

Leicester
City Council

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

DATE: WEDNESDAY, 21 JUNE 2023

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 Pantling (Chair)

Councillor Aldred (Vice-Chair)

Councillors Agath, Bonham, Gopal, Kitterick, Mohammed and Singh-Patel

Two unallocated Labour group place

One unallocated Liberal Democrats 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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Further information

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 8 March 2023 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) **20222453 - 2-4 ST GEORGES WAY** [Appendix A1](#)
- (ii) **20230514 - 2 MAIDENWELL AVENUE, LAND AT TESCO EXTRA** [Appendix A2](#)
- (iii) **20221916 - 118 UPPERTON ROAD** [Appendix A3](#)
- (iv) **20220654 - 88 WOODGATE, CAR WASH ADJACENT** [Appendix A4](#)

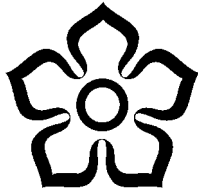
5. RENEWAL OF A DIRECTION UNDER REGULATION 7 [Appendix B](#)

The Director for Planning, Development and Transportation, submits a report on a Renewal of a Direction under Regulation 7.

Members of the Committee are recommended to note that an application for the renewal of a Direction under Regulation 7 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 to retain control of the display of 'to let' advertisements within the existing areas of control in the Castle, Knighton, Saffron and Westcotes Wards for period of five years will be submitted.

6. ANY URGENT BUSINESS

7. CLOSE OF MEETING



Leicester
City Council

Wards:
See individual reports.

Planning & Development Control Committee

Date: 21 June 2023

REPORTS ON APPLICATIONS, CONTRAVENTIONS AND APPEALS

Report of the Director, Planning and Transportation

1 Introduction

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

2 Planning policy and guidance

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

3 Sustainability and environmental impact

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

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

4 Equalities and personal circumstances

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

5 Crime and disorder

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

6 Finance

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

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

7 Planning Obligations

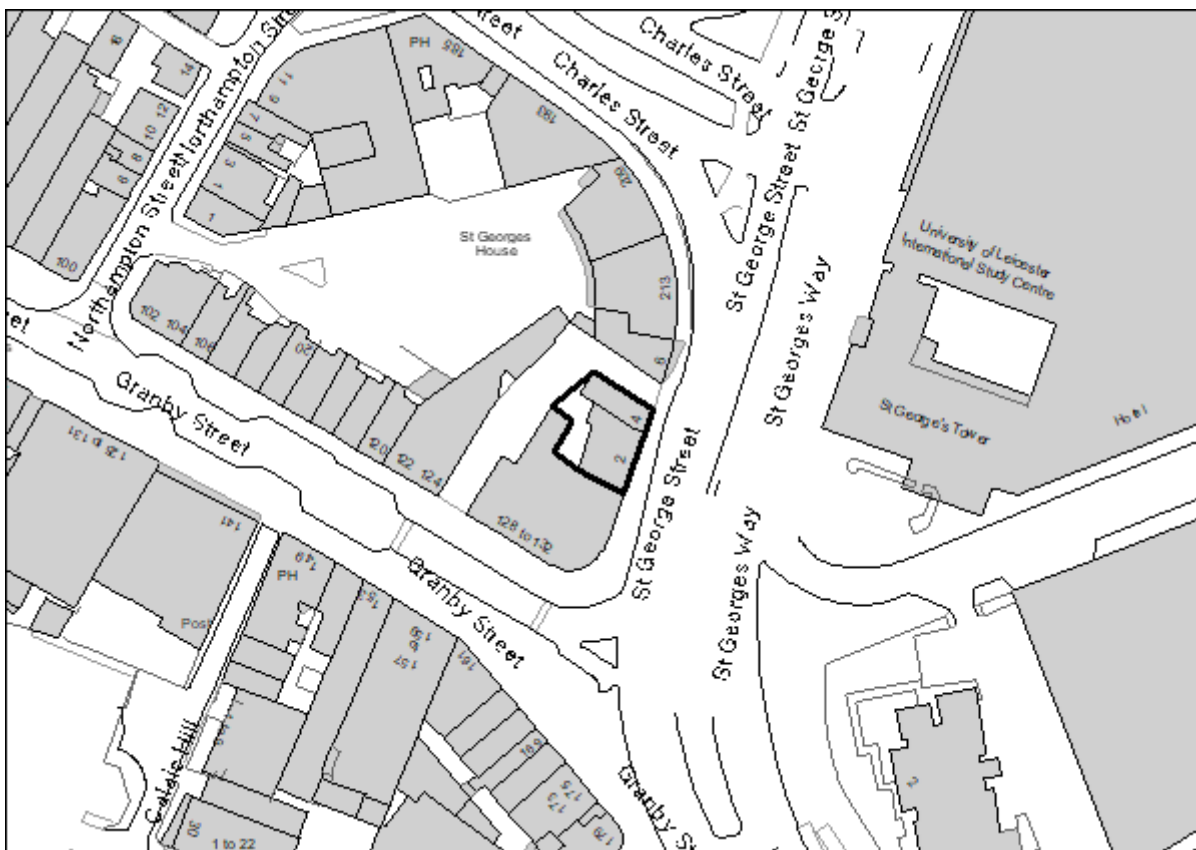
- 7.1 Where impacts arise from proposed development the City Council can require developers to meet the cost of mitigating those impacts, such as increased demand for school places and demands on public open space, through planning obligations. These must arise from the council's adopted planning policies,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

8 Legal

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

COMMITTEE REPORT

20222453	2-4 St Georges Way	
Proposal:	Change of use from offices (Class E) to hotel (14 Bed) (Class C1); construction of additional storey to create two additional bedrooms	
Applicant:	HSK Property Management Limited	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	15 February 2023	
TEI	TEAM: PD	WARD: Castle



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Summary

- The proposal is before planning committee at the request of Cllr Kitterick to discuss the principle of people potentially being housed for the long term in hotel accommodation in the city.
- Two other objections have been received, principally in relation to the use of the rear yard but also on the impact on the heritage of the adjacent Grade II listed Blunts Building and concerns over flooding of the basement.

- The main issues are the principle of the development, the quality of the accommodation and impacts on neighbouring residential properties, the design of the proposal and its impact on heritage and highways, servicing and waste management considerations.
- The recommendation is for conditional approval subject to receipt of acceptable amended plans.

The Site

The application relates to a four storey office building and the inner ring road opposite the station. It sites just within the Central Shopping Core and adjacent to and within the setting of the Granby Street Conservation Area and the Grade II Listed Blunts Building. It is also within the setting of the Grade II listed YMCA building. It is also within a critical drainage area and is adjacent to the Air Quality Management Area.

Background

Conditional approval (20181585) was granted on 08.11.18 for the construction of a single storey extension to the roof to provide additional office space, extensions to the rear at ground, second and third floors and for other alterations, and for the change of use of the ground floor to a restaurant. Conditions were attached requiring all external materials to be submitted and agreed, ensuring that there was no live or amplified music or voice that would be detrimental to the amenity of neighbouring properties and requiring that only food that does not require a flue be installed unless details of a flue had previously been agreed. The approval was not implemented and has now expired.

The Proposal

The proposal is for a fourth floor extension to and the change of use of the existing building to provide a hotel (Class C1). The extension will be flat roofed and will be 2.5 metres in height bringing the height of the building in total to 16.5 metres. The footprint of the extension will be the same width and depth of the existing building but with the fourth floor set back by one metre. The front elevation will be heavily glazed and the walls will be finished in green zinc cladding. There will also be a chrome balcony at the front.

The ground floor will have the entrance hall, lobby and reception at the north and a café and bar at the south. The basement will support ancillary uses such as toilets, staff rooms, kitchen and storage. The floor plans of the first, second and third floors will mirror each other, with four bedrooms (three of which will be double bedrooms and the other a disabled bedroom) which range in size from 20 metres² to 25 metres². The fourth floor (within the proposed extension) will have two larger bedrooms with balcony access measuring 39 metres² and 42 metres² respectively.

Amendments have been agreed in principle providing additional details on the finish of the eaves, and the reveal and section details of the windows. These amendments have been requested and confirmation they will be made has been received and the Plans should be available before your committee meeting.

Policy Considerations

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

National Planning Policy Framework (NPPF)

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

Paragraph 11 (Presumption in favour of Sustainable Development)

Paragraphs 39 and 40 (Pre-applications)

Paragraphs 43 (Sufficient information for good decision making)

Paragraph 56 (Six tests for planning conditions)

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

Paragraphs 111 and 112 (Highways impacts)

Paragraphs 126, 130, 132 and 134 (Good design and ensuring high standard of amenity)

Paragraph 154 (Climate Change)

Paragraphs 159 and 167 (Flooding and Drainage)

Paragraphs 185 to 188 (Noise Pollution)

Paragraphs 194, 195, 197, 199, 201, 202, 203, 206, and 208 (Heritage Assets)

Development Plan policies

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

Other legal or policy context

Granby Street Conservation Area Character Appraisal

Consultations

Local Highway Authority (air quality) (LCC): - concentrations of nitrogen dioxide (NO₂) are not expected to exceed national air quality objectives. The proposed change of use would not typically be considered as sensitive receptors with regards to air quality exposure. In any case ventilation is proposed to be incorporated into the building. Dust emissions as part of the development process have been assessed as negligible to low risk and suitable mitigation measures have been provided to mitigate the latter. These can be secured by condition. There are no car parking spaces proposed and so there will be minimal increase in vehicle movements and associated pollutant concentrations.

Environmental Health (pollution) (LCC): - satisfied with the assessment and conclusions given in the noise report. The recommended measures in Section 5 of the assessment are suitable. More detail is required on ventilation which should provide a minimum of 4 air changes per hour.

Waste Management (LCC): - the proposal is for a commercial use and so no comments are made.

Representations

Two objections have been received from neighbouring addresses. The objections raise the following concerns:

- incorrect location plan (this has subsequently been corrected)
- no right of way over the land at the rear
- the north line boundary is too narrow for a vehicle to turn (the proposal has subsequently been altered to involve no vehicular use of the rear)
- vehicular movements at the rear causing potential danger to cyclists and pedestrians on Granby Street (the proposal has subsequently been altered to involve no vehicular use of the rear)
- insufficient parking and access for goods vehicles to the north and west
- concern over drainage at south perimeter walls and potential for damp and water to adjacent basement
- the height of the extension detracting from the Art-Deco design of the Grade II listed Blunts Building.

Councillor Kitterick makes the following comments:

- no objection to hotel use in principle
- concerned about possible use for long term residential occupation and requests Committee consideration of this principle

Consideration

Principle of development:

The proposal will result in a Class E use in the Central Shopping Core. However, the building faces St Georges Way, located away from Granby Street and I consider it to be less appealing to commercial and retail uses. In any case the proposal is for the creation of a new hotel, albeit a small one, in the city centre and is in keeping with the objective of Core Strategy CS12 of supporting new hotels and conference venues. It will also provide an associated café/bar on the ground floor with a separate entrance resulting in a more active frontage than currently. The proposal is acceptable in principle.

The length of stay at a hotel is primarily determined by the guests and cannot be controlled effectively through planning. However, the proposal is for a hotel which is Class C1 and such uses are appropriate in the city centre.

Quality of accommodation:

Hotels are not covered by the National Space Standards which govern internal floorspace for Class C3 residential development. No planning standards therefore control the specification or size of hotel rooms but in terms of the proposed development the outlook and comparative floorspace proposed is as follows.

The guest rooms in the converted existing building will all have a good level of outlook over St Georges Way and towards London Road and the station and have a reasonable level of floorspace for temporary accommodation (with the disabled rooms providing additional space for better circulation). The two guestrooms in the new extension on the fourth floor will also have a good level of outlook and will have comparatively large floorspace.

A noise assessment was carried out and the results and recommended mitigation measures submitted to the Council. Noise measurements were taken at two external locations. The noise at the St George's Way elevation was defined primarily as road traffic and pedestrian noise from St George's Way. The noise at the rear of the site was primarily derived from road traffic from St George's Way and Granby Street, raised voices from employees at the rear and shoppers and residents off Granby Street. There was no perception of fixed plant at either measurement location during the noise survey. I am satisfied with the assessment of environmental health colleagues that the recommended acoustic performances of windows will mitigate these noise impacts and these can be secured by condition. However, I consider it necessary to attach an additional condition requiring details of ventilation to be submitted.

The noise assessment also considered the impact that the ground floor café/bar might have on the guest bedrooms directly above and recommended suitable floor/ceiling insulation between the two floors. It also considered the Class E usage of the adjacent premises meaning that adjacent premises could change to cafes or restaurants without needing planning permission. Suitable insulation to the walls adjoining the adjacent Blunts shoe shop was recommended to account for this possibility. Both the floor/ceiling and wall insulation can be secured by condition.

Hotels and their guests will adopt commercial letting policy outside of planning control to meet legitimate demands. Permanent occupation would be likely to fall outside the C1 (Hotel) use class and as such a further consent may be required depending on the extent of such use. There is a demand for non-permanent short/medium stay/'apart-hotel' accommodation possibly up to a number of months for regular contractors etc which is important to accommodate to support economic activity in a city such as Leicester.

With these conditions attached and given the size of rooms and the level of the outlook I consider that the proposal will provide a good level of accommodation for guests.

Impact on neighbouring residential amenity:

The nearest residential properties are the flats at Burdett House, approximately 14 metres from the rear of the site and on the other side of the service yard. The activity at the proposed hotel is predominantly St George's Way facing with only bin storage, a goods lift and staff entrance facing the rear. The scheme has also been amended so that the proposal no longer includes vehicular use of the rear yard area. As such the proposal is unlikely to have a harmful impact on the residential amenity of neighbouring properties.

There is some potential for any use of the goods lift or bin storage area at unsociable hours to cause disturbance by way of noise. However, I consider that this can be suitably addressed in the delivery and waste management plan condition discussed below.

Heritage and design considerations:

Given the siting of the existing building adjacent to and affecting the setting of the Granby Street Conservation Area and the Grade II listed Blunts Building and across the road from but affecting the setting of the Grade II listed YMCA Building, heritage and design considerations are intrinsically linked and as such are considered together.

The extension has been designed so that its scale, massing and positioning are all appropriate to the setting of these heritage assets. The increased height will be in keeping with the Blunts and YMCA buildings, both of which form the visual entrance to the Granby Street Conservation Area and the set back at fourth floor level ensures that the roof of the Blunts building is left unobscured and remains the primary visual landmark on this corner.

As the Heritage Statement submitted with the application points out, the Granby Street Conservation Area has a rich history of hotels, including the Wellington Hotel, Carlton Hotel, Temperance Hotel and Grand Hotel, aided perhaps by its location on the route from the train station to the city centre. As such the proposed use itself preserves the character of the conservation area.

The proposal also includes improvements to the existing building itself including retaining the heavily glazed frontage, removal of the degrading tiling and the installation of a more active frontage.

However, given the impact of the proposal on the setting of neighbouring heritage assets and given that there is limited detailing in the submission regarding materials I consider it appropriate to secure these details by condition.

Additional details have also been agreed in principle regarding the finish of the eaves, and the reveal and section details of the windows. These amendments have been requested and should be forthcoming- an update will be provided at the meeting.

Highways, servicing and waste management considerations:

There is no parking on site. However, the site is only 130 metres from the train station and from London Road which has good bus routes in and out of the city and is in a very sustainable location in terms of guest arrivals and connectivity with the rest of the city. Staff would also be able to use the same public transport links though in antisocial hours would more likely use taxis. I do not consider this to be an uncommon arrangement for hotels.

There is no vehicular access to the rear yard available to the site. However, amended plans have been received demonstrating how the loading bay on Charles Street at 45 metres away from the site would be used for servicing and waste collections. I consider this arrangement to be workable provided that it is carried out in accordance with an

agreed servicing and waste management scheme that takes into account for example dates and timings of deliveries and collections, contingency plans in the case of delays and a designated responsible person/single point of contact who can be contacted when issues are identified. A note to applicant would be required for clarity that any changes to the plan would require a separate and new application to discharge the condition. With a condition securing a suitable servicing and waste delivery plan attached I consider that the proposal will be acceptable in terms of impacts on parking and the function of the highway.

Planning cannot reasonably control operational letting policy of hotels and short/medium term accommodation is a necessary component of economic and business demands in the city.

I therefore recommend APPROVAL subject to the receipt of acceptable amended plans in respect of eaves detailing, and window reveals and sections and subject to the following conditions:

CONDITIONS

1. START WITHIN THREE YEARS
2. The development shall not commence until the following measures are completed:
 - a) glazing to all first, second, third and fourth floor windows on the front elevation that achieves a minimum acoustic performance of 43dB Rw + Ctr as detailed at paragraph 8 of page 3 of the Noise Assessment by Sanctuary Acoustics (November 2022)
 - b) ceiling insulation between the ground and first floor that achieves an acoustic performance equivalent to that of the "Ground to first floor structure with a tile-in-grid ceiling" shown at Figure 22, or "Ground to first floor structure with a suspended Fireline plasterboard ceiling" shown at Figure 23 of the Noise Assessment by Sanctuary Acoustics (November 2022)
 - c) wall insulation to all walls of the first, second, third and fourth floors that are adjacent to the Blunts Building that achieves an acoustic performance equivalent to that of the "1 x 15mm Soundbloc plasterboard on a resilient bar attached to a steel stud erected off the existing wall surface" shown at Figure 25 of the Noise Assessment by Sanctuary Acoustics (November 2022)

These measures shall be retained as such and at the same minimum performance indicated above for the lifetime of the development.
(In the interests of the amenities of future guests, and in accordance with saved policies PS10 and PS11 of the City of Leicester Local Plan.)
3. The development shall not commence until details of mechanical ventilation that allows for 4 air changes per hour and does not exceed 30dB(A) in

bedrooms, and 35dB(A) in all guest bedrooms rooms are submitted to and approved in writing by the local planning authority.

These measures shall be retained as such and at the same minimum performances indicated above for the lifetime of the development.

(In the interests of the amenities of future occupiers, and in accordance with saved policies PS10 and PS11 of the City of Leicester Local Plan.)

4. The development shall not commence until the following has been submitted:
 - a) a sample of the metallic zinc cladding to be used for the fourth floor extension,
 - b) a sample of the material to be used for the roof of the fourth floor extension,
 - c) a sample of the textured render to be used for the front elevation,
 - d) a sample of the brick cladding to be used for the side elevation,
 - e) a sample of the chrome and tinted glass to be used for the balcony above the third floor,

and approved by the City Council as local planning authority. The development shall be carried out in accordance with these agreed details.

(To preserve the character and appearance of the Granby Street Conservation Area and the significance of the Grade II listed Blunts and YMCA buildings, and in accordance with Core Strategy policy CS18.)

5. The development shall not come into use until a Delivery, Servicing and Waste Management Plan has been submitted to and approved by the City Council as local planning authority. The Delivery, Servicing and Waste Management Plan shall include:
 - a) a schedule of weekly dates and times for deliveries and waste collections
 - b) arrangements for deliveries and waste collections (including notification of vehicle arrival to staff and collection points shown on a plan and noted in the schedule required under a) above)
 - c) a schedule of anticipated routine servicing throughout an annual period
 - d) the name/role and contact details of the responsible person or single point of contact delegated to oversee the Delivery, Servicing and Waste Management Plan.

The Delivery, Servicing and Waste Management Plan shall be operated from the date of the development coming into use and shall be maintained throughout the lifetime of the development.

(In the interests of the proper functioning of the highway and the residential amenity of neighbouring properties and in accordance with Core Strategy policy CS14 and saved City of Leicester Local Plan policy PS10).

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

Proposed Site Plan, ref. no. 22035-DSA-XX-XX-DR-A-003, received 26.04.2023

Proposed Floor Plans, ref. no. 22035-DSA-XX-XX-DR-A-004, received 21.12.2022

Proposed Elevations and Section A-A, ref. no. 22035-DSA-XX-XX-DR-A-005, received 26.04.2023

Existing and Proposed Street Elevations, ref. no. 22035-DSA-XX-XX-DR-A-006, received 26.04.2023

Waste Management Plan, ref. no. 22035-DSA-XX-XX-DR-A-007, received 26.04.2023

(For the avoidance of doubt).

NOTES FOR APPLICANT

1. Any changes to Condition 6 ('Delivery, Servicing and Waste Management Plan) will require a subsequent application to agree details of this condition.
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 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_AM01 | Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations. |
| 2006_AM02 | Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations. |
| 2006_AM11 | Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01. |
| 2006_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents. |
| 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'.

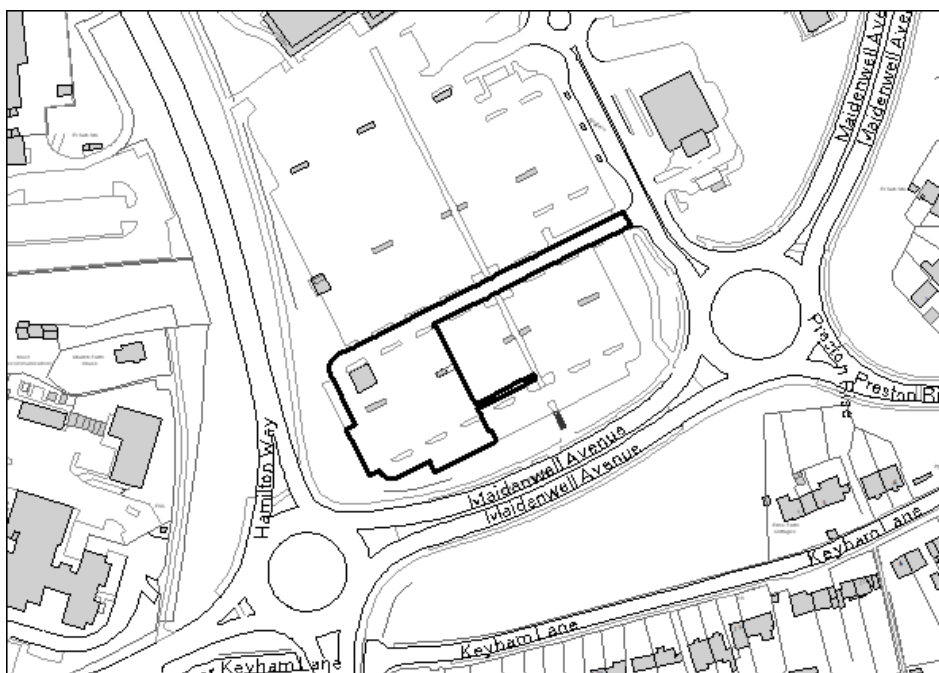
2014_CS12 In recognition of the City Centre's role in the City's economy and wider regeneration, the policy sets out strategies and measures to promote its growth as a sub-regional shopping, leisure, historic and cultural destination, and the most accessible and sustainable location for main town centre uses.

