the character and appearance of the area by the replacement of a builder's yard and single storey building with a block of flats and garden.
- To reduce the rate of surface water runoff and secure other benefits through the use of a SuDS.
- To create wildlife habitat.

Taking into account the two appeal decisions which I consider should be given significant weight in your consideration, and the development plan, I consider that these opportunities have been taken. The scheme is therefore acceptable.

I recommend it 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 the commencement of development (including the demolition of the existing building), the site shall be investigated for the presence of land and building contamination in accordance with the Phase 1 report (Ref : 1511R V2 Nico - Leicester). If contamination is found, then a scheme of remedial works to render the land and existing building safe for the development, shall be submitted to and approved in writing, by the local planning authority. Prior to the occupation of any flat, the approved remediation scheme shall be implemented, and a completion report shall be submitted to and approved in writing, by the local planning authority. Prior to the occupation of any flat, any parts of the site where contamination was previously unidentified and found during the development process shall be subject to remediation works carried out and approved in writing, by the local planning authority. The report of the findings shall include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, pets, service lines and pipes, adjoining land, ground waters and surface waters, ecological systems; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This shall be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11". (To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy PS11 of the City of Leicester Local Plan.) (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

3. 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 in writing by the local planning authority. The SuDS shall include a linear drain at the entrance to the

driveway next to Staveley Road to intercept and prevent surface water from travelling onto the highway. 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). (To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

4. Prior to the commencement of development, details of foul drainage shall be submitted to and approved in writing, by the local planning authority. No flat shall be occupied, until the foul 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.)

5. Prior to the occupation of any flat, details of a lighting scheme shall be submitted to and approved in writing by the local planning authority. The details shall show the locations of lights, their type of light emittance and wavelength, and include a lux contour map showing the variation in light. The lighting shall be designed to cause minimum disturbance to wildlife that may or could inhabit the site. Lighting shall be installed only in accordance with the approved details and shall be retained as such thereafter (In the interest of protecting wildlife habitats and residential amenity and in accordance with NPPF (2021) paragraph 185 and policy CS17 in the Core Strategy.)

6. No lighting shall be installed at any time without prior agreement from the local planning authority. (In the interest of protecting wildlife habitats and residential amenity and in accordance with NPPF (2021) paragraph 185 and policy CS17 in the Core Strategy.)

7. Prior to the commencement of development, a Construction Method Statement (CMS), with consideration being given to protecting residents from noise and dust, the water environment and flood risk management, shall be submitted to and approved in writing by the local planning authority. The approved CMS shall be adhered to throughout the construction period. The Statement shall provide for: (i) the vehicle and pedestrian temporary access arrangements including the parking of vehicles of site operatives and visitors; (ii) the loading and unloading of plant and materials; (iii) the location and storage of plant and equipment (to minimise noise disruption i.e. generators. Where plant and equipment cannot be located to minimise noise disruption, sound attenuation methods should be employed); (iv) the erection and maintenance of security hoarding; (v) wheel washing facilities; (vi) measures to control the emission of dust and dirt during construction; (vii) a scheme for storage and management of waste resulting from excavation works; (viii) the proposed phasing of development and a detailed description of the works in each phase; (ix) the temporary access arrangement to the construction site; (x) procedures to ensure flood risk is managed on site during the period of works for personnel, plant and members of the

public; (xi) the procedures to ensure flood risk is not increased anywhere outside of the site for the duration of the works; (xii) the procedures to ensure pollution and sedimentation is minimised to any adjacent watercourse and the procedure to be used in case of a pollution incident. (To ensure the satisfactory development of the site, and in accordance with saved policies AM01 & UD06 of the City of Leicester Local Plan and Core Strategy policy CS02 & CS03.) (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

8. No construction, other than unforeseen emergency work, shall be undertaken outside of the hours of 07.30 to 18.00 Monday to Friday, 08.00 to 13.00 Saturday or at any time on Sundays or Bank Holidays, unless the methodology has been submitted to the City Council Noise and Pollution Team. The methodology must be submitted at least 10 working days before such work commences and agreed, in writing, by the City Council Noise and Pollution Team. The City Council Noise and Pollution Team shall be notified of any unforeseen emergency work as soon as is practical after the necessity of such work has been decided by the developer or by anyone undertaking the works on the developer's behalf. (To protect the amenity of residents in accordance with policies PS10 & PS11 in the 2006 City of Leicester Local Plan.)