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_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.

COMMITTEE REPORT

20230514	2 Maidenwell Avenue, Land at Tesco Extra	
Proposal:	Construction of drive-thru restaurant including hot food takeaway (Class E & Sui Generis) to south of supermarket and carpark; associated landscaping; access (Amendments received 17th April 2023)	
Applicant:	Boparan Restaurant Group	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	30 May 2023	
CY1	TEAM: PD	WARD: Humberstone & Hamilton



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Summary

- Brought to committee due to level of objections.
- 7 objections and 1 comment received from 7 City addresses with main concerns regarding litter, anti-social behaviour, traffic congestion, number of similar uses in the area
- Main issues are acceptability in principle, amenity, design, archaeology, highways, and waste,
- The application is recommended for approval.

The Site

The application relates to the southernmost part of a supermarket carpark that borders Maidenwell Avenue. The site is above a Romano-British Field system wherein 1997 an evaluation revealed iron age features.

The site is set around 3m higher than Maidenwell Avenue dual carriageway and pavement. It is somewhat screened by hedging and trees.

Background

Outline planning permission was granted conditional approval in 2014 for the relocation of the supermarket recycling centre and click and collect canopy a public house and family restaurant, restaurant with ancillary take away, and drive through restaurant including hot food take away. (application 20140838)

The reserved matters application was granted conditional approval in 2017. Within this application, details of 9 of the conditions in 20140838 were approved. This permission however was never implemented.

The Proposal

The application is for the construction of a drive-thru restaurant and hot food takeaway to the southern part of the supermarket carpark. The building would have a footprint of approximately 126m² and a maximum height of 6.8m with the majority height being around 4.2m. The property would have a flat roof. Materials are proposed to be a mix of cladding and paint which are shown in detail on drawing F100.

The site would have an integrated bin storage area and have an external ramp each for the main entrance and the back of house.

The works would propose access and landscaping alterations to the carpark. There is a proposed loss of 80 parking spaces, along with a circular one-way route for customers, and a separate delivery bay for goods. A new pedestrian crossing is proposed from east to west along with a hedge running north to south.

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)

Paragraph 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 111 and 112 (Highways impacts)

Paragraphs 126, 130, 132 and 134 (Good design and ensuring high standard of amenity)

Paragraph 131 (Trees)

Paragraphs 185 to 188 (Noise Pollution)

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)

Leicester Street Design Guide (2020)

Consultations

Pollution (Noise) – no objections

Local Highways Authority – no objections subject to conditions

Representations

Six objections and 1 comment have been received from four addresses within the local authority boundary with the following concerns based on the concerns they have regarding the existing drive thru's in the area:

- Increase in litter in the area and increased vermin issues
- Increase in loitering and anti-social behaviour
- Increase in traffic and congestion
- Overprovision of drive thru's in area
- Increase in noise, air, and odour pollution
- No benefit to local community
- Increase in non-local footfall
- Development would promote obesity
- Recommend a family pub or community facility
- Recommend this is built beside the Aldi/Porsche garage on Fletton Road away from residential dwellings
- Loss of school parking spaces
- Should use the space to plant trees and water

4 comments have been received supporting the application as it would support the local area and bring more life to the area. One also noted that the parking areas are underutilised.

Consideration

A drive-thru restaurant and hot food takeaway are both identified as main town centre uses according to the National Planning Policy Framework. Core Strategy Policy 11 outlines the retail hierarchy for Leicester:

- City Centre
- Town Centre (Beaumont Leys)
- District Centres (5 including Hamilton)
- Local Centres
- Neighbourhood parades

The site lies within Hamilton District Centre, which is identified within the retail hierarchy for Leicester. Commercial uses such as these are expected in district centres in the first instance. As such I consider the scheme complies with CS11 and paragraph 87 of the National Planning Policy Framework.

Concerns have been raised regarding the overprovision of drive thru's in area. It is noted by the objectors that there are two additional Drive thru's in the area, north of the site at 10 Waterside Road sited around 1.2km away from the application site, and the other is sited around 0.4km to the south of the site on Netherhall Road. Planning policy does not control competition nor define appropriate levels of provision of similar facilities in an area so this is not a material consideration.

Recommendations were made by objections for a family pub or community facility instead, or the use being built out in a different location. The acceptability of the application before Committee should be considered as opposed to any speculative suggestions of alternative schemes, so Committee should consider whether a restaurant/takeaway is acceptable in principle in this location under planning terms. It would be unreasonable to request that the proposal is moved to a different location that the applicant may not own, or request that a different use is proposed. Further requests have been raised for the area to be used as a park or water space. Again, it would be unreasonable to request that a different use is proposed given the drive thru is acceptable in principle.

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, noise, and the ability of the area to assimilate development.

Saved policy R05 of the 2006 Local Plan states proposals for the use of food and drink premises within the district centres will not be permitted where the development either individually or cumulatively with other food and drink uses would be likely to prove significantly detrimental to the amenities of the occupiers of nearby residential properties, would not cause problems of noise and fumes for the occupiers of nearby properties, and would not be detrimental to visual amenity.

Concerns have been raised regarding an increase in noise, air, and odour pollution generated from new use. Due to the location and distance from the nearest residential property (approximately 145m away), and taking into account the sites existing use and hours, I do not consider that the application would be harmful to neighbouring occupiers. Hours of opening are proposed as 11:00 while 23:00 Monday through Sunday. I consider these opening hours acceptable and attached as a condition should the application be approved.

I note that the land directly south of the site across Maidenwell Road is allocated as residential under the next local plan. This allocation has not yet been confirmed but I

consider any future dwellings on the site if taken forward would be sited far enough away to not be harmed by the proposal.

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.

Character and 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.

Saved policy R03 of the 2006 Local Plan states that proposals for new retail development within district centres, whose scale is consistent with the size and function of the centre concerned, will be required to demonstrate that the scale and design is sympathetic to the character of the area.

The development would be sited higher than the streetscene however due to the gradient and vegetation it would not appear dominant when viewed from the public realm. The building would be quite compact in size and set in substantially from the highway. Materials proposed are considered acceptable and can be conditioned should the application be approved.

Advertisements are indicated on the visuals. These would be assessed under an advertisement consent application. I recommend a note to applicant is attached to the decision stating that no permission is granted or implied for advertisements should this application be approved.

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.

Archaeology

The proposal is located in an area with known and significant archaeological features and deposits, notably Iron Age settlement activity.

The archaeological desk-based assessment has placed known archaeology with the local and regional context, highlighting significant Iron Age settlement evidence and artefacts recovered within 200m of the site's boundary. Archaeological Evaluation trenching in 1997 within the site itself further identified the presence of Iron Age features and artefacts. Roman and medieval activity is also attested in the wider landscape, including evidence of a Roman period corn-dryer and kiln.

The City Archaeologist broadly agrees with the conclusions outlined in the assessment, with the potential for archaeological remains being disturbed as a result of the development proposal considered to be high.

It is recommended that a pre-commencement condition is attached to this application to ensure that a written scheme of investigation is submitted to and agreed by the LPA, that a programme of archaeological investigation is carried out in accordance with this scheme, and that a post investigation assessment is then submitted to the LPA. The applicant has agreed this condition.

With this condition attached I consider that the application would comply with policy CS18 of the Core Strategy (2014) and is acceptable in terms of archaeology.

Highways and Parking

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

Saved policy R03 of the 2006 Local Plan states that proposals for new retail development within district centres, whose scale is consistent with the size and function of the centre concerned, will be required to demonstrate that the traffic generated by the development and the arrangements for loading, unloading and servicing will not have a significant detrimental impact on parking and traffic problems and pedestrian and highway safety.

Saved policy R05 of the 2006 Local Plan states proposals for the use of food and drink premises within the district centres will not be permitted where the development either individually or cumulatively with other food and drink uses would be likely to prove significantly detrimental to parking and traffic problems which could not reasonably be controlled by way of condition.

Saved Policy AM11 states level of parking for non-residential development shall be determined in accordance with Appendix 01 referenced above.

Currently the car park contains 905 car parking spaces. The location of the proposed drive-through is on an underused section of the car park and will result in a loss of 80 spaces, reducing the overall parking provision to 825 spaces. As part of the application a Transport Statement has been submitted, and the Transport Statement includes a parking accumulation study of the existing car park, taken over a weekend in January 2023. The parking accumulation survey revealed that at peak times, the car park operated at 41% of capacity. Based on these results, the loss of 80 parking spaces required to accommodate the proposed drive-through, the car park would operate at around 51%, and therefore the proposal should not lead to any parking difficulties.

The proposed drive-through arrangement includes a one-way system and the Transport Statement suggests that there will be space for up to 15 cars to be queuing at any one time. However, the 15 spaces suggested have not been demonstrated on the submitted plans, and it is perhaps likely that in practice that slightly less than 15

spaces would be available. Nevertheless, the distance from the building back to the public highway is over 100 metres and therefore it is highly unlikely that even at busy times, that the proposal would lead to queuing that would have an adverse impact on traffic entering the Tesco site or impact on movements at the roundabout junction on Maidenwell Road.

The proposal also includes staff parking as well as parking for food couriers, such as Deliveroo, Just Eat for example. As such there would be no need for vehicles associated with either staff or couriers to have to join a queue of customer vehicles. The Transport Statement includes a likely trip generation based on TRICS data, which suggests that the level of traffic likely to be generated at peak times, would not result in any highway capacity issue and the 15 spaces provided in the drive-through lane, would be sufficient to cater for the likely use. Whilst it is perhaps unlikely that 15 cars could be accommodated within the queue, as cars are unlikely to drive bumper to bumper in the queue, as stated previously, it is unlikely that the length of queue would extend so far back that it would result in vehicles blocking access into the main car park.

It is noted that some objections have referred to queuing problems associated with drive through establishments close by, however this site would be different to those sites, in that not only would there be far more parking spaces available, but there would be a much greater distance from the premises to the public highway and therefore vehicles queuing for the proposed drive-through is most likely to be contained within the limits of the site and extremely unlikely to extend out on to the public highway.

With the other sites, it is likely that vehicles that are visiting those sites and wishing to park to use the restaurant facility rather than use the drive-through facility would get caught up with any queuing that takes place for the drive-through. However, at this location, vehicles looking to park would not need to join the queue for the drive-through and if necessary use other internal accesses within the main car park, to access the parking spaces and therefore would be no need to add to the queue. In which case I would view this proposal differently from the other establishments and am not concerned about the potential for queuing vehicles to cause the same issues as referred to at the other sites.

I conclude that the proposal would comply with policy CS14 of the Core Strategy (2014) and would not conflict with saved policy AM11 of the Local Plan (2006), and is acceptable in terms of highway impact and parking.

Waste

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

Waste storage created by the use is proposed to be embedded within the building. Concerns have been raised about increased littering by customers from the drive thru. In amended plans bins are provided on site, near the Tesco entrance, and there are also bins in the in the public realm.

Concerns were also raised regarding possibility of increased vermin issues and increased littering. This is outside the remit of the planning authority. However, there are agencies that can investigate this matter. The wider site may already have measures in place to manage this that could be extended by agreement. If any issues arise they can be reported to 'Love Clean Streets' phone app, or website.

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

Other matters

Concerns have also been raised regarding the increase in loitering and anti-social behaviour, the application bringing no benefit to local community, and the development being obesity inducing. These are not material planning considerations. Matters of anti-social behaviour and loitering would be a matter for the premises to manage and the Police should that prove necessary. In addition the main premises may have security measures that could be utilised through an agreement.

Conclusion

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

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The use shall not be carried on outside the hours of 11:00 while 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.)
3. The external elevations shall be constructed in materials indicated in the approved plans. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03.)
4. A. No groundworks or new development shall take place or commence until a programme of archaeological investigation has been agreed in accordance with a prepared Written Scheme of Investigation submitted to and approved in writing by the local planning authority. The scheme shall include:
 - (1) an assessment of significance and how this applies to the regional research framework;
 - (2) the programme and methodology of site investigation and recording;
 - (3) the programme for post-investigation assessment;
 - (4) provision to be made for analysis of the site investigation and recording;
 - (5) provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - (6) provision to be made for archive deposition of the analysis and records of the site investigation;

(7) nomination of a competent person or persons or organization to undertake the works set out within the Written Scheme of Investigation.

B. No new development shall take place other than in accordance with the Written Scheme of Investigation approved under (A) above.

C. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under (A) above, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. (To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition)

5. No part of the development shall be occupied until secure and covered cycle parking has been provided and retained thereafter, in accordance with the approved site plan. (In the interests of the satisfactory development of the site and in accordance with policy AM02 of the City of Leicester Local Plan).
6. The parking and service area shall be provided before the occupation of any part of the development and shall be retained and kept available for that use. (To ensure that parking and servicing can take place in a satisfactory manner; and in accordance with policies AM01, AM02, AM11, R03, and R05 of the City of Leicester Local Plan and Core Strategy policy CS03)
7. Development shall be carried out in accordance with the following approved plans:
 - Issue Sheet, ISS, revision F, received 27th April 2023
 - Existing Site Plan, L100, revision F, received 27th April 2023
 - Existing Site Plan, E100, revision F, received 27th April 2023
 - Existing Site Section AA, E101, revision F, received 27th April 2023
 - Existing Site Section BB, E102, revision F, received 27th April 2023
 - Proposed Site Plan, S100, revision F, received 27th April 2023
 - Proposed Floor Plan & Roof Plan, G100, revision F, received 27th April 2023
 - Proposed 1000sqft Pod Elevations A & B, C100, revision F, received 27th April 2023
 - Proposed 1000sqft Pod Elevations C & D, C101, revision F, received 27th April 2023
 - Visualization A, V100, revision F, received 27th April 2023
 - Finishes Schedule, F100, revision F, received 27th April 2023
 - Bin Store Detail, D100, revision F, received 27th April 2023(For the avoidance of doubt).

NOTES FOR APPLICANT

1. No consent is granted or implied for the advertisement shown on the submitted plans, for which a separate application may be necessary.

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.

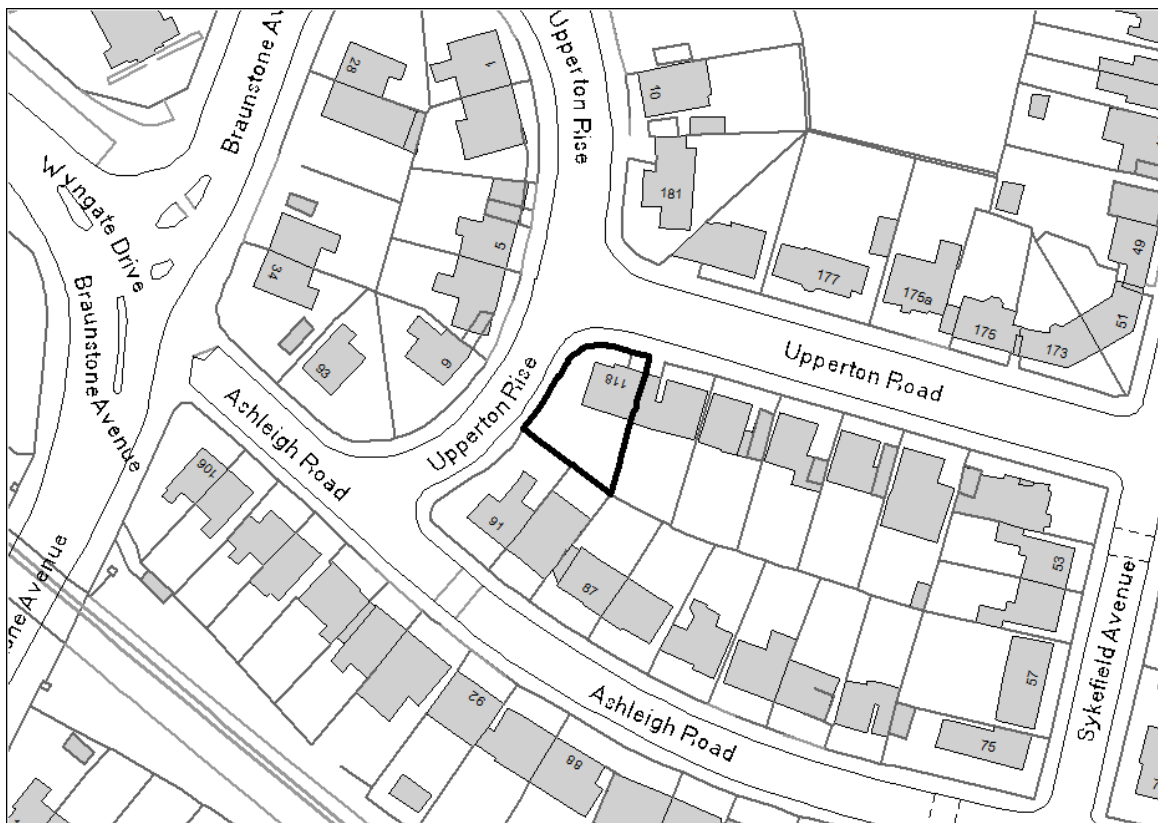
Policies relating to this recommendation

- 2006_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_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_BE22 Planning permission for development that consists of, or includes, external lighting will be permitted where the City Council is satisfied that it meets certain criteria.
- 2006_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_CS11 The Council supports a hierarchy of retail centres in Leicester. The policy sets out measures to protect and enhance retail centres as the most sustainable location for retail development.
- 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_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.

COMMITTEE REPORT

20221916	118 Upperton Road	
Proposal:	Construction of single and two storey extension at side of house (Class C3) (Amended plans received 01/11/2022, 15/11/2022 and 18/11/2022)	
Applicant:	Mr C Beckford	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	22 June 2023	
RB	TEAM: PD	WARD: Westcotes



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Summary

- The application is before committee due to more than five objections being received.
- 9 objections from 7 different households, including an objection from Cllr Russell, have been received on grounds of parking, residential amenity,

design, use as a house in multiple occupation and impact on the character and appearance of the area.

- 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 two storey detached dwelling with a link garage within a primarily residential area. The site is on the corner of the classified Upperton Road and the unclassified Upperton Rise.

There are two Council owned trees on the highway just outside the application site, one to the front and one to the side.

The site is within an Article 4 Direction Area that removes permitted development rights for the change of use of dwellinghouses (Class C3) to houses in multiple occupation (Class C4). The article 4 direction came into effect on 17/02/2023.

Background

Application 20221360 for the construction of ground and first floor extension at side of house; single storey extension at rear; off road parking (Class C3) was refused on 15/09/2023 for the following reasons:

1. The proposed first floor side extension has not been designed to appear subservient to the existing dwellinghouse. The addition of a large front facing gable creates an imbalance to the front elevation as it does not match the front facing gable on the existing house. Further imbalance is created with the addition of the box gutters on the proposed roof which would form an obtrusive feature to the front elevation. The proposal is not consistent with Core Strategy Policy CS03, NPPF Paragraphs 126, 130, 132, 134 and the Residential Amenity SPD (Appendix G).
2. The proposed single storey rear extension would intersect the 45 degree line drawn from the centre of the adjoining habitable principal room window and would result in a loss of outlook for the neighbours at 116 Upperton Road. The proposal conflicts with Saved CLLP Policy PS10, NPPF Paragraph 130 and Residential Amenity SPD (Appendix G).
3. The applicant has not satisfactorily demonstrated how the addition of four parking spaces on Upperton Rise (which would involve the construction of a dropped kerb, potential removal of street tree and the removal of a lighting column) would be implemented. The applicant has not satisfactorily shown how the changes in land levels will be dealt with. The addition of four parking spaces is unacceptable in terms of parking provision. The addition of four parking spaces in a line would necessitate reversing either into or out of spaces which would create a potential safety hazard for those other users. The application is not consistent with Saved CLLP Policy AM02, AM12, NPPF

Paragraphs 111, 112, 184, Appendix 01 Vehicle Parking Standards, Leicester Street Design Guide and the Residential Car Parking Research for Leicester.

The Proposal

This application is a resubmission following the refusal of planning application 20221360.

The application proposes:

- The demolition of the existing link garage which adjoins to 116 Upperton Road.
- The construction of a two storey side extension measuring 9.3m in depth and 3.5m in width at ground floor level and 6.2m in depth and 3m in width at first floor level. It would be set back from the front elevation by 0.5m at ground floor level and 1.5m at first floor level. It would be set away from the common boundary with 116 Upperton Road at first floor level by 0.5m. The extension would be 5.5m in height to the eaves and 7.5m in total height. The extension would provide a dining room/kitchen at ground floor level and a bedroom with ensuite bathroom at first floor level.
- The construction of a mono-pitched roofed single storey extension at the rear of the proposed two storey side extension, measuring 2m in depth, 3.3m in width, 2.8m in height to the eaves and about 3.8m in total height. It would accommodate part of the kitchen.