9. No part of the development shall be occupied until secure and covered cycle parking has been provided in accordance with details shown on drawing DSA-20164-PL-AL-04-F. The cycle parking shall be retained thereafter. (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).

10. Prior to the occupation of any flat, the proposed vehicle parking spaces (including electric charging points), turning space, driveway and alterations to the site access from Staveley Road shall be provided in accordance with the details shown on drawings DSA-20164-PL-AL-04-F & DSA-20164-PL-AL-05-C. They shall be retained as such thereafter. (To ensure a satisfactory means of access to the highway, and in accordance with policies AM01, AM02 & AM12 of the City of Leicester Local Plan and Core Strategy policy CS03.)

11. Prior to the occupation of any flat, the footway crossing to Staveley Road shall be altered in accordance with the Council's standards contained in the "Leicester Street Design Guide (First Edition)" (view from www.leicester.gov.uk/6cs-design-guide). (To achieve satisfactory means of access to the highway, 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 Leicester Street Design Guide, June 2020. (To a 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. Within one month of the occupation of any dwelling, the residents of that dwelling shall be provided with a 'New Residents Travel Pack'. The contents of this shall first be submitted to and approved in writing by the local planning authority. It shall include walking, cycling and bus maps, the latest relevant bus timetable information and bus travel and cycle discount vouchers. (In the interest of sustainable

development and in accordance with policy AM02 of the City of Leicester Local Plan and policy CS14 of the Core Strategy).

14. Notwithstanding the submitted details and prior to the occupation of any flat, details of the bin storage and collection arrangements shall be submitted to and approved in writing by the local planning authority. Prior to the occupation of any flat, the bin storage shall be provided in accordance with the details approved and shall be retained thereafter. (To ensure acceptable bin storage is provided in accordance with policy CS03 in the Core Strategy)

15. The ground floor flats and their associated parking and approach, shall be constructed in accordance with Category 2: Accessible and adaptable dwellings M4 (2) Optional Requirement of the Building Regulations. Prior to the occupation of any flat, completion certificates for the ground floor flats, signed by the relevant inspecting Building Control Body authority and certifying compliance with the above standards, shall be submitted to and approved in writing by the local planning authority. (To ensure the dwelling is adaptable enough to match lifetime's changing needs in accordance with Core Strategy policy CS06.)

16. Prior to the commencement of above ground development, the RAL colours for the windows, doors and fascias shall be submitted to and approved in writing by the local planning authority. The windows, doors and fascias shall be installed in accordance with the RAL colours approved. The other external materials shall be installed in accordance with the materials shown on the approved plan DSA-20164-PL-AL-02-E. (To maintain the character and appearance of the area and in accordance with policy CS03 of the Core Strategy.)

17. Prior to the commencement of above ground development, a detailed landscaping scheme showing the treatment of all parts of the site which will remain unbuilt 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 (including a treatment no higher than 1m in height where between the building line on Staveley Road and the highway edge); (vi) any changes in levels; (vii) the position and depth of service and/or drainage runs (which may affect tree roots) (viii) four integrated bat bricks & six integrated swift bricks grouped together in threes (ix) details of the green roof. The approved landscaping scheme shall be carried out within one year of completion of the development. For a period of not less than five years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 & CS17.)

18. Should the development not commence within two years of the date of the last protected species survey (June 2021), then a further protected species survey shall first be carried out of all relevant features by a suitably qualified ecologist. The survey

results shall be submitted to and approved in writing, by the local planning authority, and any identified mitigation measures carried out before any development is begun. Thereafter, the survey should be repeated every two years until the development begins. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRoW Act 2000), the Habitat and Species Regulations 2010 and CS17 of the Core Strategy.)

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

Location Plan, DSA-20164-PL-AL-07, Rev B, received on the 22nd of June 2022

Proposed Elevations and Sections, DSA-20164-PL-AL-02, Rev E, received on the 22nd of June 2022

Proposed Floor Plans, DSA-20164-PL-AL-01, Rev E, received on the 22nd of June 2022

Proposed Site Layout, DSA-20164-PL-AL-03, Rev F, received on the 22nd of June 2022

Proposed Access and Visibility Plan, DSA-20164-PL-AL-05, Rev C, received on the 22nd of June 2022

Proposed Parking Layout, DSA-20164-PL-AL-04, Rev F, received on the 22nd of June 2022

Internal arrangement for each unit, DSA-20164-PL-AL-10, Rev A, received on the 22nd of June 2022

(For the avoidance of doubt).