Amended plans were received on the 15th November 2022 to show the removal of proposed additional parking spaces to the rear on Upperton Rise and to show the first floor level of the side extension set in from the boundary with the roof form changed to match the original property. A further set of plans were received on the 28th November 2022. No further amendments were made but additional measurements were provided on the drawings.

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 126 describes good design as a key aspect of sustainable development.

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 (d) establish or maintain a strong sense of place; 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.

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 1: Vehicle Parking Standards (2006)

Representations

In the initial consultation period, two objections were received, which set out the following concerns:

- The addition of four parking spaces was too great
- The side extension looked like it was not incorporated into the overall look and design of the existing building.
- Concern regarding the foundations and how the proposal will be constructed.
- Future access for maintenance at neighbouring properties.
- Bonfires have been lit within the application site which have resulted in smoke in the area.

Amendments were received on the 15th November 2022 and the application was re-publicised for a 14 day period in addition to the initial 21 day period. 5 further objections from residents within the city (including objections from the two original objectors) and an objection from Cllr Russell were received on the grounds:

- Over development and Impact on residential amenity
- Issues of how the proposal would be constructed, foundations and building regulations are still not addressed;
- The ground floor extension would be built up to the neighbouring boundary;
- The reduction in width at the first floor is not sufficient and the neighbour would still not be able to have access to property for maintenance;
- The proposed layout would suggest that the proposal would relate to a House in Multiple Occupation, rather than a family dwelling in an Article 4 area restricting such uses;

- The absence of a bin storage area and the impact of increased waste from the household on the character and appearance of the area;
- Parking concerns, due to increased traffic, impact on emergency services and existing parking restrictions;
- Noise from construction and construction related traffic.

Consultations

- None required.

Consideration

The main issues in this case are: the character and appearance of the area; the amenity of the occupiers of neighbouring properties; the living conditions of the host property; and parking and access.

Character and Appearance & Design

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 and take into account Leicester's history and heritage. 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 SPD Residential Amenity (2008) provides design guidance for house extensions in the city and is therefore also relevant to the proposals.

SPD Residential Amenity states that the overall shape, size and position of an extension must not dominate the existing house. The two-storey element of the extension would not project beyond the existing front or rear elevation of the property. The proposed single storey projection to the rear and side would appear modest in relation to the original property.

The proposed side extension is set lower from the existing ridge height, has a hipped roof to match the existing, is set in from the side elevation by 0.5 and set back from the front elevation by 1.5m. I consider that these design elements are successful in making the proposed extension appear subservient to the existing house and would not result in the overdevelopment of the site.

Comments have been received in regard to bin storage and waste management at the property as a result of the proposal. At present there is sufficient space at the rear of the property to provide bin storage with suitable access arrangement on the western side of the property with the bin storage is screened from the public realm. I consider that the proposed extension would not alter this arrangement, nor would it require significant additional bin storage. As such, the arrangement would be acceptable.

I consider it reasonable to attach a condition requiring the development to be carried out in materials to match the host dwelling so that any visual impacts are minimised.

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 design and the character and appearance of the area.

Residential Amenity (Neighbouring Properties)

Core Strategy (2014) 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.

Appendix G of SPD Residential Amenity provides further guidance on the consideration of amenity impacts including outlook, daylight, sunlight and overlooking.

SPD Residential Amenity states that a single storey rear projections no deeper than 3m on or close to the boundary are likely to be acceptable. The proposed 2m deep single storey rear extension adjacent to the common boundary with 116 Upperton Road. I consider this to be acceptable in terms of neighbouring amenity and would be in compliance with the guidance set out within SPD Residential Amenity.

The neighbouring property at 116 Upperton Road has two side facing windows facing the application site at first floor level. These windows are both non-habitable room windows and, as such, little weight can be afforded to any loss of light to or outlook from them. As such, I consider that the proposed two storey side extension would not result in a loss of amenity at the side of the neighbouring property.

Dwellings in this area, including the application property, benefit from spacious plots including the depths of rear gardens. The separation distances to the rear of the proposed extension more than comply with the recommendations set out within SPD Residential Amenity.

I consider the proposed development would not result in an adverse impact on the amenity of the occupiers of neighbouring properties in accordance with saved Policy PS10 of the Local Plan and Core Strategy Policy CS03.

Living Conditions (existing and future occupiers)

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

The proposal would increase the internal space available within the dwelling and provide for enhanced living conditions for the existing and future occupiers of the property as a family dwellinghouse. All habitable room windows would have sufficient light and outlook afforded to them.

The guidance set out that a 3+ bedroom house should have a minimum of 100sqm of private amenity space. The current rear garden amenity space measures is 162sqm

and the proposed development would result in the loss of 5sqm of that space. The resultant space would be well in excess of the recommended amount.

I therefore consider the proposal would accord with saved Policy PS10 of the Local Plan and is acceptable in regard to the living conditions of future occupiers.

Parking

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 (which includes the application site).

NPPF paragraph 111 sets out 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.'*

118 Upperton Road is on the boundary of a restricted parking zone and the occupiers would not be eligible for a permit. There is unrestricted parking in the immediate vicinity of the application site on this part of Upperton Road and Upperton Rise to the west.

The proposal would result in the loss of one garage space with the replacement of the garage with a two-storey side extension. I consider that the property would only have space for one parking space, which would not be in compliance with the adopted parking standards. However, I consider that there would not be an unacceptable impact on highways safety or severe impacts on the road network. Therefore, I consider that the proposal would not warrant a refusal on these grounds and would be acceptable in this instance.

Having regard to Appendix 01 of the Local Plan, that the proposal would have no unacceptable impact upon on-street car parking capacity and that the residual cumulative transport impacts of development would be unlikely to be severe and that, in these regards, subject to conditions the proposal would comply with Policy CS15 of the Core Strategy and saved Policy AM12 of the Local Plan.

Other Matters

I consider that the principal matters relevant to the consideration of this application and raised by third parties in representations have been addressed in the main preceding sections. The following matters have been raised by third parties and have not been addressed above:

- Although a House in Multiple Occupation (HMO) has not been proposed, the proposed layout, including ensembles to bedrooms and a bedroom at ground floor level, could be considered inconsistent with the use as a family dwelling. The application proposes an extension to an existing dwelling within the C3 use class and that is the basis in which the consideration of the proposal has to be applied. The Council cannot unilaterally amend the description of a proposed development contrary to that submitted by the applicant without their

consent. Although the layout is unusual, the property could still operate as a C3 dwelling. The property is in an area subject to an article 4 direction which removes permitted development rights for the change of use from dwellings to Hoses in Multiple Occupation. As such, any future change of use would require separate planning consent and any unauthorised use as a HMO could be subject to enforcement. I propose a Note to Applicant be added to the Decision notice to make this clear.

- Construction noise and delivery traffic will need to be managed/work should be confined to working day/week. As a proposal for domestic extensions and alterations I consider that it would not be reasonable or proportionate to seek to control construction traffic or hours as a condition of planning permission.
- Concerns have been raised in regard to foundations and how the construction will take place. These are not planning considerations and are covered by separate legislation under building regulations. Applicants are intitled to apply for development that abuts the common boundary with neighbouring properties. A party wall agreement may need to be agreed between the two parties. This is a civil matter and not a material planning consideration.
- Concerns have been raised that the proposed side extensions would affect future access for maintenance. I consider that the proposed side extensions, at both ground and first floor, would not fundamentally change the existing arrangements. There would be a single storey element abutting the common boundary, as existing, and the first floor element of the side extension would be set away from the boundary.
- Comments have been made in relation to the manner of works already undertaken on the property including the lighting of bonfires and the resultant fumes and that this might impact on how the extensions are constructed. This is matter that falls outside the remit of planning and can be dealt with under other legislation by other departments.

Conclusion

In conclusion, I consider that the proposal is acceptable in regard to its design, impact on the character and appearance of the area, the amenity of neighbouring occupiers, the living conditions of future occupiers and parking and is in accordance with local and national policies. Future use outside of C3 would need further permission from the Council and unauthorised occupancy could be controlled through enforcement action should that prove to be justifiable.

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

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The new walls and roof shall be constructed in materials to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)

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

Proposed Site Plan, 118-UR-107, Rev B, received 15/11/2022

Proposed Elevations, 118-UR-102, Rev D, received 28/11/2022

Proposed Floor Plans, 118-UR-102, Rev D, received 28/11/2022

Proposed Roof Plans, 118-UR-105, Rev C, received 01/11/2022

(For the avoidance of doubt).

NOTES FOR APPLICANT

1. All foundations, gutters and downpipes should be wholly within the application site. No permission is granted for works on, under or above land outside the ownership of the applicant. The applicant may need to enter into a Party Wall Agreement with adjacent land owners.
2. On the 17th February 2023, permitted development rights in relation to the application property for the change of use from a Class C3 dwellinghouse to a Class C4 house in multiple occupation were removed by an article 4 direction. The development which is the subject of this application does not permit or imply permission for a change of use from a Class C3 dwellinghouse to a Class C4 house in multiple occupation. Any future unauthorised change of use of the property to a House in Multiple Occupation of three or more unrelated persons would be open to an enforcement action by the Council.
3. The proposal has been amended during the course of the application process. The approved development would need to be constructed in full accordance with the approved amended plans to satisfy condition 3.
4. 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.

COMMITTEE REPORT

20220654	88 Woodgate, Car Wash Adjacent	
Proposal:	Demolition of existing car wash (Sui Generis); Construction of a four storey and a part three and part four storey building comprising 39 flats (30 x 1bed, 9 x 2bed) (Class C3); associated parking and landscaping (amended plans)	
Applicant:	Mr D Murphy	
App type:	Operational development - full application	
Status:	Smallscale Major Development	
Expiry Date:	2 December 2022	
PK	TEAM: PM	WARD: Fosse



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Summary

- Application is reported to committee at the request of Councillors Cassidy and Waddington
- 6 letters of objection have been received
- The main issues are character and design; impact on residential amenity, living environment, highways, drainage and contamination
- Application is recommended for conditional approval.

The Site

The application site comprises a car wash premises located on Woodgate and Groby Road (A50) at the junction with Fosse Road North and Blackbird Road. The road junction in this location is also known as 'Fiveways'. Works are underway for highway improvements at this junction.

The site has vehicular access off Fosse Road North and Balfour Street as well as the corner of Woodgate and Groby Road. The site's boundary is shared with a flatted block at 6-8 Fosse Road North which is also under the applicant's ownership. It is intended that the car park for the proposed development will be shared with the occupiers of this building.

The site is largely within the Blackbird Road/Groby Road/Woodgate local centre as defined on the proposal map of the Local Plan. The southern part of the site is within a predominantly residential area. Balfour Street to the east of the site is a residential road with terraced dwellings. To the south of the site on Balfour Street is Fosse Primary School and also to the south but fronting Fosse Road North are residential dwellings. Beyond 6-8 Fosse Road North are allotments to the west. To the north along Groby Road, Blackbird Road and Woodgate are a number of commercial uses including shops and local services.

Due to the site's current use as a car wash, there is a large single storey building on site with a temporary covered area used for parking vehicles. The site is wholly hard surfaced with the site's frontage to Groby Road comprising of car wash signage.

With respect of constraints, the site is in an Air Quality Management Area, a Critical Drainage Area, within a 250m buffer of a known air pollutant source, and a final hotspot for surface water flooding. Part of the site is also in flood zone 2 and a surface water flooding area (1 in 1000 years). Previously there were four trees subject to tree preservation orders along the site's boundary with Balfour Street and Groby Road; however these were removed a number of years ago.

Background

Historically the site was used a fuel station with car and van sale and rental business in the 1970's. This use appears to have been ceased in the late 1990's with the subsequent planning history set out below.

19990250 – Change of use from car hire (no use class) to clothing alterations, collection of dry cleaning and film processing (class A1) Approved 19/04/1999

19991023 - Internally illuminated fascia sign; internally illuminated totem sign and illuminated freestanding sign – Approved 20/11/1999

20031987 – Change of use of shop (Class A1) to shop (Class A1) and Tanning/Beauty Shop (no use class) – Approved 20/11/2003

20181291 – Retrospective application for change of use of part of site from shop (Class A1) to tyre fitting service (no use class) – Approved 20/09/2018

The Proposal

The proposed development seeks to demolish the single storey building on site and construct two buildings to form 39 flats comprising 30x 1 bedroom units and 9x 2 bedroom units.

The first building and the largest, would have a frontage to the A50 and Balfour Street. The building would be of an 'L' shape with pedestrian accesses to both the A50 and Balfour Street, with its main vehicular off the latter through an undercroft. To Balfour Street the building would have a width of 45.1m, eaves height of 10m and a maximum height of 11.9m. The fourth floor would have a mansard roof which would be clad, set-back and would have dormers. The bulk of the building at 1-3 storeys would be brick built and the elevation designed to replicate the pattern of terraced dwellings on the opposing side of Balfour Street. At ground floor the units would have direct access off the street.

The A50 frontage of the same building would follow a similar form but the fourth storey would be built in brick to increase the visual prominence of the building to the main route. The direct access for the ground floor units would be continued in this location. The main pedestrian access from this elevation would be recessed slightly and would be finished in an alternative brick for its entire height.

The smaller building of the two would also be four storey with a maximum height of 13m. The building would sit against 6-8 Fosse Road North which is also under the ownership of the applicant. This building would be roughly rectangular in shape with a footprint of approx. 16m by 7.5m. It would follow the building line of 6-8 Fosse Road North when it faces that street scene. It would have a slight stagger where the site bends around to the A50.

Both buildings have an internal bin store at ground floor with its own access. Each building would have a plant room and the larger of the two buildings would have a lift for access to the upper floors.

The courtyard area would offer 25 vehicle parking spaces with one disabled space. The cycle parking for 24 spaces would be located to the side of 6-8 Fosse Road North which is currently the vehicular access for this property but will be closed off as a result of this development.

The gap between the two buildings facing the A50 would be planted. In terms of amenity space for future occupiers, this would be in the form of projecting balconies to 15 units across the two buildings of the upper floors and at ground floor small front gardens with direct access from these units. The other upper floor units would have Juliette balconies.

The description of the proposed development as outline above reflects the amended scheme. The main alterations made to the originally submitted scheme are:

- Reduction of the height of the larger building from part 4 and 5 storeys to 4 storeys.
- Balfour Street facing units at ground floor amended to include doors to the street.

- Alterations to the access on Balfour Street to ensure adequate visibility splays for pedestrians.
- Internal car parking arrangement altered.
- Cycle parking provision relocated to the Fosse Road access and increase in provision.
- Altered layout for the smaller building to avoid privacy concerns.
- Provision of projecting balconies for some of the units.

Policy Considerations

National Planning Policy Framework NPPF (2021)

Section 2 – Achieving sustainable development

Section 4 – Decision-making

Section 5 – Delivering a sufficient supply of homes

Section 8 – Promoting healthy and safe communities

Section 9 – Promoting sustainable transport

Section 11 – Making effective use of land

Section 12 – Achieving well-designed places

Section 14 – Meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving and enhancing the natural environment

Section 16 - Conserving and enhancing the historic environment

Development Plans Policies

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

Supplementary Planning Documents

Supplementary Planning Document – Residential Amenity

Supplementary Planning Document – Green Space

Supplementary Planning Document – Affordable Housing

Supplementary Planning Document – Climate Change

Appendix 2 of the City of Leicester Local Plan – Vehicle Parking Standards

Other legal or policy context

Nationally Described Space Standards (NDSS)

National Design Guide (NDG)

National Planning Policy Guidance (NPPG)

Building for a Healthy Life

Habitat & Species Regs (2017) Wildlife & Countryside Act (1981) as amended

Natural Environment & Rural Communities Act (2006) – Priority Habitats & Species

Biodiversity and geological conservation: circular 06/2005.

Other Guidance

'Achieving Well Designed Homes' – Leicester City Corporate Guidance

Leicester Street Design Guide (First Edition)

Consultations

Air Quality –

The Air Quality Assessment has been carried out according to approved methodology. It has identified that there is a risk of dust pollution during Construction Phase and a set of measures are recommended to be implemented listed in Table 19 of the report. Assuming the relevant mitigation measures outlined in Table 19 are implemented, the residual impacts from all dust generating activities is predicted to be not significant. Although the Assessment did not identify any risks to pollution during Operational Phase of this development nevertheless it is recommending that measures to reduce number of trips generated by the development and introduction of cycling options for residents to be implemented. It gives a set of examples of mitigating measures to be considered and implemented by the development:

- Travel Plan
- Secure Cycle Storage
- Ventilation Strategy
- Electric Vehicle Charging Infrastructure
- Using Green Infrastructure
- Contributing Funding to measures, including those identified in air quality action plans and low emission strategies, designed to offset the impact on air quality arising from new development

These measures can be secured by way of condition.

Waste Management –

This property of 39 apartments with 48 bedrooms will require sufficient space for the storage of refuse bins and recycling bins for the property to accommodate a capacity of 3963.75 litres for refuse and 2265 litres for recycling: e.g. 4X 1100 litre refuse bins and 3X 1100 litre recycling bins. The bin areas shown appear to be large enough to accommodate the requirements of this. A condition is recommended to secure these spaces.

Better Buildings –

Initially concerns were raised as insufficient information was submitted. Following the submission of further information, the Sustainability Team raised no objection subject to conditions and offered the following comments:

Passive Solar Design

An assessment of daylighting levels within the proposed development has been provided.

Building Fabric and Airtightness

The proposed u-values for the fabric elements and air-permeability value for this development are in all cases the proposed u-values and airtightness improve upon the limiting parameters and either meet or improve upon the values for the notional building. As such, this demonstrates a good approach to the thermal efficiency.

Heating, Cooling, Ventilation and Lighting Energy Efficiency

It is proposed to utilise electric panel heaters for the apartments, and consideration has been given to the potential use of other low carbon heating options.

Renewable / Low Carbon Energy Supply

It is proposed to fit a 38.25kWp array of solar PV panels to this development and the location for this is indicated on the proposed plans.

Carbon Emissions

The Energy Statement sets out a 53.21% reduction in carbon emissions from the baseline.

Pollution (Land) –

Due to the historic use of the site, I recommend a condition for the requirement of a contamination survey.

Pollution (Noise) –

The recommendations and mitigation measures outlined in the acoustic report Martec Environmental Consultants Ltd (dated 15th December 2011, ref. 20211216 9158) is acceptable and the development should be carried out with these measures.

Details of mechanical ventilation have been submitted during the course of the application to demonstrate that windows of the flats can remain shut whilst also ensuring no overheating of the units. Technical specification for this has submitted showing that 4 air changes per hour in all habitable rooms is available. This is considered acceptable and a condition to secure this is recommended.

LCC Housing –

1. Mix & Type of Housing

Based on 39 residential dwellings a contribution of 8 units would meet the policy requirement of 20% affordable units on site.

In line with CS Policy 6, applicants are required to provide an appropriate mix of housing types, sizes and tenures to meet the needs of existing and future households within the City.

Policy 6 states that all new housing units should, where feasible, be designed to Lifetime Homes Standards with an appropriate proportion to wheelchair access standard.

Lifetime Homes standards are now obsolete but given the introduction of the Building Regs 2010 – access to and use of dwellings – Approved Document M Volume 1: 2015 edition; all new homes, where feasible, should now meet the national accessible and adaptable standard M4(2) and an appropriate proportion should be to the national wheelchair accessible standard M4 (3)(2)(b). Should this application be recommended for approval, please could a condition be included which would require the applicant to provide a copy of the certificate that the new build general needs dwellings are all M4(2) compliant and a copy of the certificate confirming that any units for affordable housing that are designated as wheelchair accessible fully meet M4(3)(2)(b) standard.

For many years, the City Council has sought minimum space standards in new affordable housing. Achieving at least NDSS standards is very important in helping to ensure that new dwellings are fit for purpose. It is noted and welcomed that this application proposes that all dwellings will achieve or exceed NDSS.

2. Affordable Housing

Should the Planning Authority be minded to approve this application, the Housing Division would wish to see a robust Section 106 entered into which ensures the appropriate planning gain affordable housing of the number, mix, type and quality required can be secured, as appropriate. I've set out below the affordable housing requirements. Please note, the mix requirements below reflect the current housing needs evidence.

In terms of affordable housing needs, in line with Core Strategy Policy C7 and its supporting text, there is a requirement for a provision of 20% affordable housing which should be delivered on site without public subsidy. Based on the proposal to provide a total of 39 newbuild dwellings, the policy required affordable housing 20% equates to 8 dwellings.

In line with the Government's First Homes policy, 25% of the affordable housing contribution must be sought through this application as First Homes, if the tenure is for market sale.

The affordable housing sought at this site to include First Homes is:

25% of the total Planning Gain Affordable Housing should be **First Homes** of the following mix:

1 x 1 bedroom / 2 person flat (not studio) to National Accessible & Adaptable Standard M4(2);

1 x 2 bedroom / 4 person flat (not studio) to National Accessible & Adaptable Standard M4(2).

The **remaining 75%** of the total Planning Gain Affordable Housing should be:

Either:

i (i) HEDNA Mix (with Intermediate Affordable Housing): total 6 Units

Affordable Housing for Rent: 5 units (81%)

1 x 1 bed / 2 person flat to National Accessible & Adaptable Standard M4(2)

3 x 2 bed / 4 person flats to National Accessible & Adaptable Standard M4(2)

1 x 2 bed / 4 person flat to National Wheelchair Accessible Standard M4(3)(2)(b) to be located on the ground floor

Intermediate Affordable Housing: 1 units (19%)

1 x 1 bed / 2 person flat to National Accessible & Adaptable Standard M4(2)

Or:

i (ii) All Affordable Rent (without Intermediate Affordable Housing): total 6 units

2 x 1 bed / 2 person flats to National Accessible & Adaptable Standard M4(2)

3 x 2 bed / 4 person flats to National Accessible & Adaptable Standard M4(2)

1 x 2 bed / 4 person flat to National Wheelchair Accessible Standard M4(3)(2)(b) to be located on the ground floor

Open Space –

The proposed residential development, within the Fosse ward, will result in a net increase in the number of residents within an area which already exhibits a deficiency in green space. Opportunities to create new open space to address the needs of the new residents are limited and therefore we will be looking to make quality

improvements to existing open space provision to minimise the impact of this development.