NOTES FOR APPLICANT

1. All future residents of the scheme are encouraged to sign up for the Environment Agency’s free Flood Warning service and the Met Office severe weather warnings email alert service.

2. It is unlikely that any construction or demolition work will be agreed outside of the hours detailed in Condition 8 unless the City Council Noise and Pollution Team is satisfied that:

a) the work will not be detrimental to occupiers of neighbouring properties

or

b) the developer is able to demonstrate that there is no practicable alternative to the proposed work taking place outside of these hours.

3. Leicester Street Design Guide (First Edition) has now replaced the 6Cs Design Guide (v2017) for street design and new development in Leicester. It provides design guidance on a wide range of highway related matters including access, parking, cycle storage. It also applies to Highways Act S38/278 applications and technical approval for the Leicester City Local Highway Authority area. The guide can be found at:

<https://www.leicester.gov.uk/your-council/city-mayor-peter-soulsby/key-strategy-documents/>

As this is a new document it will be kept under review. We therefore invite comments from users to assist us in the ongoing development of the guide.

4. The Local Highway Authority’s (LHA) 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 the existing highway, the developer must enter into an agreement with the LHA. For more information please contact highwaysdc@leicester.gov.uk.

5. Temporary direction signing for developments can be provided within the highway. The Local Highway Authority (LHA) requires all temporary signing schemes are designed, implemented and maintained to an appropriate and acceptable standard. The temporary signing scheme including details of the sign faces, locations and means of fixing must be submitted for approval. These signs must comply with the Traffic Signs Regulations and General Directions (TSRGD). Applications must be submitted to the LHA at least four weeks before the signs are to be erected. Applicants will agree to reimburse the LHA for the full costs involved in the processing of the application and any subsequent planning, design, implementation and maintenance of the signs. The Local Authorities (Transport Charges) Regulations 1998 refers, and charges are set in LCC minor charges report updated annually; available via this link <https://www.leicester.gov.uk/media/181997/minor-fees-and-charges-for-transportation-services-2020-2021.pdf>. In the event of signs not being removed expeditiously, the LHA will remove them and recharge the costs to the promoter. For more information please contact highwaysdc@leicester.gov.uk.

6. With regards to Condition 13 (Travel Packs) 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.

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_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_CS13 The Council will seek to maintain and enhance the quality of the green network so that residents and visitors have easy access to good quality green space, sport and recreation provision that meets the needs of local people.
- 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.
- 2014_CS19 New development must be supported by the required infrastructure at the appropriate stage. Developer contributions will be sought where needs arise as a result of the development either individually or collectively.

COMMITTEE REPORT

20221285	9 Uppingham Close	
Proposal:	Construction of first floor extension; alterations to house (Class C3) (amended plans received 27/09/2022)	
Applicant:	Gurnake Singh	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	24 November 2022	
RB	TEAM: PD	WARD: Evington



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Summary

- 19 objections from 5 different households have been received on grounds of parking, residential amenity, design, and impact on the character and appearance of the area.
- 18 letters of support from 9 different households have been received.

- The main issues are the residential amenity for the future occupiers and neighbouring properties, design, impact on the character and appearance of the area, and parking.
- The recommendation is for conditional approval.

The Site

This application relates to a 1970s detached bungalow situated on the north side of Uppingham Close. It is one of a matching pair of bungalows (9 & 10 Uppingham Close) in buff-coloured brick and separated by a matching pair of detached double garages.

The application bungalow has been previously enlarged by the addition of a single storey extension and conservatory at the rear.

Development in Uppingham Close is characterised by 1970s houses of buff/light coloured brick and set within plots of differing size, with open-plan, landscaped forecourts.

On-street parking in Uppingham Close is not subject to controls.

Background

Application 20212486 for alterations and construction of first floor extension to house (Class C3) was withdrawn on 03/03/2022.

This proposal was amended during the course of this application to omit a two storey extension to the west side of the bungalow. At this stage, the amended plans also showed an increase in the ridge height of the proposed first floor extension from 6 metres to 7 metres, and an increase in the eaves height from 4.2 metres to 4.3 metres.

The proposal was further amended to address an issue with regards to the alignment of the front partial dormers and windows, and as part of this amendment the applicant had chosen to revise the internal layout of the first floor.

The Proposal

The application proposes:

- A raised ridge height to provide an additional floor. The total height would be 6.5m with an eaves height of 4.1m, with a catslide roof over the proposed element over the existing front projection reducing the eaves height to this part of the proposed building to 3.4m. The eaves height to the rear on the 8 Uppingham Close side would be 5.1m to the eaves, due to this part of the extension being set back from the rear elevation by 2m;
- The existing recessed entrance at ground floor level to the front of the property would be infilled, providing a stairway to the first floor and a hallway. Brick to match the existing would be used to the infill at ground floor level;

- The first floor would be finished with render. The first floor windows would be accommodated within gables and partial dormers projecting out from the main front and rear of the roof;
- The additional floor would accommodate five bedrooms, one with an ensuite wet room, and a bathroom;
- The ground floor layout would be altered to provide a lounge in place of the existing three bedrooms on the ground floor, a sitting room in place of a larger lounge, a kitchen/dining room in place of an existing kitchen, bathroom and part of the existing lounge, and a WC and utility room to the rear;
- At the rear, the existing conservatory and single storey extension would be retained, and the original part of the bungalow that projects rearward would also be retained as a single storey element (but with alterations to replace its existing monopitch roof design with a more conventional lean-to roof). There would be external alterations to enclose the existing recessed porch at the front and, as part of this, to provide a new entrance door and window.

Amended plans have been received to set back the first floor extension back from the rear elevation by 2m at the western side of the property, instead of the originally proposed 1m, to reduce the ridge height of the proposed extension by 0.5m and increase the height of the eaves by 0.2m. These amendments are reflected in the description of the proposal above.

Neighbours and objectors were reconsulted on the application and were invited to provide comments for the amended plans.

Policy Considerations

National Planning Policy Framework (NPPF) (2021)

Paragraph 11 states that decisions should apply a presumption in favour of sustainable development.

Paragraph 38 states that local planning authorities should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area, and that decision makers should approve applications for sustainable development where possible.

Paragraph 56 states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development, enforceable, precise and reasonable.

Paragraph 111 states that development should only be prevented on highway grounds if there would be an unacceptable impact on highway safety or severe cumulative impacts on the road network.

Paragraph 130 sets out decisions criteria for achieving well designed places. It states that decisions should ensure that developments (a) will function well and add to the overall quality of the area; (b) are visually attractive as a result of good architecture; (c) are sympathetic to local character and history, including the

surrounding built environment; and (f) create places with a high standard of amenity for existing and future users.

Paragraph 134 states that development that is not well designed should be refused, taking into account any local design guidance and supplementary planning documents.

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

Residential Amenity SPD (2008) – Appendix G

Consultations

None

Representations

Representations objecting to the proposal have been received from residents at five different addresses within the city. Objections were received after a reconsultation period from four of the households that objected to the application initially. These representations raise the following issues, which are summarised below:

Character and Appearance issues

- cul-de-sac not designed to support further development
- overbearing
- design out of character/scale disproportionate
- proposed materials not in keeping with the area
- does not respect massing and materials of neighbouring houses
- loss of spaciousness

Amenity issues

- loss of outlook from first floor side facing habitable window
- loss of light, space and outlook from neighbouring dwellings and garden space
- differences in land levels exacerbate the amenity impacts
- loss of views
- disruption and inconvenience during construction (noise, dust, parking, traffic, etc)
- impact on safety, health/mental health and welfare
- overlooking of garden – young children overlooked by several bedrooms
- loss of privacy
- noise from more intensive occupation of application property
- the proposal would block views of trees, adversely impacting amenity
- no other refuge except home during ongoing global pandemic

- Breach of human rights

Parking and Access issues

- narrow carriageway/inadequate space for parking/turning/access including delivery and emergency vehicles (risk to life)
- garage not used for parking
- inadequate parking for size of property proposed

Other issues

- would create precedent
- there are covenants on the property to prevent development
- less ambitious applications at other properties rejected twice
- loss of bungalow – discriminates against older people
- developers supporting development and pressuring residents to sell
- objections met with lengthy supportive submissions including potentially libellous comments
- other developments referred to in supportive comments not relevant
- residents must be allowed to comment on any modifications
- Safeguarding issues

Photographs have been submitted in support of some of the objecting representations. These photos show the application site from the first floor bedroom window of the neighbouring property at 8 Uppingham Close and the rear of the application property from the garden area to the side of the neighbouring property at 8 Uppingham Close.