Based on the formula from the Green Space SPD a contribution of £43,048.00 is required in response to this application.

The contribution will be used towards the following open space enhancements:

- for perimeter fencing works at Rally Park
- for improved play facilities at Vernon Street
- for fencing improvements at Groby Road allotments

Education –

The development site lies within the Primary North planning area.

The Primary Planning area containing this development faces a surplus of places.

Calculated demand from this development before offsetting against any surplus is 1 places.

As the surplus exceeds the calculated demand from this development the number of places is offset in total.

Primary contribution: £0.00

The Secondary Planning area faces a surplus of places.

Calculated demand from this development before offsetting against any surplus is 0 places.

As the surplus exceeds the calculated demand from this development the number of places is offset in total.

Secondary contribution: £0.00

Total Contribution requested: £0.00

Lead Local Flood Authority –

Following the submission of revised details, there are no objections to the proposed development. Conditions are recommended where further clarification is sought.

Local Highway Authority –

The site is located on the corner of Woodgate and Fosse Road North, on the busy signalised multi-lane junction known as the Five-Ways junction. Improvements works to the A50 as part of the Transforming Cities Fund (TCF) project has commenced. The works will affect Fosse Road North, the junction of Fosse Road North, A50 Groby Road, Blackbird Road, and Woodgate, and continue south along Woodgate onto Northgate Street towards the City centre. Construction of the highway scheme are currently forecast to take around 12 months. Therefore, along with works affecting the immediate frontage of the site (including the closure of the existing vehicle accesses), construction vehicle routing for the development site would also be affected.

Therefore, it is recommended the applicants should liaise with the Local Highway to ensure coordination of works.

Vehicle Access:

The access would be 5 metres as revised and would allow vehicles entering and exiting at the same time. Pedestrian visibility splays have been provided from the back of the footway and give way lines have been shown accurately on the amended plans.

The alteration of the proposed vehicle access and closure of the redundant footway crossing on Balfour Street will need to be undertaken by the applicant at their own expense. The applicant would need submit construction details and enter into a highway agreement to enable the works to be undertaken within the highway. Works to alter the existing accesses on Balfour Street will be required by condition.

Vehicle Parking:

The level of parking required for new residential developments in this location is 55 spaces. The site is however in a very sustainable location, with a good choice of transport options available which would mean potential residents will not be reliant on owning a car to live at the site. This would be improved further by the proposed TCF scheme. Therefore, a reduction in the provision of on-site car parking is acceptable. The car parking would be provided as unallocated, to enable a flexible use of spaces available.

The proposal makes provision for 25 vehicle parking spaces. As amended the parking spaces are 5m by 2.4 metres which is not ideal as parking spaces with a length of 5.5m is desirable. Furthermore 0.5m additional width is sought where spaces are against the wall or in parking bays. Some of the spaces such and no. 7, 8, 9, 10, 11 and 21 may not all be useable.

Vehicle tracking has been providing which shows that if all of the spaces 7-11 are in use, then spaces 7 and 11 would not be useable. So in essence 23 vehicle parking spaces are proposed.

The parking aisles are generally shown at 6.0m wide which is acceptable. A space parallel to the proposed building to the north of the site creates a pinch point within the layout which would only allow one car through at a time, however there is space to enable vehicles to wait and pass should it be required.

Construction Traffic Management:

It is recommended that before any works commence on site a Construction Traffic Management Plan should be submitted for approval. The approved Statement should be adhered to throughout the construction period. This could be dealt with by condition.

Pedestrians & Cyclists:

A new pedestrian access is proposed off the footway fronting the site at the signal junction. This is welcomed and would provide a good connection to the proposed highway scheme. This has been altered slightly to comply with the TCF scheme which shows large signage boards near the previous access.

Cycle parking has been relocated to the closed access off Fosse Road north. This is acceptable and a condition to secure this.

Other Matters:

A wall is proposed at the back of the highway boundary. The wall should be constructed so that its foundations do not encroach into highway land. A plan showing a cross section of the foundation detail should be submitted to verify this would be the

case. Alternatively, the wall should be offset from the highway boundary to accommodate its foundation within private land. The amended plans have noted this but a condition to secure this is also recommended.

Subject to conditions, the proposal is considered acceptable in highways terms.

Representations

A total of 4 letters of objection were received in respect of the original proposals. The objections included one letter from the Woodgate Residents Association. The objections raised the following concerns:

- Lack of parking for the proposed occupants where there is already a shortfall of parking in the surrounding area
- Supporting documentation for highways matters makes a lot of untested assumptions
- Plans are unclear where the car park entrance and exit would be
- Development proposals should be in line with the Fiveways junction improvements
- No secure moped or motorbike parking is available on site, nor is anything put forward for electric vehicle charging on site
- Height of the building would have block light to principal rooms to properties on Balfour Street and 6-8 Fosse Road North
- Overlooking from the residents of the building
- Traffic and congestion from new vehicle movements and,
- Overdevelopment of the site with 42 units proposed.

Councillors Cassidy & Waddington raised the following concerns:

- Height of the development is excessive for the context
- Insufficient parking
- Impact on parking
- Impact on traffic and congestion at the fiveways junction

Following the submission of amended plans one further letter of objection as received from the Woodgate Residents Association raising the following issues:

- A reduction of three units is not sufficient to alleviate concerns of parking and congestion
- Concerns of overshadowing are not completely resolved by one storey less.

Consideration

Principle of Development

National planning policy framework (NPPF, para. 60) states “To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”. Leicester does not have a five-year housing land supply and the NPPF is clear that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole (NPPF, para. 11(d)).

The site falls partly within a primarily residential area. Core Strategy (2014) policy CS06 'Housing Strategy' states that housing requirements for the city can be met through a combination of ways including limited housing growth within established residential areas, small housing infill and conversion schemes to support the development of sustainable communities. Policy CS08 'Existing neighbourhoods' states that new housing provision within the Inner Areas will mainly be on small scale industrial sites that are no longer appropriate for industrial use.

The remaining part of the site lies within the Blackbird Road/Groby Road/Woodgate local centre. Policy CS11 'Retail Hierarchy' states that the Council will work with partners to protect and enhance retail centres as the most sustainable location for retail development and the retail character and function of the centres will be safeguarded by resisting development that would detract from their vitality and viability. As indicated in the sequential test submitted by the applicant, and our own retail centre surveys, there are vacant units in this local centre at 2-4 Blackbird Road and 78 Woodgate.

Whilst the applicant has not submitted a retail study, the current tyre fitting and car wash services on the site are non-conforming uses within the context of the local centre. Consequently, their loss would not be the loss of conforming uses and would therefore not serve to detract from the centre's vitality and viability.

In light of the policy context, considering the city's lack of a five-year housing land supply and that any adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, there are no policy objections to the principle of the residential redevelopment of the site.

Design

Scale: Height & Massing

The height of the taller element has been reduced from five to four storeys which is a vast improvement in townscape terms. The applicant submitted revised AVR's in support of the amended plans which demonstrates the elevations to Balfour Street and the A50 are contextually responsive and would not appear overly dominant within each street scene. The height combined with the detailing of the larger building appears more comfortable in the street scene as a result of the amendments and is considered to make a positive contribution to the visual amenity of the area.

It is recognised that the smaller building would be built up to 6-8 Fosse Road North which is significantly taller in height. The two buildings side-by-side would appear awkward; however given the 'L' shaped of the larger building much of this would be screened from the public realm. The front elevation to Fosse Road North would make evident the difference in the styles of the two buildings; however, I do not consider this would appear at odds. It is not uncommon for small scale developments to be representative of the time of their construction and this would only add to the variety of built form in this location.

Layout

Amended plans show the ground floor flats to Balfour Street having a small threshold space to their front and doors for access to this space. The upper floors follow the

same rhythm in terms of openings with small recesses in the brickwork. This has helped reinforce the rhythm to the frontage of the site and breakdown the massing of this elevation.

The layout of the smaller building that would face Fosse Road North is acceptable given it's siting and orientation. It would follow the building line of Fosse Road North and the small set-back would allow the ground floor unit to have amenity space to the front.

The courtyard arrangement appears cramped and does not provide much space for soft landscaping for use as amenity space for future occupiers. Thus, it will be vital to ensure that detailed landscaping plans should be submitted to ensure the courtyard is enhanced. A condition is recommended in this respect.

Amended plans now show private spaces to the front of the ground floor units and some projecting balconies to the upper floor units. This is considered acceptable in adding activity to the street scene whilst also improving the amenity for future occupiers.

Character

The reduced height of the building combined with the choice of materials is considered appropriate for the site. The development as amended would be contextually responsive and the detailing along the Balfour Street elevation especially would relate well to the terraced dwellings on the opposing side of the street.

Appearance: Details & Materials

The applicant has submitted a sample drawing with the materials proposed included on the same plan. The details are acceptable and demonstrate a high-quality development can be achieved on site with appropriate use of materials. The sample panel drawing is recommended to be included in the list of approved plans and a sample panel should be constructed on site in line with these approved details.

During the course of the application a revised Building for a Health Life assessment has been submitted which is acceptable.

The proposal as amended demonstrates that the development would be contextually responsive and of an appropriate height and scale for the site. The loss of the car wash would remove a non-confirming use whilst also ensuring a high-quality residential development that would make a positive contribution to the immediate area. I consider subject to conditions the proposal would comply with Core Strategy policy CS03, chapter 12 of the NPPF and the National Design Guide.

Living Environment

The proposed units would be of a reasonable internal size complying the Nationally Designated Space Standards. The plans include indicative furniture layouts which demonstrate that each unit would offer a reasonable living environment for future occupiers. The units are generally single aspect with every principal room having at least one window for outlook. This is acceptable.

I recognise that the units facing the courtyard to the rear especially on the first floor may achieve a slightly lower level of daylight; however, the site is relative constrained by the siting of 6-8 Fosse Road North. Those units to the courtyard have been provided with projecting balconies instead of juliette balconies to allow occupiers to be able to sit out which I consider an acceptable solution.

As noted in the design section of this report, the ground floor units would have external amenity space to the street frontage. Direct access is available on the amended plans with doors off the street which is considered acceptable. The upper floor units have a mix of projecting balconies and juliette balconies. I consider this arrangement to be reasonable. The external courtyard and incidental green spaces are not useable for use as private amenity by the occupiers; however, given the site's location adjacent to Stokes Wood Park and proximity to Abbey Park I consider this not to be unreasonable.

The applicant has submitted acceptable details with respect of noise and ventilation which would secure an acceptable living environment. A condition requiring the development to be carried out in accordance with these details is considered suitable.

Cycle and vehicle parking would also be available on site for future occupiers. The bin stores for each building would be located at the ground floor in a communal area which is the same as all flatted accommodation. The larger of the two buildings would have a lift to ensure accessible access which is considered reasonable.

Overall I consider the proposed development responds well to the constraints on site and its context. The proposed accommodation would be provide an acceptable living environment for future occupiers in accordance with saved policy H07 of the Local plan and policy CS03 of the Core Strategy.

Residential Amenity

6-8 Fosse Road North

This flatted block essentially would share its car park with the proposed development and occupies the same 'junction' as the development site. This property is also under the ownership of the application.

The vehicular access for the site would be altered for this site from Balfour Street and Fosse Road North to only Balfour Street. This is considered acceptable given the highway improvements being carried out. The siting of cycle parking on the closed off access drive is considered acceptable and unlikely to give rise to any harm in terms of noise and privacy. Likewise the reduction of car parking for use by the occupiers is also considered acceptable given the works being undertaken.

As existing cars park up against the rear elevation of the building where principal rooms and amenity space for the ground floor units are located. The proposal would reduce this to only one space which is considered acceptable. The remainder of the car parking and courtyard would not be significantly different than the existing situation. The loss of the car wash would likely reduce the amount of noise and disturbance currently experienced by occupiers.

The siting of built form will have some impact in terms of overshadowing and outlook. The removal of a single storey building and replacement with four storey residential

block will alter the outlook for the rear facing units; however, the new buildings would be located to the north and east of the site. As such I consider any impacts of daylight and overshadowing would not be so significant to warrant refusal for this reason alone. The units to the lower levels would experience some loss of light in the early hours of the day but due to the orientation of the building I consider those units would continue to receive daylight into principal rooms for the majority of the day.

It is recognised that the separation distance between the buildings are limited but 15 metres is achieved at oblique angles which I consider reasonable in this setting. The north elevation of 6-8 Fosse Road North has what appears to be principal room windows. The cycle parking has been removed from this location and the arrangement of windows to the smaller building has been altered to ensure no overlooking. There is parking space outside one of these units; however this is not significantly different to the existing situation.

Balfour Street

The application site is located to the opposing side of the street from the terraced dwellings. I recognise that the outlook would be altered from car wash and car parking to a four storey building on site. I appreciate this will be quite a change; however, I do not consider a change in outlook is completely unreasonable. Nor do I consider the appearance of the proposed building would result in visual harm.

Objectors have raised concerns regarding daylight and overshadowing to principal room windows to these properties. The distance between the front elevation of the existing terraces to the proposed building fronting Balfour Street is approximately 14 metres. The terraced dwellings are located to the east of the site and thus I consider, the amended scheme would result in some loss of light to the terraces towards the latter part of the day. Whilst I appreciate that this is not an ideal situation, any built development would result in a change in outlook and daylight to principal rooms. The proposed building has its fourth floor set-back which goes some way in minimising the impact. The height to eaves is 10m which is approximately 2 metres higher than the terraced dwellings. The scheme has been amended which has reduced the height to this elevation. I appreciate that there would be some impact on daylight and overshadowing even with these amendments; however, I do not consider that the proposal would be so harmful that would warrant refusal for this reason alone, especially when considering the separation distances between the buildings and the fourth floor set-back.

In terms of noise, I consider the proposal would much improve levels of noise and disturbance with the removal of the car wash. I also consider the proposal would be of a sufficient distance to avoid any harmful levels of overlooking and impacts on privacy between the terraces and the flats. The separation distance across the road is larger than nearby terraced streets and I consider acceptable given the height of the proposed building.

There are no other residential properties that would be affected by the proposed development. I consider on balance the proposed development, as amended, would not result in a significantly adverse impact on neighbours to justify withholding consent when balanced against the scheme's benefits to housing supply shortfall. I consider

the proposal would comply with saved policy PS10 of the Local plan and policy CS03 of the Core Strategy.

Highways

There are currently multiple vehicle access points into the site. Three vehicles access points are taken off Balfour Street, one of these being adjacent to the junction entrance to Balfour Street from Woodgate which is not ideal as it conflicts with pedestrian crossing movements. A footway crossing is provided to the western side of the site off Fosse Road north. This currently serves a parking area for the adjacent 19 flats.

The remaining vehicle access is within the extents of the Five-Ways junction, which again is not ideal. The proposed development would reduce vehicle access down to one access off Balfour Street, and closure of the other accesses which is welcomed. Given that there are extensive footway alterations fronting the site as part of the TCF scheme, the works to close off the access points can be undertaken as part of the highway works.

The proposed vehicle access into the site is in approximately the same location as the southernmost existing footway crossing on Balfour Street. The vehicle access is proposed at 5 metres in width which is less than the standard 6m width usually sought. However, given that Balfour Street is one way, the smaller access is considered acceptable.

The vehicle parking spaces on site are considered acceptable. Whilst the spaces would be shared between the site and 6-8 Fosse Road North, the site is under the ownership of the applicant. The site will also offer cycle parking and will be in a sustainable location in terms of the access to public transport, which will be improved with the TCF scheme.

Conditions are recommended to require the submission of a Construction Management Statement, construction details for the boundary wall to the A50, cycle storage and alterations to the dropped kerb to Balfour Street.

Waste storage and collection

A separate bin store has been shown on the plans for each building. These spaces appear to be large enough to accommodate the required number of bins. There is suitable access to both bin stores. I recommend a waste management condition to be submitted to ensure other matters such as the access to these spaces and the general maintenance is secured prior to first occupation.

Heritage

Built Heritage

The application site is located 30 metres away from and on the opposite side of Fosse Road to the Groby Road Tram Shelter, which is a local heritage asset. The proposed redevelopment of this land would be visible in context of the tram shelter, but it is not considered it would cause any harm to its significance given the scale of the proposed development and the separation between the sites. As such there are no heritage objections to the proposal.

Archaeology

The application site is located to the south of the northern Roman and medieval route out of Leicester, properties are recorded on maps dating from the mid-18th century along the northern side of Woodgate, the general area of the site itself seemingly devoid of structures. The 1880s and later OS maps show the site itself to have been partially occupied by a hosiery factory and terraced housing, with the northwest corner remaining open ground.

Looking at the planning history for the site, this shows that a petrol filling station was constructed on site, which included three (3) underground petrol storage tanks, with a total capacity of 13,000 gallons. I also note from the submitted documentation there are plans to install new foul and clean water services and an attenuation tank.

The applicant was advised to submit a heritage assessment during the application. The assessment confirms that there is potential for archaeological remains to be found within the site; Roman and early medieval. On the basis of this, it is recommended that an archaeological field evaluation is carried out to assess the presence/absence of archaeological deposits and features, and also to inform any further recommendations for additional excavation following re-consultation with results of the fieldwork made available to the local planning authority.

The applicant has requested this to be conditioned and I consider this to be reasonable. The condition will have a pre-commencement trigger to ensure adequate time is available for the field evaluation to take place.

Nature Conservation & Landscaping

The ecology report is satisfactory and it is accepted that the building has negligible potential to support roosting bats and nesting birds. No further ecology surveys are required and the findings are valid for a period of 24 months.

It is accepted that a satisfactory level of BNG can be achieved on site without the need for a Biodiversity Impact Assessment.

In line with NPPF, 2021 the Local Planning Authority would find the proposed development acceptable if opportunities for securing measurable net gains for biodiversity are identified and pursued. The BNG requirement is for habitat creation and green roofs across the city centre collectively provide this provision. Green/Brown roofs can vary in terms of scope and design but would need to include habitats of value for invertebrates and birds along with increasing connectivity for foraging bats.

The provision of at least x4 bat boxes/bricks and x8 Swift boxes/bricks are also required in the interests of local BAP species.

Whilst no landscaping strategy has been submitted it is accepted that there are opportunities to provide soft landscaped areas within the site. The provision of green and/or brown roofs could also take place on the roof of the buildings or on the cycle shelter. A condition for a LEMP is considered reasonable in this respect.

I consider conditions would be reasonable to secure the mitigation measures in accordance with saved policy UD06 of the Local Plan and Core Strategy policies CS03 and CS17.

Flood Risk

The majority of the site is in flood zone 1, however the north, north-west and north-east of the site is in flood zone 2; therefore, the site is considered at a medium risk to fluvial flooding. The site is also in a Critical Drainage Area (CDA) in terms of pluvial flood risk.

The site is wholly hardstanding at present and there will be some areas of soft landscaping and impermeable surfacing as a result of this development.

A Flood Risk Assessment has been submitted which following some revisions is considered acceptable. An emergency Flood Plan has also been provided which is considered acceptable as a starting point, but some additional points of clarification are required. These matters can be resolved by way of condition. A water quality assessment table has been received which is also considered acceptable.

The applicant has submitted some Drainage details that are acceptable with SuDS features to be included on site. However, details of the SuDS maintenance are not complete and a condition is required to secure this information.

In light of the comments from the LLFA, I considered the outstanding matters in the form of an updated emergency Flood Plan and SuDS maintenance plan can be reasonably secured by way of conditions.

Sustainability

Following the submission of a revised energy statement and amended plans, the applicant has confirmed the energy efficiency measures to be installed on site. I consider it reasonable to attach a condition to secure the final details of the measures to be installed including evidence of their installation.

Land Pollution

The site has historically been used as a fuelling station and subsequent for storage and more recently as a car wash. Due to the previous use of the site the Land Pollution Team have requested a contamination survey to be carried out which I consider reasonable and necessary.

Developer Contributions

Developer contributions have been requested by Open Space colleagues. Due to the scale of development an affordable housing contribution has also been requested.

The applicant has submitted a viability assessment in support of the application as on site provision of the above cannot be provided. Based on the figures in the assessment, build cost and analysis of the recent and current market, the proposal would not be able to support a financial contribution in terms of Section 106 for the contributions required. There would be no surplus available for the contributions requested. In light of this, and the benefit of the redevelopment of this site for residential development, it would be unreasonable to withhold consent or require the applicant to enter into a legal agreement for Section 106 contributions.

Conclusion

The proposal, as amended, represents an acceptable scale and form of residential development that would not adversely impact the character of the site and local area, nor would it adversely affect nearby heritage assets and the amenity of nearby residents.

The applicant has worked positively with the local authority to improve aspects of the proposal and respond to comments made by consultees and this has improved the proposal and addressed relevant policies. Technical matters can be addressed through the use of conditions to secure an acceptable residential scheme.

I recommend that this application is APPROVED subject to conditions:

CONDITIONS

1. START WITHIN THREE YEARS

2. A) Prior to the commencement of development, including demolition, an appropriate programme of archaeological work, including implementation, to be undertaken by a competent and experienced organisation in accordance with a Written Scheme of Investigation (WSI), shall be submitted to and approved in writing by the local planning authority. The scheme must include an assessment of significance, research questions, and:

(1) the programme and methodology of site investigation and recording;

(2) the programme for post-investigation assessment;

(3) provision to be made for analysis of the site investigation and recording;

(4) provision to be made for publication and dissemination of the analysis and records of the site investigation;

(5) provision to be made for archive deposition of the analysis and records of the site investigation.

B) No development shall take place other than in accordance with the Written Scheme of Investigation approved under (A) above.

C) No part of the development shall be occupied until the site investigation and post-investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under (A) above, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. (To ensure that any heritage assets that will be wholly or partly lost as a result of the development are recorded and that the understanding of their significance is advanced; and in accordance with Core Strategy policy CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

3. No development, including demolition, shall be carried out until the site has been investigated for the presence of land contamination, and a Site Investigation Report incorporating a risk assessment and, if required, scheme of remedial works to render the site suitable and safe for the development, has been submitted to and approved by the local planning authority. The approved remediation scheme shall be

implemented 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. 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, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments; (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 saved policy PS11 of the City of Leicester Local Plan. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

4. No development, including demolition shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a.) the parking provision of vehicles for site operatives and visitors. Measures should be included to prevent parking on the adjacent roads.
- b.) the loading and unloading of plant and materials to and from the site including any time constraints (limited to off peak periods)
- c.) measures to ensure that construction vehicles do not stack on the adjacent roads to gain access to the site.
- d.) measures to ensure vehicles can manoeuvre within the site and re-join the highway without reversing.
- e.) the erection and maintenance of security hoarding (including decorative displays and facilities for public viewing). The erection of hoarding etc in the highway will need the approval/consent of Leicester City Council, as the Highway Authority.
- f.) wheel washing facilities, measures to prevent mud and detritus falling on the highway, and measures to ensure the highway is kept clean.
- g.) measures to control the emission of dust and dirt during demolition.
- h.) access and egress arrangements to the site including temporary traffic management measures and signing. Consideration should be given to the safety of pedestrians and cyclists and measures to improve the visibility at the boundary.
- i.) banksmen/traffic marshals should have the appropriate training to work in the highway.

(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 policy CS03. 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 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. 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).

6. Prior to the commencement of development details of the type and location of x4 bat bricks/tiles/box; x8 Swift bricks/boxes to be incorporated within the elevations of the proposed buildings have been submitted to and approved in writing with the local planning authority. The locations should be determined by an ecologist who shall also supervise their installation. The development shall be carried out in accordance with the agreed details and retained thereafter. (In the interest of biodiversity and in accordance with NPPF (2021), Policy CS17 Biodiversity of the Core Strategy).

7. Prior to the commencement of development a detailed section plan of any wall or boundary treatment to the site's frontage to Groby Road shall be submitted to and approved in writing by the local planning authority. (In the interests of (In the interests of the satisfactory development of the site and in accordance with saved policy AM01 of the City of Leicester Local Plan).

8. Prior to the commencement of development full specification details of the proposed green [brown] roof including construction, planting details and maintenance strategy shall be submitted to and approved in writing by the local planning authority. The green [brown] roof shall be provided and maintained thereafter in accordance with those details. (To ensure sustainable construction and adaptation and mitigation of climate change in accordance with NPPF (2021), policy CS17 of the Leicester City Core Strategy).

9. Prior to the occupation of development, an Emergency Flood Plan shall be submitted to and approved in writing by the local planning authority. The Emergency Flood Plan details shall include:

(a) Details of the flood risk posed to the site and the reasoning for an Emergency Flood Plan.

(b) Safe access and egress routes from the property and site and the return period to which this will remain 'safe' - describing the safety of the access and egress route using the Hierarchy [13.3] and the UK flood hazard rating [13.7], in accordance with the appropriate approach [13.4] as outlined in Environment Agency's Flood Risk Assessment Guidance for New Development (FD2320) [Section 13; Requirements for Safe Access and Exits].

(c) Define the areas of safe refuge for residents and/or users of the development to use if safe access and egress is not possible.

(d) Define how Flood Resilience Measures incorporated into the development are to be managed and maintained throughout their lifespan, as well as how they are to be

operated in the event of a flood and the person/organisation responsible for their operation.

(e) Location of utility meters and stop taps and procedure for turning off [electricity, gas and water].

(f) Define how any vehicles on site are to be relocated to areas of lower risk in the event of a flood, so as not to cause a hazard to surrounding infrastructure.

(g) Include provision for the signing up to the Environment Agency's free Flood Warning service and the Met Office severe weather warnings email alert service – where available for the site.

(h) The evacuation procedure, including activation and call off.

(i) Assembly points (if applicable) – position of assembly points on layout plan, colour and image of sign.

(j) The procedure for starting and stopping the emergency flood plan.

(k) Outline how the site will be reoccupied and made safe after a flood event.

(l) Responsible person/organisation for implementing flood plan (Risk Owner).

(m) How the emergency flood plan will be stored, how it can be accessed by residents, employees or suitable 3rd party's (Local Authorities, Emergency Services etc.) and how it can be obtained (downloaded or physical copy).

(n) Testing of the Emergency Flood Plan – overview of testing procedure, frequency and training required.

(o) Procedure for updating emergency flood plan – review period, amendment and version control.

(p) Emergency contact details – emergency services (999), utility providers (gas, electricity and water) etc.

The development shall be managed in accordance with these details thereafter. (To minimise the risk of damage in times of flooding, and in accordance with policy CS02 of the Core Strategy).

10. Prior to the commencement of development full design details of energy efficiency measures, including heating systems and carbon emissions figures, shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the site, evidence demonstrating satisfactory operation of the approved scheme, including on-site installation, shall be submitted to and approved in writing by the Local Planning Authority. (In the interests of securing energy efficiency in accordance with Policy CS02 of the Core Strategy).

11. Prior to the commencement of the 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 approved in writing by the local planning authority. This scheme shall include details of: (i) new tree and shrub planting, including plant type, size, quantities and locations; (ii) means of planting, staking, and tying of trees, including tree guards; (iii) other surface treatments; (iv) fencing and boundary treatments; (v) any changes in levels; (vi) the position and depth of service and/or drainage runs (which may affect tree roots), (vii) a detailed plan of the biodiversity enhancements on the site; (viii) details of the make and type of 8 x integrated swift bricks and 4 x bat boxes/tiles/bricks to be erected on buildings 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 30 years from the date of planting, the applicant or owners of

the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity, and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03 and CS17. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

12. Prior to the construction of any work above foundation level, the sample panels on approved drawing DSA-22002-PL-012 Rev B shall be constructed on site, showing all external materials, including brick, brick bond and mortar colour 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).

13. No part of the development shall be occupied until the footway crossing(s) have been altered in accordance with the approved plans for Balfour Street and details first submitted to and approved in writing for Fosse Road North and Groby Road/Woodgate. The approved works shall be carried out prior to occupation and they shall be retained as such thereafter. (To achieve satisfactory means of access to the highway, and in accordance with saved policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)

14. Prior to the first occupation of each unit, the occupiers of each of the dwellings shall be provided with a 'Residents Travel Pack', details of which shall be submitted to and approved in writing by the local planning authority in advance. The contents of the Travel Pack shall consist of: information promoting the use of sustainable personal journey planners, walking and cycle maps, bus maps, the latest bus timetables applicable to the proposed development, and bus fare discount information. (In the interest of promoting sustainable development, and in accordance with saved policy AM02 of the City of Leicester Local Plan and policy CS14 of the Core Strategy).

15. Prior to any work above foundation level, details of how the 2 metre by 2 metre pedestrian visibility splay on each side of the vehicular access will be kept clear of any obstruction shall be submitted to and approved in writing by the local planning authority. No part of the development shall be occupied until the approved measures have been installed in full, and they shall be retained thereafter. (In the interests of the safety of pedestrians and other road users, and in accordance with saved policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)

16. No part of the development shall be occupied until (a) secure cycle parking for: (i) 24 cycles has been provided in details that shall be first submitted to and approved in writing by the local planning authority, and (b) a scheme for monitoring of the cycle parking use including details to increase provision have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be retained thereafter for use in connection with occupation of the approved development. (In the interests of the satisfactory development of the site and in accordance with saved policies AM02 and H07 of the City of Leicester Local Plan).

17. The development shall not be occupied until a waste management plan has been submitted to and approved in writing by the local planning authority. The Plan shall include details of:

- (a) location and surfacing of refuse collection point(s) and refuse store(s);
- (b) signage directing residents to the refuse collection point(s)/refuse store(s) and advising them of contact details for the management company, such signage to be retained throughout the lifetime of the development and updated within seven days when such contact details change;
- (c) provision for persons with mobility and other limitations to use the refuse collection point(s) and refuse store(s);
- (d) arrangements for cleaning and maintenance of the refuse collection point(s) and refuse store(s);
- (e) contact details for any management company responsible for the site;
- (f) provision for any change to the management company, or change to contact details for that company, to be advised to the local planning authority within seven days of the change of responsibility or details taking effect.

The development shall not be occupied or used other than in accordance with the approved plan.

(To ensure adequate facilities for the storage and collection of refuse and to protect the amenity of the area in accordance with saved policy H07 of the City of Leicester local plan and Core Strategy policy CS03).

18. The development shall be carried out in accordance with the technical specification for noise insulation contained in the Martec Environmental Consultants Ltd Acoustic Report (dated 15th December 2011, ref. 20211216 9158). (In the interests of residential amenity and in accordance with saved policies PS10 and PS11 of the City of Leicester Local Plan).

19. Prior to first occupation of the site, all habitable rooms shall be fitted with Sentinel Kinetic Mechanical Ventilation in accordance with the manufacturers specification received by the local planning authority on 14.12.2022, and shall be retained as such thereafter. (In the interests of residential amenity and in accordance with saved policies PS10 and PS11 of the City of Leicester Local Plan).

20. The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Ref: 82327-02/ Rev E, dated 22/02/2023) and the following mitigation measures detailed within the FRA:

- Flood resistance and resilience measures
- Finished floor levels (FFL)

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme. (To minimise any flood risk in accordance with policy CS02 of the Core Strategy).

21. Should the development not commence within 24 months of the date of the last protected species survey (March 2022), then a further protected species survey shall be carried out of all buildings [trees and other features] by a suitably qualified ecologist. The survey results and any revised mitigation shall be submitted to and approved in writing by the local planning authority and any identified mitigation measures carried out in accordance with the approved plan. Thereafter the survey should be repeated

biennially and any mitigation measures reviewed and approved in writing by the local planning authority until the development commences. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRoW Act 2000), the Habitat & Species Regulations 2017 and CS 17 of the Core Strategy)

22. The development shall be carried out in accordance with the mitigation measures as set out in Table 19 of the Air Quality Assessment (ref. P5233 R1-V1). (In the interests of the amenities of nearby occupiers, and in accordance with saved policy PS10 of the City of Leicester Local Plan.)

23. At least 1 car parking spaces for the use of disabled people shall be provided before the development is occupied in accordance with the approved plans and shall be retained and kept available for use by disabled people. (To ensure adequate provision for the needs of disabled people, and in accordance with saved policy AM11 of the City of Leicester Local Plan and Core Strategy policy CS03.)

24. The dwelling and its associated parking and approach shall be constructed in accordance with 'Category 2: Accessible and adaptable dwellings M4 (2) Optional Requirement. On completion of the scheme and prior to the occupation of the dwelling a completion certificate signed by the relevant inspecting Building Control Body shall be submitted to the City Council as local planning authority certifying compliance with the above standard. (To ensure the dwelling is adaptable enough to match lifetime's changing needs in accordance with Core Strategy policy CS06)

25. No gates shall be installed at the vehicular access off Balfour Street. (To achieve satisfactory means of access to the highway, and in accordance with saved policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)

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

Proposed Ground Floor plan; DSA-22002-PL-L01-001 Rev J, received on 20/03/2023

Proposed First Floor plan; DSA-22002-PL-L02-002 Rev D, received on 23/01/2023

Proposed Second Floor plan; DSA-22002-PL-L03-003 Rev D, received on 23/01/2023

Proposed Third Floor plan; DSA-22002-PL-L04-004 Rev D, received on 23/01/2023

Proposed West Elevations & Courtyard East & North; DSA-22002-PL-E01-006 Rev B, received on 25/10/2022

Proposed East & North Elevations; DSA-22002-PL-E02-007 Rev C, received on 27/01/2023

Proposed Courtyard West & South; DSA-22002-PL-E03-008 Rev B, received on 25/10/2022

Proposed Roof Plan; DSA-22002-PL-L05-005 Rev D, received on 23/01/2023

Sample Panel; DSA-22002-PL-012 Rev B, received on 15/02/2023

Detail Section; DSA-22002-PL-013 Rev B, received on 15/02/2023.

(For the avoidance of doubt).

NOTES FOR APPLICANT

1. 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 highway authority area. The guide can be found at: <https://www.leicester.gov.uk/your-council/city-mayor-petersoulsby/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.

The Highway Authority's permission is required under the Highways Act 1980 and the New Roads and Street Works Act 1991 for all works on or in the highway.

For new road construction or alterations to existing highway the developer must enter into an Agreement with the Highway Authority. For more information please contact highwaysdc@leicester.gov.uk.

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 pre-application.

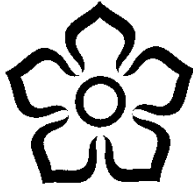
The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2021 is considered to be a positive outcome of these discussions.

3. In association with the Construction Method Statement (condition 4), the applicant may need to produce a Traffic Management Plan which will need to be agreed with the Highway Authority as part of the Construction Method Statement. Any temporary signing on the highway will need consent from the Highway Authority and such details should be included in the details submitted for the approval of this condition.

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_UD06	New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
2014_CS02	Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
2014_CS03	The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment.

- The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014_CS06 The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
- 2014_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
- 2014_CS11 The Council supports a hierarchy of retail centres in Leicester. The policy sets out measures to protect and enhance retail centres as the most sustainable location for retail development.
- 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_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.



Leicester
City Council

**PLANNING AND DEVELOPMENT CONTROL
COMMITTEE**

WARDS AFFECTED
Castle, Westcotes, Western, Saffron

21st June 2023

SUBMISSION TO THE SECRETARY OF STATE FOR RENEWAL OF A DIRECTION UNDER REGULATION 7 OF THE TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) (ENGLAND) REGULATIONS 2007 THAT REMOVED DEEMED CONSENT RIGHTS FOR THE DISPLAY OF 'TO LET' BOARDS FOR RESIDENTIAL PROPERTIES WITHIN SPECIFIC AREAS OF THE CITY OF LEICESTER

Report of the Director of Planning, Development and Transportation

1. PURPOSE OF REPORT

- 1.1 This report is to inform the Committee and seek any comments that would be taken into account whilst a decision would be made under delegated powers by the Director of Planning, Development and Transportation to submit an application to the Secretary of State for Levelling Up, Housing and Communities to renew an existing Direction ('the Regulation 7 Direction') made under Regulation 7 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations'). The Regulation 7 Direction made on 9th February 2018, restricts deemed consent for the display of residential letting boards ("to let' boards") in some streets in the Castle, Knighton, Saffron and Westcotes Wards.
- 1.2 A consultation with stakeholders has been carried out.
- 1.3 The Regulation 7 Direction facilitates more formal advertisement control over the display of 'to let' boards within defined areas covered by the Regulation 7 Direction and allows the City Council to restrict the proliferation of 'to let' boards in those areas through the subsequent design and adoption of localised guidance as to what would be considered to be acceptable.
- 1.4 A 'Landlords Guidance' pack containing the Regulation 7 Direction, maps of the affected streets and localised guidance and is attached at **Appendix 1**.

2.0 RECOMMENDATION

- 2.1 That the committee notes that an application for the renewal of a Direction under Regulation 7 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 to retain control of the display of 'to let' advertisements within the existing areas of control in the Castle, Knighton, Saffron and Westcotes Wards for period of five years will be submitted.
- 2.2 That, subject to the Secretary of State's approval, the Director of Planning, Development and Transportation and the Head of Planning would be taking all necessary steps in order for the Direction to take effect and to operate in the designated areas.

3.0 REASONS

- 3.1 To continue the success of the current management of residential 'to let' boards in the interests of the amenity of the areas concerned and prevent the return of the visual clutter caused by the proliferation of residential 'to let' boards that formerly existed in those areas.
- 3.2 To ensure that the requirements of the Direction are realised.

4.0 SUMMARY

- 4.1 The City Council had received numerous reports from local residents during the early and mid-2010s about the high numbers of 'to let' boards that were displayed on properties near to Leicester University, De Montfort University and Leicester Royal Infirmary, and the apparent permanence of those displays. The Council had conducted two public consultations to assess the scale and extent of the issue.
- 4.2 The outcome of the first consultation (in June 2013) supported introduction of a voluntary Code of Practice to seek to control the advertising, which was trialled with letting agents in the areas affected however the aims of the Code of Practice were largely ignored.
- 4.3 The outcome of the second consultation (in April 2015) showed that the majority of respondents felt it appropriate for the Council to have more formal control over these advertisements.
- 4.4 In February 2016, a decision was made to apply for the Regulation 7 Direction.
- 4.5 The application was submitted to the Secretary of State in June 2016. The Regulation 7 Direction was made on 9th February 2018, subject to amendments and removal of some areas on the recommendation of an Inspector appointed to assess the merits of the application.
- 4.6 The Regulation 7 Direction was implemented on 2nd July 2018, accompanied by an advisory Code of Practice giving localised guidance on acceptable alternative advertisement. The Regulation 7 Direction is due to expire on 1st July 2023.

5.0 CONTEXT

5.1 Leicester is home to two major Universities, the University of Leicester and De Montfort University.

5.2 Policy commentary from latest evidence on housing need states:

In 2019 there were 8,389 'student exempt properties' which do not have to pay council tax because of being all-student households in the Leicester. At the time of the 2011 Census there were 5,604 private sector dwellings occupied by all student households in Leicester, at an average occupancy of 2.5 students per dwellings. On this basis, there has been a very significant growth in the number of students occupying private sector dwellings in Leicester, which will have increased the pressure on the housing stock of the city particularly as there has also been a growth in households in receipt of housing benefit in the private rented sector and a growth in households renting privately.

Between 2015 and 2019 the Council granted planning permission for nearly 4,000 student bedspaces. The impact of COVID 19, and Brexit is still not clear for the university sector, but if these effects limit the growth of student numbers in Leicester, then fewer student bedspaces will be required. Therefore, the case for additional student bedspaces in Leicester is now less pressing than was found in the 2019 LHNA.

The study also notes that in areas with large student population like Leicester, many recent graduates will not form their own household immediately but will instead share properties with other young adults.

5.3 In the designated areas (as shown in **Appendix 1**), whilst there has been a fall in the number of houses occupied by students as they move to purpose-built blocks, a high percentage of properties are still occupied as houses in multiple occupation ('HMOs') with an associated transient population. This was evidenced by analysis in 2021 relating to the maintenance and extension of the existing Article 4 areas to restrict the development of new HMOs which coincide with the Regulation 7 Direction areas.

5.3 Since the Regulation 7 Direction was implemented, there has been a significant reduction in illegally displayed 'to let' boards which has led to a substantial and ongoing improvement in the appearance of the affected areas. It is considered that the removal of 'deemed consent' coupled with localised guidance on acceptable alternative advertisement to have been successful.

5.4 There is no compelling evidence to support that the area covered by the Regulation 7 Direction should be expanded as reports of illegal displays of 'to let' boards has dropped over the City overall and informal monitoring has shown that no further areas of the City have become problematic in terms of illegal displays.

Effect of Regulation 7 Direction

- 5.5 In surveys undertaken in 2013 that preceded the initial application to the Secretary of State, 452 boards were found to be on display in the areas subsequently affected by the Regulation 7 Direction. In surveys undertaken in September/October 2022, there were 26 (and three others were reported separately). In each case, the advertiser was contacted and the boards were removed.
- 5.6 The Regulation 7 Direction affects 101 streets, in the Castle, Knighton, Saffron and Westcotes Wards. Some resistance to the Regulation 7 Direction's implementation was initially received from one or two letting agents but after a 'settling in' period, illegal displays have significantly reduced. Immediately after the Regulation 7 Direction was implemented in 2018, 11 boards were found on display July-December 2018, via a combination of reports received and street surveys. In 2019, the first full year of the Regulation 7 Direction, 70 boards were found on display via a combination of reports received and street surveys. In 2020, nine boards were found to be on display and in 2021, only seven, all of which during those two years were reported only by third parties. Formal street surveys were not carried out. In 2022 overall, 29 boards were found on display, three of which were reported to the Council and 26 found via street surveys. **Appendix 2** provides further details of 'Street Surveys'.
- 5.7 The effect of introduction of the Regulation 7 Direction and the advisory Code of Practice is that if landlords display residential 'To Let' boards at the affected addresses in accordance with the Code of Practice, it would not be considered expedient to take prosecution action. If alternatives are required, an application must be made for advertisement consent, however, only those matching the requirements of the Code of Practice would be likely to be considered acceptable.
- 5.8 No applications have been received and it has not proven necessary to undertake any prosecutions.
- 5.9 It appears that letting agents are effectively policing themselves, as most of the reports of illegal displays have been received from competitor letting agents.

6.0 POLICY CONTEXT

- 6.1 Paragraph 136 of the National Planning Policy Framework 2021 states that the quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
- 6.2 Policy CS03 of the Leicester Core Strategy adopted in 2010 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 policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.

- 6.3 *Student Housing SPD* – Section 3 of the Student Housing SPD contains a commitment to investigate options available through the planning process to deal with to let boards.