Representations supporting the proposal have been received from nine city addresses. These representations make the following points, which are summarised below:

- The proposal would appear attractive
- The existing bungalow looks out of character with existing properties within the area
- House prices would increase
- Amendments to the application have been made to address the concerns of planning officers
- The amenity and outlook of the neighbouring properties are not harmed but improved.
- The proposal would provide needed accommodation
- That the planning committee should visit the site

Conflicting concerns over the nature and veracity of the representations received and discussions/inappropriate behaviour between various different parties in this case have been received. The Planning service is not in a position to verify the validity of the various claims or counter claims of this nature and Committee members are advised to concentrate on the material planning considerations as set out in this report in their decision taking.

Consideration

The main issues in this case are: the principle of development; the character and appearance of the area; the amenity of neighbouring properties; the amenity of occupiers of the application dwelling; and parking and access.

Principle of Development

The site is within an area classified as Primarily Residential within the Leicester Local Plan (2006). The principle of residential extensions is acceptable given the use of the site and location of the property in a residential part of the City.

Therefore, I consider that the proposal is acceptable in principle subject to the following considerations.

Character and Appearance

Core Strategy (2014) Policy CS03 calls for developments to contribute positively to the character and appearance of the built environment and requires developments to be appropriate to the local setting and context. The Policy goes on to refer to, amongst other things, scale, height, layout, urban form, architecture, massing and materials. Saved Policy PS10 of the Local Plan (2006) sets out amenity considerations for new development including (b) the visual quality of the area and (f) the ability of the area to assimilate development.

Appendix G of the City Council's Residential Amenity supplementary planning document (2008) provides local design guidance for householder development.

The addition of a first floor would result in a change to the appearance of the existing bungalow. However, as properties along Uppingham Close are predominantly of bespoke design, the resulting house would not result in a harmful impact on the rhythm or uniformity of built form. The houses at the turning head of the Close are characterised by lower than conventional eaves heights, particularly to their front elevations, and the design of the proposal successfully reflects this.

I consider that the variety of individual designs within the immediate area would mean that the resultant property would not appear out of keeping with the prevailing character of the area.

The pitch of the roof has been amended so that it is steeper than originally proposed. Although the pitch of the roof would not be as steep as the properties within the Close, I consider that the proposed roof form would fit better within the context of the surrounding area. The design uses lower eaves than would be conventional for a two storey house, with the effect that the ridge height, at 7m, and overall proportions of the enlarged dwelling would be comparatively modest.

SPD Residential Amenity sets out that the type, proportions, subdivisions and materials of the new windows and doorways should match those of the original house. The two end half dormers and windows would line-up with the existing ground floor fenestration on the front elevation and the central half dormer and window would sit above the dwelling's main entrance, which complies with the

guidance set out within SPD Residential Amenity. Overall, I am satisfied that the proposed form and arrangement of fenestration is appropriate.

The predominant finish material of development in the Close is light coloured buff brick; however, there are hanging tiles and plain concrete roof tiles within the area. The roof is proposed to be finished with concrete interlocking tiles, which I consider is acceptable in principle, subject to a condition requiring material samples. The walls, including the cheeks of the partial dormers, would be finished in render, which is a material that was introduced into the area through a recent planning approval at 3 Uppingham Close under planning permission 20212650. It would be difficult to extend the existing bungalow walls upwards with new bricks that match closely enough in appearance those existing. Render is used on 3 Uppingham Close and some houses in the adjacent part of Uppingham Road leading to Uppingham Close, and if finished in a suitable colour the overall appearance of the extension would not appear out of character with the appearance of the area. Given that the render would be a new addition to the property and details including the proposed colour have not been provided within the application, I consider it necessary to attach a condition to ensure that a suitable render sample and colour is submitted to the Local Planning Authority, prior to the application of external materials on site.

I consider that the infill at the front to enclose the entrance porch and install a new door and window would be in keeping with the front of the property in regard to the matching materials and the size and design of openings.

In conclusion, I consider that the proposal is consistent with the aims of SPD Residential Amenity and complies with Core Strategy policy CS03 and saved Local Plan policy PS10 in terms of its impact upon the character and appearance of the area.