Underlying Legislative Planning Powers

- 6.4 The display of 'to let' boards is controlled by Schedule 3, Part 1, Class 3A of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 which states that adverts relating to the sale or letting of a property can be displayed subject to the following conditions:

- (1) *Not more than one advertisement, consisting of a single board or two joined boards, is permitted; and where more than one advertisement is displayed, the first to be displayed shall be taken to be the one permitted.*
- (2) *No advertisement may be displayed indicating that land or premises have been sold or let, other than by the addition to an existing advertisement of a statement that a sale or letting has been agreed, or that the land or premises have been sold or let, subject to contract.*
- (3) *The advertisement shall be removed within 14 days after the completion of a sale or the grant of a tenancy.*
- (4) *No advertisement may exceed in area—*
 - (a) *where the advertisement relates to residential use or development, 0.5 square metres or, in the case of two joined boards, 0.6 square metre in aggregate;*
 - (b) *where the advertisement relates to any other use or development, 2 square metres or, in the case of two joined boards, 2.3 square metres in aggregate.*
- (5) *Where the advertisement is displayed on a building, the maximum projection permitted from the face of the building is 1 metre.*
- (6) *Illumination is not permitted.*
- (7) *No character or symbol on the advertisement may be more than 0.75 metre in height, or 0.3 metre in an area of special control.*
- (8) *No part of the advertisement may be higher above ground level than 4.6 metres, or 3.6 metres in an area of special control or, in the case of a sale or letting of part only of a building, the lowest level of that part of the building on which display is reasonably practicable.*

- 6.5 The issue that the Council faced with dealing with the legislation has been where advertisement boards were left on display for more than 14 days as it proved

difficult to establish the date of a grant of tenancy. This means that a Regulation 7 Direction is desirable to allow for effective enforcement of unauthorised signs.

Current Planning Powers

- 6.6 A Direction made under Regulation 7 of the Town and Country Planning (Control of Advertisements) Regulations 2007 on 9th February 2018, implemented on 2nd July 2018, removed 'deemed consent' rights for the display of residential 'to let' boards at some addresses in the Windermere, Hazel, Clarendon Park, Greenhill, West End, Ashleigh Road and West End Conservation Area.

7.0 PROCESS OF SUBMISSION OF APPLICATION FOR RENEWAL

- 7.1 To renew the Regulation 7 Direction, the Council will be required to submit a detailed submission document to the Secretary of State for Levelling Up, Housing and Communities to renew under Regulation 7 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 by virtue of Regulation 29 of the same Regulations.

- 7.2 If the application to renew the Regulation 7 Direction is approved by the Government, the status quo will remain, which is that 'deemed consent' rights will remain removed in the streets already affected.

7.3 Public Consultation

- 7.3.1 Consultation was carried out with local residents and estate agents between 8th March 2023 and 5th April 2023, using the Consultation Hub (Citizen Space) of the City Council's website and letters to estate agents. Notices were also displayed in the affected areas and the consultation was advertised in the local press and on the Leicester City Council website. The consultation is shown at **Appendix 3**; the letter to agents at **Appendix 4**; the site notices at **Appendix 5**; the advertisement in the Leicester Mercury at **Appendix 6**; and the publicity on the Council's website at **Appendix 7**.

- 7.3.2 Councillors of the Castle, Knighton, Saffron and Westcotes Wards, members and the Chair of the Planning and Development Control Committee were briefed by e-mail about the consultation process.

7.4 Consultation Responses

- 7.4.1 The consultation asked, 'Do you support the renewal of the Direction Regulation 7?' 21 formal responses were received: 18 to the online survey and three via e-mail. A further e-mail response was received the day after the consultation ended and some informal comments were made on the Leicester Mercury website.

- 7.4.2 Of the 18 online responses, 13 (72.22%) said 'yes' and 5 (27.78%) said 'no'. A full analysis of the 18 responses to the online consultation is attached at **Appendix 8**. Of the three e-mail responses, one said 'yes' and two had 'no opinion either way'.

- 7.4.3 Of the 21 formal responses, 66.67% of respondents supported renewal of the Regulation 7 Direction, 23.81% did not support renewal, and 9.52% had no opinion either way.
- 7.4.4 The online consultation included a space where respondents could comment. 15 of the 18 respondents made comments (11 in support, 4 not in support). All comments (online, e-mail, Leicester Mercury website) are attached at **Appendix 9**.
- 7.4.5 A professional body of property agents sent an e-mail on the last day of the consultation stating they were planning on responding to the consultation but due to deadlines and the Easter Holidays, did not think they would be able to respond by that afternoon and hoped to do so by the following week. They were notified by e mail that day that their response would need to be submitted that day as if it were received afterwards, it may not be taken into consideration. Their representation, which is attached at **Appendix 10** for information purposes, was received the following day, after the consultation ended. They objected to the renewal and argued that adequate powers exist under existing legislation to take action against advertisements; the restriction is no longer necessary; and it would have impact on letting businesses.
- 7.4.6 The reduction in unauthorised advertisements indicates a change in the attitude of letting agents. The late representation has not been taken into consideration as it was received outside the consultation period. Even if the response was received in time, the fact remains that the overwhelming response is in support of renewal of the Regulation 7 Direction.
- 7.4.7 It is considered that the use of letting boards is broadly unnecessary. They are often left in place for long periods or indefinitely, not to indicate vacant accommodation but to advertise the letting company. Most people looking for rented accommodation are likely to search agents' websites or property portals rather than walk or drive around an area looking for 'to let' boards.
- 7.4.8 It is not proposed at this time to extend the area covered by the Regulation 7 Direction as the existing control seems to be working. The restriction in the areas covered by the Regulation 7 Direction may have had a 'knock-on' effect for other areas as reports of unauthorised displays have dropped dramatically across the City.

8.0 CONCLUSIONS AND NEXT STEPS

- 8.1 Analysis of the consultation results, together with the surveys, shows overriding support from the public for the Council to apply to renew the Regulation 7 Direction. Of note is that there were fewer than 30 responses to this consultation whereas there were upwards of 230 in the consultation preceding the application to the Secretary of State. The evidence of the 2022 surveys shows that the Regulation 7 Direction has had the desired effect of securing the improvement to visual amenity required. It can be inferred that the erstwhile strong feeling about the detrimental effect the proliferation of 'to let' boards was having on the locale has dissipated, as the problem has largely

been resolved. It can be further inferred that this is due to the existence of the Regulation 7 Direction, effectively preventing such display.

- 8.2 Once the application has been made, stakeholders will have 21 days to submit objections directly to the Secretary of State, who will then consider the application. There is no set timescale for a decision and previous applications have taken up to 12 months to be considered, particularly if the Secretary of State takes the option of calling a Public Inquiry. If approved, the Regulation 7 Direction would be publicised and implemented appropriately.
- 8.3 Other Local Authorities such as Nottingham, Leeds, Newcastle and Charnwood have been successful with applications for renewal of Regulation 7 Directions in relation to residential 'To Let' boards. Like some of these authorities, the City Council has adopted guidance setting out a scheme of advertisement that should be followed. However, it is considered that the restriction to display 'to let' boards remains justified in the context of the impact and evidence. Internal advertisements in individual properties would be sufficient to supplement extensive online advertisements, shop displays and websites used by agents.
- 8.4 It is proposed to apply to the Secretary of State for Levelling Up, Housing and Communities to renew the existing Direction made under Regulation 7 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 by virtue of Regulation 29 of the same Regulations to retain removal of the deemed consent rights for the display of 'to let' boards within the areas of the City already identified.

9.0 FINANCIAL, LEGAL AND OTHER IMPLICATIONS

9.1 Financial Implications

- 10.1.2 Renewal of the Direction will involve advertising costs and possibly costs of an inquiry. If the renewal is approved then it will continue to be the case that some applications to display signs will be exempt from a planning application fee. Costs will be covered within existing budgets.

David Hall, Accountant, CDN Finance.

10.2 Legal Implications

- 10.2.1 The Council is entitled to restrict the deemed consent proposed to seek the removal of the display of adverts of any class shall not be permitted in the specified areas as referred to in paragraph 2.1 without express consent from the Council.
- 10.2.2 Regulation 29 Town and Country Planning (Control of Advertisements) Regulations 2007 ("2007 Regulations") provides "any power conferred by these regulations to give a direction includes a power to cancel or vary the direction by a subsequent direction". External advice has been sought and we have been advised that the procedure for renewal is the same as making a new application under Regulation 7.

10.2.3 Regulation 7 of the 2007 Regulations enables the Council to ask the Secretary of State to direct that express consent is required before advertisements for which deemed consent would otherwise be available may be displayed. The Council will have to undertake a full consultation process on the proposed direction restricting deemed consent that could result in representations and objections to the proposed direction which the Secretary of State will have to take into consideration when determining whether the deemed consent for the display of adverts shall not apply to the specified area for a specified period or indefinitely.

10.2.3 The Secretary of State will not make a direction until the consultation period has expired. In determining whether to make a direction the Secretary of State will consider any representations to the proposed direction. If any of the representations are objections to the proposed direction the Secretary of State will give them an opportunity to attend a hearing and make their representations in person to the Secretary of State or their representative. The Council will be given a reasonable opportunity to respond to any representations.

10.2.4 The Secretary of State when determining whether to restrict the deemed consent for the display of adverts can make a direction as proposed by the Council or they can modify the proposal and the area that it will apply to for a specified period or indefinitely.

10.2.5 Where the Secretary of State makes a direction it will be confirmed in writing to the Council with a statement of their reasons for making the direction and a copy will be sent to everyone who made a representation. The Council will publish the direction and Notice of making the direction on all the owners and occupiers in the area affected by the direction. The direction will come into force on the date that all the all the owners and occupiers in the area affected have been served with the direction. There is no right of appeal or challenge against the Secretary of State's direction.

Aqeel Adnan, Solicitor, Legal Services

10.3 Climate Change Implications

10.3.1 There are no significant climate emergency implications associated with this report.

Aidan Davis, Sustainability Officer.

10.4 Risk Assessment Matrix

Risk	Likelihood L/M/H	Severity Impact L/M/H	Control Actions (if necessary/appropriate)
Judicial Review	L	L	Ensure decision to make Regulation 7 direction is lawful, rational, reasonable and procedural fair.

10.5 Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph references within the report
Equal Opportunities	No	
Policy	Yes	6.1
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

11.0 BACKGROUND PAPERS – LOCAL GOVERNMENT ACT 1972

Student Housing SPD (Adopted June 2012); the existing Regulation 7 Direction

12.0 CONSULTATIONS

Consultation was carried out as set out in this report.

13.0 REPORT AUTHOR

Jackie Skinner, Planning, Development & Transportation



Introduction

A Regulation 7 Direction was made by Secretary of State for Housing, Communities and Local Government, which creates allows Leicester City Council more control over the prevalence of 'To Let' boards for residential lettings in some streets in the Windermere, Hazel, Clarendon Park, Greenhill, West End, Ashleigh Road and West End Conservation Area parts of Leicester.

The number of letting boards on residential properties has become excessive in parts of the City, especially where there are high numbers of rented accommodation. This has a negative impact on visual aspects in neighbourhoods and local residents have raised concerns that the quality of the residential environment is declining as a result, which is impacting on the housing market. The law (Town and Country Planning (Control of Advertisements) (England) Act 2007) already states that boards are to be removed three weeks after a property has been let, but this requirement is often ignored: some properties display them for long periods of time and some even have boards up all year round.

After a public consultation, a voluntary [Code of Practice](#) was introduced, however, it was largely ignored and the numbers of boards did not diminish.

In June 2016, the Council made an application to the Secretary of State for a Regulation 7 Direction and this was granted on 9th February 2018.

The Direction comes into effect on 2nd July 2018 and last for five years. It is accompanied by a revised [Code of Practice](#). This means that while technically, advertising consent is required to display residential 'To Let' boards in the affected areas, boards that are displayed in accordance with the [Code of Practice](#) are unlikely to face prosecution.

See below for the Secretary of State's [Direction](#), a [Quick Guide to the affected streets](#) and the addresses by area, including [maps](#). Please note, the address list is correct at the time of printing, but if in doubt, it should be seen in conjunction with the maps.

What is the Code of Practice?

The Code of Practice is a set of rules which determines how 'To Let' boards for residential lettings are displayed in specified streets of the City of Leicester.

Code of Practice

1. Only one residential lettings 'To Let' board per building will be permitted.
2. Each board shall have a white background and will conform to the following layout: 34cm x 48cm or 48cm x 34cm.
3. One company logo per board will be permitted providing that the logo does not exceed one third of the overall size of the advertising board.
4. Boards marked with 'Let by', 'Let', 'More Wanted' or similar wording are prohibited.
5. No more than one board shall be permitted per landlord/agent per street.
6. a) Boards shall be mounted flush to the wall above/around the front door, or if that is not possible, flush to the wall on the street frontage elevation. In either instance, no part of a board shall be higher than first-floor window sill level;

or,

b) alternatively, boards shall be displayed internally in a ground floor window facing the street frontage, but not in addition to a board displayed externally.
7. Boards shall only be allowed on properties immediately available 'To Let,' unless they are for the following academic year, when they shall not be put up until 1st January of that year.
8. Letting boards shall be removed not later than 14 days after the granting of a tenancy for the room, house or flat to which it relates.
9. No 'To Let' boards shall be displayed between 1st October to 31st December inclusive.

Revised May 2018

Why do we want to control the display of boards?

The number of letting boards on residential properties has become excessive in parts of the City, especially where there are high numbers of rented accommodation. This has a negative impact on visual aspects in neighbourhoods and local residents have raised concerns that the quality of the residential environment is declining as a result, which is impacting on the housing market. The law (Town and Country Planning (Control of Advertisements) (England) Act 2007) already states that boards are to be removed three weeks after a property has been let, but this requirement is often ignored: some properties display them for long periods of time and some even have boards up all year round.

The Council tried to tackle the issue by introducing a voluntary [Code of Practice](#), but this was not successful in reducing the number of boards on display.

After a public consultation, the Council submitted an application to the Secretary of State, who has made a Regulation 7 Direction restricting 'deemed consent' rights for the display of residential boards. This comes into effect on 2nd July 2018 and will last initially for five years.

Which streets are affected by the Regulation 7 Direction?

To find out the affected addresses, click on the relevant area: [Windermere](#), [Hazel](#), [Clarendon Park](#), [Greenhill](#), [West End](#), [Ashleigh Road](#), [West End Conservation Area](#).

What does this mean?

Normally, 'To Let' boards benefit from 'deemed consent' rights. However, the Regulation 7 Direction has removed these rights in specified streets.

Do I have to apply for advertisement consent?

In general, yes: advertisement consent is required to display a 'To Let' board and can be sought by submitting a planning application, along with a fee. However, in the interests of assisting landlords, the Council will not request planning applications for those boards which comply with the [Code of Practice](#). Where applications for advertisement consent are submitted, only those that comply with the [Code of Practice](#) will be considered acceptable.

What if I don't apply?

It is a criminal offence to display 'To Let' boards without consent. You may be prosecuted in the Magistrates' Court. The maximum fine on conviction of an offence is presently £2,500, with an additional daily fine of £250 for a continuing offence.

How will the Direction be enforced?

Surveys of the area will be undertaken, however, breaches can be reported to our Compliance and Monitoring Team. Contact them:

by e-mail: planning@leicester.gov.uk

by telephone: 0116 454 1000 (Customer Service Centre)

by post: Planning Department, Leicester City Council, City Hall,
115 Charles Street, Leicester LE1 1FZ

Appendix 1: Copy Regulation 7 Direction



Ministry of Housing,
Communities &
Local Government

Alan Beckett
Senior Planner, Leicester City Council
City Hall
115 Charles Street
Leicester
LE1 1FZ

Please ask for: Simon Heydecker-Dent
Tel: 0303 444 8162
Email: Simon.Heydecker-Dent@communities.gov.uk
Your ref: n/a
Our ref: PCLVAdRegaW24685/78326
Date: 9 February 2018

Dear Mr Beckett,

**TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS)
(ENGLAND) REGULATIONS 2007: ("the Regulations")
REGULATION 7: DIRECTION RESTRICTING DEEMED CONSENT**

1. I am directed by the Secretary of State to refer to the request made by Leicester City Council ("the Council") on 24 June 2016 for a Direction that deemed consent for the display of to-let boards relating to the letting of premises, which are advertisements under Class 3A of Schedule 3 to the Regulations, should be withdrawn from certain areas in Leicester.

2. Taking into account a site visit and representations made in response to the Council's initial announcement to seek the Direction, the Inspector considers that there are compelling reasons as to why deemed consent for the display of to-let boards should be withdrawn from certain specified areas. However the Inspector also considers that the level of display of to-let boards in certain specified areas does not amount to such an adverse effect on public amenity as to warrant a Regulation 7 Direction.

3. In paragraph 30 of her report, the Inspector notes that the quantity and concentration of to-let boards varies significantly between the various specified areas. The Inspector considers that, in those areas with significantly fewer to-let boards, those boards cannot be said to cause harm to the character and appearance of the areas such that a Regulation 7 Direction would be warranted.

4. In concluding, the Inspector recommends that the Direction be made only in respect of areas 2a, 2b, 3b, 3c, 4b, 4c and 4d as shown on the attached maps and listed below. The Inspector recommends that the Direction should apply for a period of five

Planning Casework Unit
Ministry of Housing, Communities and Local Government
5 St Philips Place
Birmingham
B3 2PW

Tel: 0303 444 8050
E-mail: pcu@communities.gov.uk

years. The Secretary of State agrees with the Inspector's appraisal set out in paragraphs 20-46 of her report. He agrees with her conclusions at paragraph 47 that in areas 1a, 1b, 2c, 4a and 4e there have been relatively small numbers of letting boards displayed over the years and he shares the Inspector's view that this level of display does not amount to such an adverse effect on public amenity as to warrant a Regulation 7 Direction and that control in these areas under the Advertisement Regulations is adequate. The Secretary of State agrees with the Inspector's conclusion at paragraph 48 that a Regulation 7 Direction is justified in certain areas because normal controls are inadequate. He agrees that this is the case in respect of areas 2a, 2b, 3b, 3c, 4b, 4c and 4d. The Secretary of State shares the Inspector's view that the visual harm identified in these areas could only be overcome by removing deemed consent rights for the display of letting boards.

Formal Decision

5. Accordingly for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He is satisfied that a Direction should be made to control the display of advertisements relating to the letting of premises within the areas of Leicester identified below and on the maps submitted by the Council for a period of five years.

6. The Direction would cover the following areas in Leicester, as shown on the attached maps, namely:

- Area 2a – Windermere
- Area 2b – Hazel
- Area 3b – Clarendon Park
- Area 3c – Greenhill
- Area 4b – West End
- Area 4c – Ashleigh Road
- Area 4d – West End Conservation Area

7. A formal Direction is attached. The Council's attention is drawn to the provisions of Regulation 7(7), which specify the procedure for publishing the effect and date of operation of the Direction.

8. When this Direction is brought into effect, the display of boards in respect of the letting of premises may only be undertaken lawfully in the areas specified in paragraph 6 above, when the Council have granted express consent for their display. In order not to prejudice the interests of persons wishing to display advertisements for property lettings, the Council are invited to ensure that any such applications for express consent are decided within the period specified in Regulation 14(1) of the Regulations.

9. In line with the Inspector's comments in paragraph 48 of her report, the Secretary of State suggests that the Council attaches details of the addresses of the properties in

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Ministry of Housing, Communities and Local Government
6 St Philips Place
Birmingham
B3 2PW

Tel: 0303 444 8000
E-mail: psa@communities.gov.uk

all the streets within the areas to which the Direction applies when publishing the Direction.

Right of Appeal against the Decision

10. The decision of the Secretary of State may be challenged by way of an application to the High Court and a separate note is attached to this letter setting out the circumstances in which such an application may be made.

Yours sincerely,

Dave Moseley

Dave Moseley
Senior Planning Casework Manager

Planning Casework Unit
Ministry of Housing, Communities and Local Government
6 St Philips Place
Birmingham
B3 2PW

Tel: 0303 444 8060
E-mail: pou@communities.gov.uk

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS)
(ENGLAND) REGULATIONS 2007
REGULATION 7: DIRECTION RESTRICTING DEEMED CONSENT**

The Secretary of State for Housing, Communities and Local Government ('the Secretary of State') is satisfied, upon a proposal made to him by Leicester City Council, as the local planning authority, that the display of advertisements relating to the letting of premises as specified in Class 3A of Schedule 3, Part 1, to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the 'Regulations') should not be undertaken without express consent in parts of Leicester.

The Direction would cover the following areas in Leicester, as shown on the attached maps, namely:

- Area 2a - Windemere
- Area 2b - Hazel
- Area 3b - Clarendon Park
- Area 3c - Greenhill
- Area 4b - West End
- Area 4c - Ashleigh Road
- Area 4d - West End Conservation Area

The proposal has been the subject of a site visit, having been publicly advertised and representations made to the Secretary of State in accordance with the provisions of the Regulations.

The areas to be included in the Direction are specified in the Schedule to this Direction.

This Direction shall have effect for a period of five years from the date on which it comes into force in accordance with the provisions of the Regulations.

Schedule

This Direction relates to the display of advertisements relating to the letting of premises as specified under Class 3A of Part 1 of Schedule 3 to the Regulations in the following areas in Leicester, namely:

- Area 2a - Windermere
- Area 2b - Hazel
- Area 3b - Clarendon Park
- Area 3c - Greenhill
- Area 4b - West End
- Area 4c - Ashleigh Road
- Area 4d - West End Conservation Area

The reasons for the Secretary of State's decision are set out in his letter of 9 February 2018 to the Council, a copy of which is attached.

Dave Moseley

Dave Moseley
Senior Planning Casework Manager

Ministry of Housing, Communities and Local Government
Authorised by the Secretary of State to sign on that behalf

Appendix 2: Quick Guide to Affected Streets

A-Z (with area numbers)									
Adderley Road	3b	Cambridge Street	4b	Harrow Road	4b	Noel Street	4b	Stuart Street	4b
Ashleigh Gardens	4c	Cecilia Road	3b	Hartopp Road	3b	Norman Street	4b	Sykefield Avenue	4b 4d
Ashleigh Road	4c	Celt Street	4b	Hazel Street	2b	Oakland Road	3b	Thrimere Street	2a
Avenue Road Ext	3b	Clarendon Park Road	3b	Hinckley Road	4b	Oriando Road	3b	Thurlow Road	3b
Aylestone Road	2b	Clarendon Street	2a	Howard Road	3b	Oxford Road	3b	Tyndale Street	4b
Barclay Street	4b	Craddock Road	3b	Ivy Road	4b	Paton Street	4b	Ullswater Street	2a
Beaconsfield Road	4b	Cranmer Street	4b	Knighton Park Road	3b	Queens Road	3b 3c	Upperton Road	4b
Bisley Street	4b	Eastleigh Road	4b	Jarrom Street	2a	Raeburn Road	3c	Victoria Park Road	3b
Blue Fox Close	4b	Edward Road	3b	Landseer Road	3b	Ridley Street	4b	Walnut Street	2a 2b
Bonnington Road	3c	Equity Road	4b	Latimer Street	4b	Roman Street	4b	Walton Street	4b
Braunstone Gate	4b	Filbert Street	2a	Leopold Road	3b	Ruding Road	4b	Welford Road	3b 3c
Brazil Street	2b	Filbert Street East	2b	Livingstone Street	4b 4d	Ruding Terrace	4b	Westcotes Drive	4b 4d
Briton Street	4b	Fleetwood Court	3b	Lome Road	3b	Rydal Street	2a	West Avenue	3b
Browning Street	4b	Fleetwood Road	3b	Luther Street	4b	Sawday Street	2b	Westbury Road	3b
Bruce Street	4b	Fosse Road South	4b 4c 4d	Lytham Road	3b	Saxon Street	4b	Western Road	4b
Brookland Road	3b	Gainsborough Road	3c	Lytton Road	3b	Seymour Road	3b	Westleigh Road	4c
Bulwer Road	3b	Gaul Street	4b	Montague Road	3b	Shaftesbury Road	4b 4d	Wilberforce Road	4b
Burnmoor Street	2a	Grasmere Street	2a	Narborough Road	4b 4c	Sheffield Street	4b	Windermere Street	2a
Buttermere Street	2a	Greenhill Road	3c	New Bridge Street	2b	St Leonards Road	3b		

If you have any queries, please contact us:

by e-mail: planning@leicester.gov.uk

by telephone: 0116 454 1000 (Customer Service Centre)

by post: Planning Department, Leicester City Council, City Hall, 115 Charles Street, Leicester LE1 1FZ

2a – Windermere

2b – Hazel



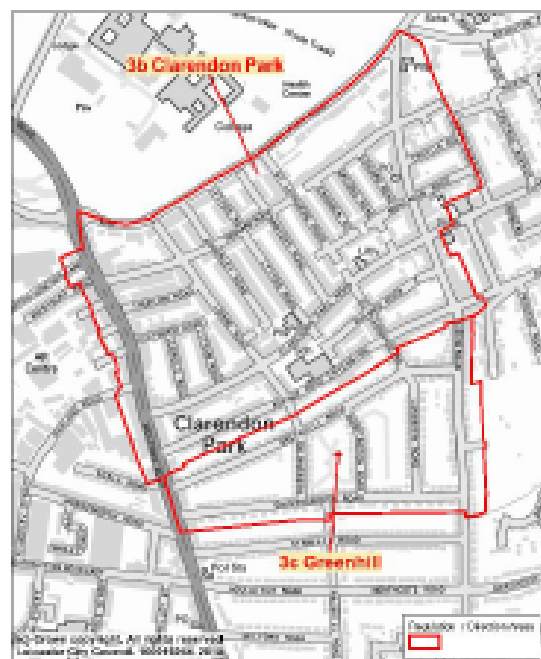
Appendix 3: Addresses by Area

2a - Windermere		
Street	Even Numbers	Odd Numbers
Bummoor Street	10-36	1-87
Buttermere Street	-	17 only
Clarendon Street	94-134	-
Filbert Street	104-112	103-181
Grasmere Street	28-158	41-137
Jarrom Street	102-214	93-167
Rydal Street	2-38	3-35
Thrimere Street	-	1-45
Ullswater Street	2-58	1-67
Walnut Street	110-170	177-217
Windermere Street	2-62	1-83

2b - Hazel		
Street	Even Numbers	Odd Numbers
Aylestone Road	-	65-115
Brazil Street	12-56	9-33
Filbert Street East	2-54	1-31
Hazel Street	2-38	1-43
New Bridge Street	48-64	-
Sawday Street	2-28	1 only
Walnut Street	2-36	-

3b – Clarendon Park

3c – Greenhill



3b – Clarendon Park

Street	Even Numbers	Odd Numbers
Adderley Road	4-102	1-87
Avenue Road Ext	94-274	3-315
Brookland Road	2-6	-
Bulwer Road	2-74	1-75
Cecilia Road	2-36	1-31
Clarendon Park Road	78-295	107-325
Craddock Road	2-42	1-45
Edward Road	2-40	1-41
Fleetwood Court	2-18	1-17
Fleetwood Road	2-18	1-49
Hartopp Road	34-122	1-121
Howard Road	26-192	1-175
Knighton Park Road	26 only	
Landseer Road	4-58	9-63
Leopold Road	2-38	1-51

Street	Even Numbers	Odd Numbers
Lome Road	2-138	1-117
Lytham Road	2-28	1-39
Lytton Road	2-142	1-83
Montague Road	2-98	1-101
Oakland Road	2 only	-
Orlando Road	2-6	1-13
Oxford Road	4-38	1-43
Queens Road	16-252	43-217
Seymour Road	2-14	1-11
St Leonards Road	52-156 & Park House	23-157
Thurlow Road	2-50	1-41
Victoria Park Road	128-366	-
Welford Road	170-334	201-351
West Avenue	all of Clarendon Court	7-61
Westbury Road	2, 2A & 2B only	-

3c – Greenhill

Street	Even Numbers	Odd Numbers
Bonnington Road	2-36	1-33
Gainsborough Road	4-102	3-93
Greenhill Road	2-110	1-121
Queens Road	134-252	153-217
Raeburn Road	2-28	1-29
Welford Road	316	334

4b – West End
 4c – Ashleigh Road
 4d – West End Conservation Area



4b - West End					
Street	Even Numbers	Odd Numbers	Street	Even Numbers	Odd Numbers
Barclay Street	2-148	3-163	Luther Street	2-102	1-103
Beaconsfield Road	2-132	1-131	Narborough Road	2-210	1-203
Bisley Street	2-36	1-33	Noel Street	2-68	1-85
Blue Fox Close	2-24	1-23	Norman Street	4-84	1-71
Braunstone Gate	58-68	-	Paton Street	2-72	3-71
Briton Street	14-38	3-43	Ridley Street	2-106	1-63
Browning Street	2-52	1-55	Roman Street	4-24	1-29
Bruce Street	30-66	1-69	Ruding Road	-	1-17
Cambridge Street	4-138	5-133	Ruding Terrace	2 only	1 only
Celt Street	4-22	1-17	Saxon Street	2-20	1-23
Cranmer Street	2-102	3-99	Shaftesbury Road	2-34	1-55
Eastleigh Road	2-86	1-115	Sheffield Street	10-34	1-23
Equity Road	2-40	1-41	Stuart Street	2-96	1-109
Fosse Road South	106-202	101-191	Sykefield Avenue	6-46	1-55
Gaul Street	2-48	1-73	Tyndale Street	4-96	1-97
Harrow Road	2-170	1-183	Upperton Road	6-106	1-173
Hinckley Road	2-86	-	Walton Street	10-92	1-99
Ivy Road	2-62	1-59	Westcotes Drive	2-52	1-49
Latimer Street	2-60	1-93	Western Road	118-378	1-251
Livingstone Street	2-104	-	Wilberforce Road	2-190	1-139

4c – Ashleigh Road		
Street	Even Numbers	Odd Numbers
Ashleigh Gardens	All properties	All properties
Ashleigh Road	2-28	15-27
Fosse Road South	220-228	-
Narborough Road	-	171-195
Westleigh Road	6-40	1-35

4d - West End Conservation Area		
Fosse Road South	2-90	-
Livingstone Street	-	33-51
Shaftesbury Road	60-66	-
Sykefield Avenue	2-4	-
Westcotes Drive	52-136	-



Appendix 2: Street Surveys

2a - Windermere			Number of Boards		
Street	Even Numbers	Odd Numbers	2013 survey	2022 Sep	2022 Oct
			Burnmoor Street	10-36	1-87
Buttermere Street	-	17 only	-	0	0
Clarendon Street	94-134	-	-	0	0
Filbert Street	104-112	103-181	-	0	0
Grasmere Street	28-158	41-137	31	1	0
Jarrom Street	102-214	93-167	21	2	1
Rydal Street	2-38	3-35	8	0	1
Thirlmere Street	-	1-45	5	0	0
Ullswater Street	2-58	1-67	11	1	0
Walnut Street	110-170	177-217	0	0	0
Windermere Street	2-62	1-83	12	0	0
Number of streets:			88	4	2
			-	0	0

Totals:	In 2013: 88	In 2022: 6
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2a - Hazel			Number of Boards		
Street	Even Numbers	Odd Numbers	2013 survey	2022 Sep	2022 Oct
			Aylestone Road	-	65-115
Brazil Street	12-56	9-33	-	0	0
Filbert Street East	2-54	1-31	-	0	0
Hazel Street	2-38	1-43	-	0	0
New Bridge Street	48-64	-	-	0	0
Sawday Street	2-28	1 only	-	0	0
Walnut Street	2-36	-	2	0	0
Number of streets:			2	0	0
			-	2	0

Totals:	In 2013: 2	In 2022: 2
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3b - Clarendon Park			Number of Boards		
Street	Even Numbers	Odd Numbers	2013 survey	2022 Sep	2022 Oct
			Adderley Road	4-102	1-87
Avenue Road Ext	94-274	3-315	13	3	0
Brookland Road	2-6	-	-	0	0
Bulwer Road	2-74	1-75	-	0	0

Cecilia Road	2-36	1-31	-	0	0
Clarendon Park Road	78-296	107-325	10	0	0
Cradock Road	2-42	1-45	-	0	0
Edward Road	2-40	1-41	1	0	0
Fleetwood Court	2-18	1-17	-	0	0
Fleetwood Road	2-18	1-49	1	0	1
Hartopp Road	34-122	1-121	6	0	0
Howard Road	26-192	1-175	7	0	0
Knighton Park Road	26 only	-	-	0	0
Landseer Road	4-58	9-63	-	0	0
Leopold Road	2-38	1-51	1	0	0
Lorne Road	2-138	1-117	-	0	0
Lytham Road	2-28	1-39	4	0	0
Lytton Road	2-142	1-83	-	1	0
Montague Road	2-98	1-101	5	0	0
Oakland Road	2 only	-	-	0	0
Orlando Road	2-6	1-13	-	0	0
Oxford Road	4-38	1-43	6	0	1
Queens Road	16-252	43-217	0	0	0
Seymour Road	2-14	1-11	0	0	0
St Leonards Road	52-156 & Park House	23-157	4	0	0
Thurlow Road	2-50	1-41	-	0	0
Victoria Park Road	128-366	-	-	0	0
Welford Road	170-334	201-351	10	0	0
West Avenue	all of Clarendon Court	7-61	-	0	0
Westbury Road	2, 2A & 2B only	-	-	0	0
Number of streets:			68	3	2
14	16		-	1	0

Totals:	In 2013: 68	In 2022: 6
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3c – Greenhill			Number of Boards		
Street	Even Numbers	Odd Numbers	2013 survey	2022 Sep	2022 Oct
Bonnington Road	2-36	1-33	3	0	0
Gainsborough Road	4-102	3-93	-	0	0
Greenhill Road	2-110	1-121	4	0	0
Queens Road	134-252	153-217	1	0	0
Raeburn Road	2-28	1-29	-	0	0
Welford Road	316	334	0	0	0
Number of streets:			8	0	0
4	2		-	0	0

Totals:	In 2013: 8	In 2022: 0
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4b - West End			Number of Boards		
Street	Even Numbers	Odd Numbers	2013 survey	2022 Sep	2022 Oct
			Barclay Street	2-148	3-163
Beaconsfield Road	2-132	1-131	23	1	0
Bisley Street	2-36	1-33	2	0	0
Blue Fox Close	2-24	1-23	-	0	0
Braunstone Gate	58-68	-	-	0	0
Briton Street	14-38	3-43	-	0	0
Browning Street	2-52	1-55	-	0	0
Bruce Street	30-66	1-69	3	0	0
Cambridge Street	4-138	5-133	14	3	0
Celt Street	4-22	1-17	4	0	0
Cranmer Street	2-102	3-99	3	0	0
Eastleigh Road	2-86	1-115	10	3	0
Equity Road	2-40	1-41	7	0	0
Fosse Road South	106-202	101-191	22	0	0
Gaul Street	2-48	1-73	10	0	0
Harrow Road	2-170	1-183	18	1	0
Hinckley Road	2-86	-	-	0	0
Ivy Road	2-62	1-59	1	0	0
Latimer Street	2-60	1-93	1	0	0
Livingstone Street	2-104	-	2	0	0
Luther Street	2-102	1-103	12	0	0
Narborough Road	2-210	1-203	-	0	0
Noel Street	2-68	1-85	8	0	0
Norman Street	4-84	1-71	18	0	0
Paton Street	2-72	3-71	9	0	0
Ridley Street	2-106	1-63	8	0	0
Roman Street	4-24	1-29	3	0	0
Ruding Road	-	1-17	-	0	0
Ruding Terrace	2 only	1 only	-	0	0
Saxon Street	2-20	1-23	-	0	0
Shaftesbury Road	2-34	1-55	-	0	0
Sheffield Street	10-34	1-23	3	0	0
Stuart Street	2-96	1-109	11	0	0
Sykefield Avenue	6-46	1-55	-	0	0
Tyndale Street	4-96	1-97	8	0	0
Upperton Road	6-106	1-173	9	0	0
Walton Street	10-92	1-99	12	0	0
Westcotes Drive	2-52	1-49	-	0	0
Western Road	118-378	1-251	14	1	0
Wilberforce Road	2-190	1-139	24	0	0
Number of streets:			284	11	0
			-	0	0

Totals:	In 2013: 284	In 2022: 11
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4c – Ashleigh Road					
Street	Even Numbers	Odd Numbers	Number of Boards		
			2013 survey	2022 Sep	2022 Oct
Ashleigh Gardens	All properties	All properties	-	0	0
Ashleigh Road	2-28	15-27	-	0	0
Fosse Road South	220-228	-	0	0	0
Narborough Road	-	171-195	-	0	0
Westleigh Road	6-40	1-35	-	1	0
Number of streets:			0	0	0
			1	1	0

Totals:	In 2013: 0	In 2022: 1
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4d - West End Conservation Area					
Street	Even Numbers	Odd Numbers	Number of Boards		
			2013 survey	2022 Sep	2022 Oct
Fosse Road South	2-90	-	0	0	0
Livingstone Street	-	33-51	2	0	0
Shaftesbury Road	60-66	-	-	0	0
Sykefield Avenue	2-4	-	-	0	0
Westcotes Drive	52-136	-	-	0	0
Number of streets:			2	0	0
			2	0	0

Totals:	In 2013: 2	In 2022: 0
----------------	-------------------	-------------------

Streets: 101 streets (54 from original surveys, 47 more included in the Direction).
(Fosse Road South, Welford Road, Queens Road are stated twice, split by area into different zones)

Boards:

2013: Total **452**

2022: September October

Total 23

Total 3

Grand Total: **26**

Key

- On original and current surveys
- On current surveys only

Appendix 3: Consultation

Regulation 7 Public Consultation (To Let Boards)

Overview

Leicester City Council received a number of complaints during the early and mid 2010s in relation to the display of 'to let' boards and their effect on the character and appearance of residential areas.

The council understands the need to advertise properties that are available to rent but was concerned about the large number of 'to let' boards for residential properties in some areas and looked at more effective ways of controlling them.

The display of 'to let' boards is controlled by national legislation and boards that are on display within the limits of the legislation have 'deemed consent'.

In 2016, LCC applied to the government to issue a Direction under Regulation 7 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 to remove this 'deemed consent' for 'to let' boards for residential properties in some areas of the city.

The Direction was issued on 9th February 2018 and covers some streets in the Castle, Knighton, Saffron and Westcotes wards. It was implemented on 2nd July 2018 and runs alongside an advisory Code of Practice which gives localised guidance on acceptable alternative advertisement.

Since the Direction was implemented, there has been a significant reduction in illegally displayed 'to let' boards which has led to an improvement in the appearance of the affected areas.

The council considers the removal of 'deemed consent' coupled with localised guidance on acceptable alternative advertisement to have been successful.

The Direction is due to expire on 1st July 2023 and the council wishes to apply to renew and retain the removal of 'deemed consent' in those areas, allowing the council to keep the existing level of control.

Before we do this, we would welcome your views on the renewal of Direction Regulation 7.

Closes 5 Apr 2023

Opened 8 Mar 2023

Contact

Jacki Skinner
 (Planning Enforcement Officer)
 Planning Compliance and
 Monitoring Team
planning.enforcement@leicester.gov.uk

Give us your views

[Online Survey >](#)

Areas

Castle Knighton Saffron Westcotes

Audiences

Working-age people Older people All residents Carers Full-time and part-time workers Disabled people Local businesses Local schools
Local charitable organisations, including faith communities Households within the scheme boundary Parents Volunteers Landowners Women
Customers / service users Licensed premises Landlords Private tenants Leicester City Council tenants Older households (65+) Single people
Families with children, including lone parents Couples All households Faith groups Sports clubs Youth clubs Carers' network Trade unions
Voluntary organisations Community organisations Self-help groups User groups Third sector infrastructure groups
All Voluntary and Community Organisations Advocacy organisation Drug and Alcohol services Health services
Early years providers (child minders, nurseries, etc) Taxi operators Schools Businesses All Public and Private Organisations Service providers
Partner agencies Service users Care home residents and their next of kin Allotment holders Walking groups Taxi / HCV / PHV drivers
Support providers Floating support providers Landlords

Interests

Housing Public health Revenues and Benefits Adult social care Planning Highways Climate change Parks and green spaces
Refuse collection and disposal Environmental health Allotments Community cohesion Local government Transport Parking

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Regulation 7 Public Consultation (To Let Boards)

Page 1 of 5



Closes 5 Apr 2023

This service needs [cookies enabled](#).

About You

Are you responding as (please tick as many options as apply)

- Owner/occupier
- Student
- Letting agent
- Landlord
- Tenant (Private/Council)
- Other

If other, please state

What is your home/work postcode? (as appropriate)

Please note: we collect postcode data to gain a better understanding of which parts of the city / county respond to our consultations. We cannot identify individual properties or addresses from this information.

[Save and come back later...](#)

[Continue >](#)



Regulation 7 Public Consultation (To Let Boards)

Page 2 of 5



Closes 5 Apr 2023

This service needs [cookies enabled](#).

Regulation 7 Directive Comments

[View the existing Direction, including maps and a full list of affected addresses](#)

Do you support the renewal of the Direction Regulation 7 (To Let Boards)?

- Yes
- No
- No opinion either way

Do you have any comments

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« First

Save and come back later...

Continue >

Regulation 7 Public Consultation (To Let Boards)

Page 3 of 5



Closes 5 Apr 2023

This service needs
[cookies enabled](#)

Equality monitoring

The information you provide in this final section of the questionnaire will be kept in accordance with terms of current Data Protection legislation and will only be used for the purpose of monitoring. Your details will not be passed on to any other individual, organisation or group. Leicester City Council is the data controller for the information on this form for the purposes of current Data Protection legislation.

Ethnic background:

- Asian or Asian British: Bangladeshi
- Asian or Asian British: Indian
- Asian or Asian British: Pakistani
- Asian or Asian British: Any other Asian background
- Black or Black British: African
- Black or Black British: Caribbean
- Black or Black British: Somali
- Black or Black British: Any other Black background
- Chinese
- Chinese: Any other Chinese background
- Dual/Multiple Heritage: White & Asian
- Dual/Multiple Heritage: White & Black African
- Dual/Multiple Heritage: White & Black Caribbean
- Dual/Multiple Heritage: Any other heritage background
- White: British
- White: European
- White: Irish
- White: Any other White background
- Other ethnic group: Gypsy/Romany/Irish Traveller
- Other ethnic group: Any other ethnic group
- Prefer not to say

If you said your ethnic group was one of the 'Other' categories, please tell us what this is:

Age:

- under 18
- 18 - 25
- 26 - 35
- 36 - 45
- 46 - 55
- 56 - 65
- 66+
- Prefer not to say

Sexual orientation. Do you consider yourself to be ...

- Bisexual
- Gay / lesbian
- Heterosexual / straight
- Prefer not to say
- Other (please specify)

Disability

The Equality Act 2010 defines a person as disabled if they have a physical or mental impairment which has a substantial and long-term effect on their ability to carry out normal day-to-day activities and has lasted or is likely to last for at least 12 months. People with HIV, cancer, multiple sclerosis (MS) and severe disfigurement are also covered by the Equality Act.

Do you consider yourself to be a disabled person?

- A mental health difficulty, such as depression, schizophrenia or anxiety disorder
- A physical impairment or mobility issues, such as difficulty using your arms or using a wheelchair or crutches
- A social / communication impairment such as a speech and language impairment or Asperger's syndrome / other autistic spectrum disorder
- A specific learning difficulty or disability such as Down's syndrome, dyslexia, dyspraxia or AD(H)D
- Blind or have a visual impairment uncorrected by glasses
- Deaf or have a hearing impairment
- An impairment, health condition or learning difference that is not listed above (specify if you wish)
- Prefer not to say
- Other

If Other, please say

How would you define your religion or belief?