Residential Amenity (Neighbouring Occupiers)

Core Strategy Policy CS03 requires developments to be appropriate to the local setting and context. Saved Policy PS10 of the Local Plan (2006) sets out amenity considerations for new development including (a) noise and air pollution, (c) additional parking and manoeuvring, (d) privacy and overshadowing and (e) safety & security.

The neighbouring dwelling to the west, 8 Uppingham Close, is a detached two storey house of bespoke design. The property is sited on ground about 0.35m higher than the application site. The eastern side wall of the dwelling is separated from the common boundary with the application site by approximately 6.5m. The space is occupied by a driveway, leading to an attached single storey double garage at the side of the property. The side elevation facing the application site contains a high level window at ground floor level, an inset double height window which incorporates the main entrance and appears to double as a lounge, and a conventional window at first floor level above the garage roof. It is understood that the high level window serves a bathroom, that the double height window serves the hall and landing, and that the first floor window serves a bedroom. To the rear of the dwelling and garage is a single storey flat roofed extension, which contains an unobscured side facing window. It is understood that this window serves a kitchen. Officers have visited the

property to confirm the use of the habitable rooms on the side elevation facing the application site.

The dwelling at 8 Uppingham Close has private amenity space to its west side and rear, wrapping around behind the garden of the application dwelling.

SPD Residential Amenity sets out that a new extension must not result in any substantial loss of privacy to adjoining dwellings and gardens and recommends a separation distance of 11m between any principal room windows in an extension and the boundary with undeveloped land, including gardens. Further guidance advises that changes in ground level may require an increase in these minimum distances to maintain adequate privacy.

The proposed first floor rear windows would be in line with the existing rear elevation of the property. The separation distance of the proposed first floor rear facing windows would be set 12m from the common boundary at the rear of the site with the garden of 8 Uppingham Close.

Part of the amenity space within the curtilage of the dwelling at 8 Uppingham Close wraps around the rear of the garden of the application dwelling. Representations refer to this garden occupying a lower site level. There are some land level differences at the rear of the site; however, the land levels do not vary significantly and appear to be no more than 0.5m.

The 12m separation distance complies with the guidance set out within SPD Residential Amenity, providing additional leeway to the recommended 11m to account for the decrease in land levels. I consider that the land level differences are not significant enough to warrant exception to the guidance beyond the 12m provided and, as such, there would not be an unacceptable detriment in relation to overlooking and loss of privacy of the garden of 8 Uppingham Close.

SPD Residential Amenity sets out that, although there is no right to a view across someone else's land, extensions should not impact the outlook from the main windows of principal rooms and the gardens of neighbouring properties and recommends that there is a minimum separation distance of 15m between a wall with no window and a wall with a window to a principal room in an adjacent property.

There is a side facing habitable bedroom window at first floor level to the side of the neighbouring property at 8 Uppingham Close, which overlooks the application site. The neighbouring property is set at a slightly higher site level at approximately 0.35m in relation to the application property.

When scaled from the O.S. base and as measured on site, the distance between the neighbouring window and the side wall of the bungalow at 9 Uppingham Close is 10m, which appears to be accurately shown on the existing and proposed plans.

The existing part of the application property closest to 8 Uppingham Close has a side wall of approximately 4m in height. The existing side wall would be partially demolished to accommodate the set back at first floor level and would be replaced by a mono-pitched roof, sloping down to the rear. The new roof at single storey level

would measure 3.5m in total height and 2.4m in height to the eaves. Although the height of the existing structure would be reduced, I consider that the removal of part of the existing single storey element would only result in a marginal improvement in outlook from the neighbouring window, due to its existing height.

The proposed first floor extension would be set back 2m from the rear elevation of the property at the western side and set in 5m from the western side elevation. The element of the extension close to 8 Uppingham Close would have an eaves height of about 5.1m and ridge height of 6.4m. A 15m separation distance would be achieved directly in front of the neighbouring first floor side facing window, and approximately 1.7m to the right of the window.

The proposed extension would be visible when viewed to the right of the neighbouring first floor window, however it would be beyond the 15m separation distance in front and to the left of the neighbouring window, and I consider that sufficient outlook would be retained as a result.

I consider, given that sufficient separation distance would be retained to the front of the window, there would not be a significant detrimental impact in terms of loss of outlook at the eastern side of the property, compliant with the guidance outlined within SPD Residential Amenity.

SPD Residential Amenity sets out that extensions should not intersect a 45 degree line taken from the centre of the nearest habitable room window when at the rear of properties. However there is no specific SPD guidance for the impact of extensions to the front of habitable room windows at the side of properties, which would inevitably have a different relationship to any proposed extensions, as they would be sited to the front of the side facing windows. I consider that, as the proposed extension would not be directly in front of the window and would be set 1.7m to the right of the habitable room window, the 10m distance between the properties is sufficient to not result in a significant detrimental impact in terms of loss of light at the side of the property.

The proposal would cast a shadow in the direction of 8 Uppingham Close during the morning; however, I consider that the majority of the shadow would fall within the curtilage of the application property and it is likely that any additional shadowing of 8 would primarily only affect the driveway. At other times of the day the shadow cast would be likely to fall wholly within the curtilage of the application dwelling.

I consider that the proposal would not have an unacceptable impact upon daylight and sunlight to the side facing bedroom window at 8 Uppingham Close.

The side facing en-suite ground floor window at 8 Uppingham Close is not a principal room window. Although the side facing hall/landing window at first floor level appears to be used as office space, it is not considered by officers to be a habitable room. Moreover, the room is glazed on both sides providing adequate light and outlook to the western side of the property away from the application site. The kitchen window at the rear is located on the side wall of the single storey projection to the rear of the garage and would not be materially affected by the proposal in terms of light and

outlook. Therefore, I consider that the impact of the proposal would not have a significant detrimental impact on these rooms.

Representations have been received outlining concerns regarding the impact of the extension on a side facing lounge window on the ground floor of 8 Uppingham Close. This room provides an entrance to the property and is used as a porch with the lounge further within the property. This room is dual aspect with light and outlook provided from the window to the western side of the room. Moreover, I consider that the separation distance of 10m to the side elevation of the application property and the modest increase in height to 6.5m would not result in a significant detrimental impact in terms of loss of light and outlook to the room in relation to the existing situation.

10 Uppingham Close is separated from the application property by a single storey semi-detached garage. I consider that the proposal would not have any unacceptable impact in relation to the neighbouring dwelling in terms of daylight, sunlight and outlook, as the footprint would not be enlarged and there are no side facing habitable room windows at the side of 10 Uppingham Close. The existing garage would provide some screening to the proposal and due to the properties siting, separation distance and orientation, I consider that the proposal would not result in an overbearing impact on the occupiers of the neighbouring property.

The surrounding area is dominated by detached properties within Uppingham Close and Uppingham Road with some infill properties. I consider that, due to the separation distance of the application property to other dwellings within the Close and surrounding area, their orientation and location, the proposal would not have a detrimental adverse impact on their amenity.

The proposed extension would result in the size of the property being increased from a three bedroom bungalow to a five bedroom house. This would undoubtedly increase occupation at the property. However, this is an established residential area where larger dwellings provide a significant proportion of properties, including 7 and 8 Uppingham Close in close proximity to the site. As such, I consider that the proposed enlargement from a three to a five bedroom dwelling would not result in unacceptable living conditions for neighbouring occupiers in terms of noise and disturbance.

I consider that the proposal would not give rise to any material safety and security implications as it is a residential proposal providing only an upward extension and alterations.

The construction of the extension would give rise to potential noise and dust pollution and inconvenience from vehicles associated with the construction. Given the relatively modest scale of the proposal, it is reasonable to expect these to be short term impacts and would not have a significant detrimental impact of the neighbouring amenity. As the proposal is for a relatively small householder development, I consider that it would be unreasonable to request the submission of a construction management report for the development.

For the reasons given above and the compliance of the proposal with the Council's guidance and policies, I consider that the proposed development would not result in any breaches of the neighbouring occupiers' human rights to have a private life.

In conclusion, I consider that on balance, although the proposal would result in some impacts in relation to the side facing windows at 8 Uppingham Close, the impact would not be significantly detrimental, complying with the guidance outlined within SPD Residential Amenity. Therefore, I consider that the proposal complies with Core Strategy Policy CS03 and saved Local Plan policy PS10 in relation to its impact on the amenity of neighbouring occupiers.

Living conditions (application property)

Core Strategy Policy CS03 seeks the creation of buildings and spaces that are fit for purpose. Appendix G of the SPD states that extensions should leave sufficient space for general use and for sufficient natural light.

The proposal would improve the internal space available at the application property and the new bedrooms would all have adequate light and outlook. As a result of the design of the proposal, the first floor rooms would be partially under the roofslope. A cross section has been provided, which shows that the rooms would achieve headroom of at least 1.8m, achieving sufficient headroom of 2.1m across 75% of the habitable space. Moreover, the occupiers of these rooms would have access to the rest of the dwellinghouse. Therefore, I consider that the proposal, as an extension of the existing dwelling, is acceptable in this regard.

I conclude that the proposal would comply with Core Strategy policy CS03, saved Local Plan policy PS10 and the guidance within SPD Residential Amenity, and that it is acceptable in terms of the living conditions of existing and future occupiers of the application property.

Parking and Access

Core Strategy Policy CS15 states that car parking should be appropriate for the type of dwelling and its location. Saved Local Plan Policy AM12 refers to the parking standards at Appendix 01 of the Plan, and those standards call for two parking spaces for 3+ bedroom dwellings in zones 3 & 4 of the city, including the application site.

As there is the same requirement of two car parking spaces for dwellings of both three and five bedrooms and the application form confirms that the proposal would not affect the existing parking arrangements, with sufficient car parking available at the side of the property, I consider that the existing situation would provide sufficient parking spaces to meet demand for a five bedroom house in a suburban location.

Representations have been received that outline parking and access concerns, due to difficulties experienced during works at other neighbouring properties. However, I consider that the development would not have an unacceptable impact on highway safety or severe cumulative impacts on the road network either during the construction or once occupied.

I conclude that the proposal would comply with Core Strategy policy CS15 and saved Local Plan policy AM12, would meet the relevant parking standards at Appendix 01 of the Local Plan, and that it is acceptable in terms of parking and access.

Other Matters

Issues raised in objection representations and not otherwise dealt with in the main report above:

- health/mental health and wellbeing/welfare: I consider that the proposal would not result in material concerns with regards to general public health, wellbeing and welfare (impact on individuals is not a planning issue)
- no other refuge except home during ongoing global pandemic: I consider that the planning impacts upon neighbouring properties are acceptable
- less ambitious applications at other properties rejected would create precedent: each application must be considered on its own merits
- loss of bungalow – discriminates against older people: The proposed development is for the extension of a bungalow. There is no evidence that there is an under provision or requirement of bungalows for older people in the area.
- developers supporting development: relevant planning representations must be considered, whoever makes them
- pressuring residents to sell: not a planning issue
- potential libel between parties: not a planning issue
- other developments referred to in supportive comments not relevant: each application must be considered on its own merits
- residents must be allowed to comment on any modifications: a second consultation has been carried out upon the submission of amended plans
- not in line with neighbouring houses (building line): the proposal is for an upward extension and does not alter the building line of the existing bungalow
- restrictive covenants in place to protect amenity: not a planning issue, is a legal/civil matter between affected parties
- The proposal of an upwards extension would not result in safeguarding issues
- Any incidents/disagreements between parties: not a planning issue
- Views of trees, landscaping and open skies would be obstructed by the proposed development: there is no right to a view under planning law

Conclusion

Although the application proposals were unacceptable as originally submitted, the applicant has responded positively to requests for changes to the scheme during the course of the application process. I consider that the amended proposal complies with Core Strategy (2014) policies CS03 and CS15, and saved Policies AM12 and

PS10 of the Local Plan (2006), and that the proposal accords with the design guidance set out within SPD Residential Amenity (2008).

Subject to conditions, the proposal would not result in significant detrimental impacts upon the character and appearance of the area nor upon the amenity of neighbouring occupiers. I consider that the proposal would result in improved living conditions of the occupiers of the application property and would not give rise to any highways safety issues.

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

CONDITIONS

1. START WITHIN THREE YEARS
2. Prior to the application of external materials, details of the materials to be used on all external elevations and roofs shall be submitted to and approved by the City Council as local planning authority and retained as such. (In the interests of visual amenity, and in accordance with Policy CS03 of the Leicester Core Strategy (2014) and saved Policy PS10 of the City of Leicester Local Plan (2006)).
3. Development shall be carried out in accordance with the following approved plans:
Mixed Plans, 883 - 1 to 7 rev I, received 27/09/2022
(For the avoidance of doubt).

NOTES FOR APPLICANT

1. The proposal has been amended during the course of the application process. The approved development would need to be constructed in accordance with the amended plans received on 27/09/2022 to satisfy condition 3.
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 2021 is considered to be a positive outcome of these discussions.

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. |

- 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_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.