- Atheist
- Bahai
- Buddhist
- Christian
- Hindu
- Jain
- Jewish
- Muslim
- Sikh
- No religion
- Prefer not to say
- Other

If Other, please specify

What is your sex?

- Female
- Male
- Prefer not to say

Is your gender identity the same as your sex registered at birth?

If No, what term do you use to identify your gender? (leave blank if prefer not to say)

< Back

« First

Save and come back later...

Continue >

Regulation 7 Public Consultation (To Let Boards)

Page 4 of 5



Closes 5 Apr 2023

Almost done...

You are about to submit your response. Please provide a valid email address if you would like to receive confirmation of your submission and a copy of your responses. This email address is not retained after the confirmation is sent.

If you provide an email address you will be sent a receipt and a link to a PDF copy of your response.

Email address

[< Back](#)

[<< First](#)

[Submit Response](#)

Appendix 4: Letter to agents

To Your Residential Lettings Team,

As you are aware, in February 2018, the Secretary of State, in pursuance of powers conferred on him by Regulation 7 of the Town and Country Planning (Control of Advertisements) Regulations 2007, agreed to a Direction that the display of advertisements specified in Class 3A of Schedule 3, Part 1 (residential 'to let' boards) should not be undertaken in some streets in the following areas: Windermere, Hazel, Clarendon Park, Greenhill, West End, Ashleigh Road and West End Conservation Area. The Direction came into effect on 2nd July 2018 and lasts for five years. To view the details of the existing Direction visit <https://www.leicester.gov.uk/planning-and-building/planning-applications/do-i-need-permission/to-let-boards-control/#>.

I would like to take the opportunity to thank you for your co-operation in ensuring compliance with the legislation.

The Council are currently preparing an application for a renewal of the Direction. As part of this process, should you wish to do so, you can forward your views as to the success of the scheme or any comments you would wish to make. As part of the formal process, the application will be advertised in the local and national press, and you will have an opportunity to comment formally but we would like to give you the opportunity to express your views on a more informal basis beforehand should you wish to do so.

It is not our intention to withdraw the Code of Practice that runs alongside the Direction at the present time because it appears to be working successfully. It would be appreciated, however, if you could ensure that your staff adhere to the restrictions of the regulations in relation to residential letting boards across the town, including the siting of boards on properties and time restrictions in respect of the display.

Should you have any comments on renewal of the Direction, please submit them via the online consultation page <https://consultations.leicester.gov.uk/communications/regulation-7-public-consultation-to-let-boards/>.

In case of any difficulty with submitting comments online you may write to me at:

Leicester City Council
Planning
2nd Floor
115 Charles Street
Leicester
LE1 1FZ

or e mail me at planning.enforcement@leicester.gov.uk.

Any comments should be received by 5th April 2023.

I look forward to your continued co-operation.

Appendix 5: Site notices



Leicester
City Council

THE TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) (ENGLAND) REGULATIONS 2007

In July 2018, Leicester City Council implemented a Direction under Regulation 7 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 to restrict the display of residential letting ('to let') boards in some areas of the City.

Leicester City Council intends to apply to the Secretary of State for Levelling Up, Housing and Communities to renew the Direction. Before making this application, the City Council would appreciate your views on the success of the Direction.

Maps of the areas and a full list of the streets covered by the existing Direction are available at the Customer Service Centre, 91 Granby Street, Leicester LE1 6FB, which is open Tuesday and Thursday 9.30am - 4.30pm.

Further information on the areas affected by the Direction can be found on our website at [To Let boards control \(leicester.gov.uk\)](https://www.leicester.gov.uk/to-let-boards-control/).

The consultation starts on 8th March 2023 and closes on 5th April 2023 and is available at the following link: <https://consultations.leicester.gov.uk/communications/regulation-7-public-consultation-to-let-boards>.

Alternatively you can send your views in writing to:

To Let Boards Consultation
Planning
City Hall
115 Charles Street
Leicester
LE1 1FZ

Comments may also be made by e-mail to planning_enforcement@leicester.gov.uk Please quote 'To Let Boards Consultation'.

Please note: Any comments we receive will be stored electronically and will be publicly available. We will store your contact details on a computer database but will not release any information from the database other than your name to anybody not acting for the Council.

Dated: 8th March 2023

This notice may be removed after 5th April 2023.

2a – Windermere
2b – Hazel



2a - Windermere		
Street	Even Numbers	Odd Numbers
Burnmoor Street	10-36	1-87
Buttermere Street	-	17 only
Clarendon Street	94-134	-
Filbert Street	104-112	103-181
Grasmere Street	28-158	41-137
Jarvis Street	102-214	93-167
Rydal Street	2-38	3-35
Thirlmere Street	-	1-45
Ullswater Street	2-58	1-67
Walnut Street	110-170	177-217
Windermere Street	2-62	1-83

2b - Hazel		
Street	Even Numbers	Odd Numbers
Aylestone Road	-	85-115
Brazil Street	12-56	9-33
Filbert Street East	2-54	1-31
Hazel Street	2-38	1-43
New Bridge Street	48-84	-
Sawtry Street	2-28	1 only
Walnut Street	2-36	-



**THE TOWN AND COUNTRY PLANNING
(CONTROL OF ADVERTISEMENTS)
(ENGLAND) REGULATIONS 2007**

Leicester
City Council

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Please note: Any comments we receive will be stored electronically and will be publicly available. We will store your contact details on a computer database but will not release any information from the database other than your name to anybody not acting for the Council.

Dated: 6th March 2023

This notice may be removed after 5th April 2023.

3b – Clarendon Park

3c – Greenhill



3b – Clarendon Park					
Street	Even Numbers	Odd Numbers	Street	Even Numbers	Odd Numbers
Adderley Road	4-102	1-67	Lorne Road	2-136	1-117
Avenue Road Ext	94-274	3-315	Lytham Road	2-28	1-39
Brookland Road	2-6	-	Lytton Road	2-142	1-83
Bulwer Road	2-74	1-75	Montague Road	2-98	1-101
Cecilia Road	2-36	1-31	Oakland Road	2 only	-
Clarendon Park Road	78-296	107-325	Oriando Road	2-6	1-13
Cradock Road	2-42	1-45	Oxford Road	4-38	1-43
Edward Road	2-40	1-41	Queens Road	16-252	43-217
Fleetwood Court	2-18	1-17	Seymour Road	2-14	1-11
Fleetwood Road	2-18	1-49	St Leonards Road	52-156 & Park house	23-157
Harrop Road	34-122	1-121	Thurlow Road	2-50	1-41
Howard Road	26-192	1-175	Victoria Park Road	128-366	-
Knighton Park Road	26 only	-	Welford Road	170-334	201-351
Landseer Road	4-58	9-63	West Avenue	all of Clarendon Court	7-61
Lenzold Road	2-38	1-51	Westbury Road	2, 2A & 2B only	-

3c – Greenhill		
Street	Even Numbers	Odd Numbers
Donington Road	2-36	1-33
Gainsborough Road	4-102	3-93
Greenhill Road	2-110	1-121
Queens Road	134-252	153-217
Raeburn Road	2-28	1-29
Welford Road	316	334



THE TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) (ENGLAND) REGULATIONS 2007

Leicester
City Council

In July 2018, Leicester City Council implemented a Direction under Regulation 7 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 to restrict the display of residential letting ('to let') boards in some areas of the City.

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Comments may also be made by e-mail to planning.enforcement@leicester.gov.uk Please quote 'To Let Boards Consultation'.

Please note: Any comments we receive will be stored electronically and will be publicly available. We will store your contact details on a computer database but will not release any information from the database other than your name to anybody not acting for the Council.

Dated: 6th March 2023

This notice may be removed after 5th April 2023.

4b – West End 4c – Ashleigh Road 4d – West End Conservation Area



Street	Even Numbers	Odd Numbers
Barclay Street	2-146	3-163
Beaconsfield Road	2-132	1-131
Bisley Street	2-36	1-33
Blue Fox Close	2-24	1-23
Braunstone Gate	58-68	-
Briton Street	14-38	3-43
Browning Street	2-52	1-55
Bruce Street	30-66	1-69
Cambridge Street	4-138	5-133
Cell Street	4-22	1-17
Cranmer Street	2-102	3-99
Eastleigh Road	2-66	1-115
Equity Road	2-40	1-41
Fosse Road South	106-202	101-191
Gaul Street	2-48	1-73
Harrow Road	2-170	1-183
Hinckley Road	2-66	-
Ivy Road	2-62	1-59
Latimer Street	2-60	1-93
Livingstone Street	2-104	-
Luther Street	2-102	1-103
Narborough Road	2-210	1-203
Noel Street	2-68	1-65
Norman Street	4-84	1-71
Paton Street	2-72	3-71
Ridley Street	2-106	1-63
Roman Street	4-24	1-29
Rudge Road	-	1-17
Rudge Terrace	2 only	1 only
Saxon Street	2-20	1-23
Shaftesbury Road	2-34	1-55
Sheffield Street	10-34	1-23
Stuart Street	2-96	1-109
Sykefield Avenue	6-46	1-55
Tyndale Street	4-96	1-97
Upperton Road	6-106	1-173
Walton Street	10-92	1-99
Westcoles Drive	2-52	1-49
Western Road	118-378	1-251
Wilberforce Road	2-190	1-139

Street	Even Numbers	Odd Numbers
Ashleigh Gardens	All properties	All properties
Ashleigh Road	2-26	15-27
Fosse Road South	220-228	-
Narborough Road	-	171-195
Westcoles Road	6-40	1-35

Street	Even Numbers	Odd Numbers
Fosse Road South	2-60	-
Livingstone Street	-	33-51
Shaftesbury Road	60-66	-
Sykefield Avenue	2-4	-
Westcoles Drive	52-136	-

Leicester Mercury 10th March 2023

Ban on 'eyesore' To Let boards could be extended in Leicester with fines for those who disobey

'We don't want to see the advertising boards becoming an eyesore in these areas again'



The city council hopes to extend the ban for five more years (Image: pawopa3336/Getty)

A ban on erecting 'To Let' boards outside some city homes without permission could be extended. The boards have been branded an eyesore when they are allowed to build up in residential areas, with some residents feeling they damage the sense of community in affected streets and make neighbourhoods look scruffy.

The ban was introduced in parts of the Castle, Knighton, Saffron and Westcotes wards in 2018, after Leicester City Council received complaints from residents over the large number of such boards in their areas. Some were left up almost permanently.

The ban is due to expire this summer, and the council is looking to renew it for another five years. Currently, landlords in the areas covered by the ban must [apply for planning permission](#) if they want to put up a board outside their homes. If they put one up without approval, they [can be fined up to £2,500](#).

Leicester City Council has launched [an online consultation](#) over the ban's extension. The authority is asking residents whether they believe the measure is effective and if they support its continuation.

One resident told LeicestershireLive: "I hate them. They make neighbourhoods look like nobody lives there permanently, which really damages the sense of community.

"The ban has been brilliant. They were just out of control."

Deputy city mayor Councillor Piara Singh Clair, who leads on regulatory services, said: "Prior to bringing these new powers into effect, many people who lived close to the universities were concerned about the almost permanent proliferation of 'To Let' boards on their streets.

"Since the direction was implemented, there has been a significant reduction in illegally displayed 'To Let' boards which has led to an improvement in the appearance of the affected areas. We don't want to see the advertising boards becoming an eyesore in these areas again and hope to renew the legal powers which have helped us to successfully tackle the problem."

To take part in the survey, search for 'Leicester City Council consultations'.

Appendix 7: Publicity on Leicester City Council Website

LEICESTER City Council is set to renew powers to stop landlords putting up boards advertising their properties in some parts of the city.

In summer 2018, the city council brought into effect a new Regulation 7 Direction which effectively banned the use of 'To Let' boards in some areas of the city, close to the University of Leicester and De Montfort University.

It means that landlords and agents now need to apply for planning consent to put up signs advertising properties for rent in parts of the Castle, Knighton, Saffron and Westcotes wards. If they fail to comply, they could face court action and be fined up to £2,500.

The ban covers some addresses in the Windermere, Hazel, Clarendon Park, Greenhill, West End, Ashleigh Road and West End conservation areas.

The existing legal direction is due to expire in July 2023, and the city council is planning to apply for this to be renewed.

Before then, people are being invited to have their say on the effectiveness of the measure and whether they support a continuation of the ban on unauthorised 'To Let' boards in these parts of the city.

Deputy city mayor Cllr Piara Singh Clair, who leads on regulatory services, said: "Prior to bringing these new powers into effect, many people who lived close to the universities were concerned about the almost permanent proliferation of 'To Let' boards on their streets.

"Since the direction was implemented, there has been a significant reduction in illegally displayed 'To Let' boards which has led to an improvement in the appearance of the affected areas. We don't want to see the advertising boards becoming an eyesore in these areas again and hope to renew the legal powers which have helped us to successfully tackle the problem."

Councils can apply for powers to control the display of 'To Let' boards under Regulation 7 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Leicester City Council submitted its bid for the Regulation 7 direction in October 2016, following a public consultation on the proposal. The successful bid was confirmed by the Ministry of Housing, Communities and Local Government in February 2018.

The powers first came into effect from 2nd July 2018 and last for five years.

To have your say on plans to renew the existing ban on To Let boards in certain parts of the city, visit consultations.leicester.gov.uk

Closing date for comments is Wednesday 5 April.

Appendix 8: Analysis of online consultation

Leicester City Council

Regulation 7 Public Consultation (To Let Boards)

<https://consultations.leicester.gov.uk/communications/regulation-7-public-consultation-to-let-boards>

This report was created on Thursday 06 April 2023 at 07:49

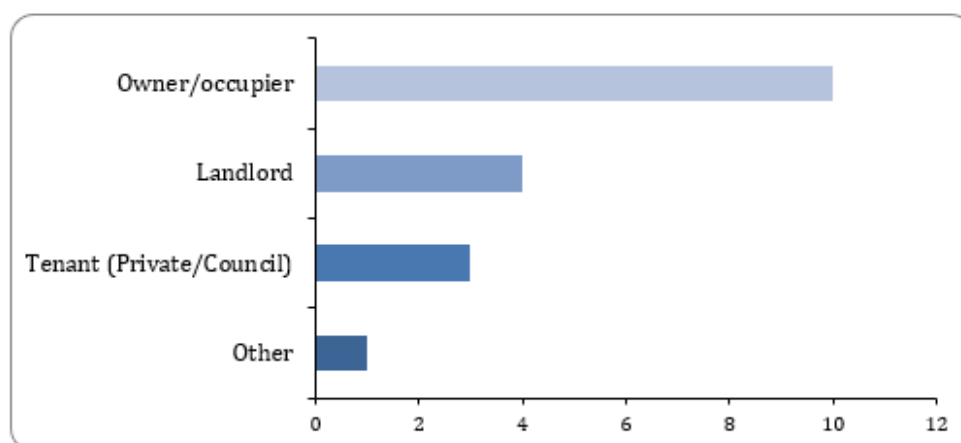
The activity ran from 08/03/2023 to 05/04/2023

Responses to this survey: **18**

Are you responding as (please tick as many options as apply)

Are you responding as (please tick as many options as apply)

There were 18 responses to this part of the question.



Option	Total	Percent
Owner/occupier	10	55.56%
Student	0	0.00%
Letting agent	0	0.00%
Landlord	4	22.22%
Tenant (Private/Council)	3	16.67%
Other	1	5.56%
Not Answered	0	0.00%

If other, please state

There were 3 responses to this part of the question.

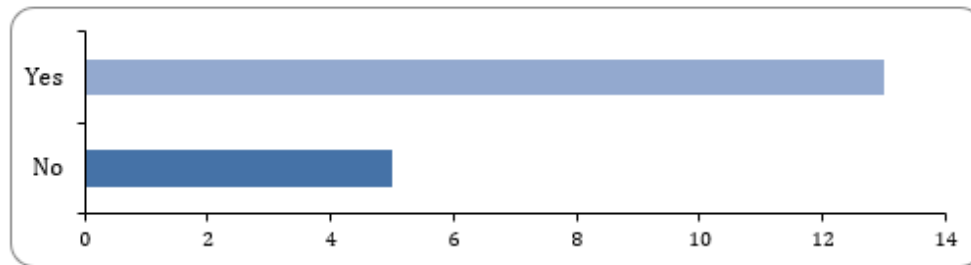
What is your home/work postcode? (as appropriate)

Postcode

There were 18 responses to this part of the question.

**Do you support the renewal of the Direction Regulation 7 (To Let Boards)?
Do you support the renewal of the Direction Regulation 7?**

There were 18 responses to this part of the question.



Option	Total	Percent
Yes	13	72.22%
No	5	27.78%
No opinion either way	0	0.00%
Not Answered	0	0.00%

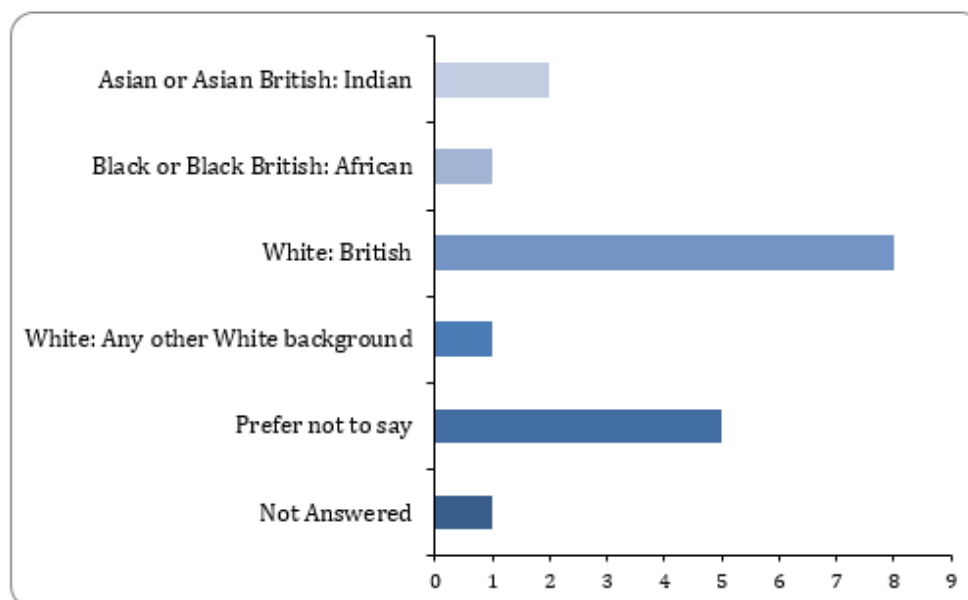
Reg 7 comments

There were 15 responses to this part of the question.

Ethnic background:

Ethnicity

There were 17 responses to this part of the question.



Option	Total	Percent
Asian or Asian British: Bangladeshi	0	0.00%
Asian or Asian British: Indian	2	11.11%
Asian or Asian British: Pakistani	0	0.00%
Asian or Asian British: Any other Asian background	0	0.00%
Black or Black British: African	1	5.56%
Black or Black British: Caribbean	0	0.00%
Black or Black British: Somali	0	0.00%
Black or Black British: Any other Black background	0	0.00%
Chinese	0	0.00%
Chinese: Any other Chinese background	0	0.00%
Dual/Multiple Heritage: White & Asian	0	0.00%
Dual/Multiple Heritage: White & Black African	0	0.00%
Dual/Multiple Heritage: White & Black Caribbean	0	0.00%
Dual/Multiple Heritage: Any other heritage background	0	0.00%
White: British	8	44.44%
White: European	0	0.00%
White: Irish	0	0.00%
White: Any other White background	1	5.56%
Other ethnic group: Gypsy/Romany/Irish Traveller	0	0.00%
Other ethnic group: Any other ethnic group	0	0.00%

Prefer not to say	5	27.78%
Not Answered	1	5.56%

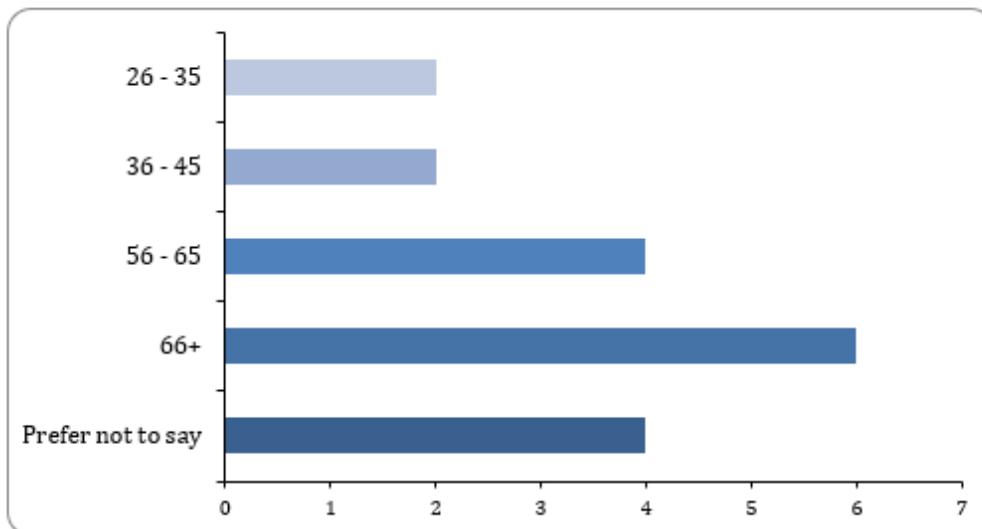
If you said your ethnic group was one of the 'Other' categories, please tell us what this is:

There was 1 response to this part of the question.

Age:

Age

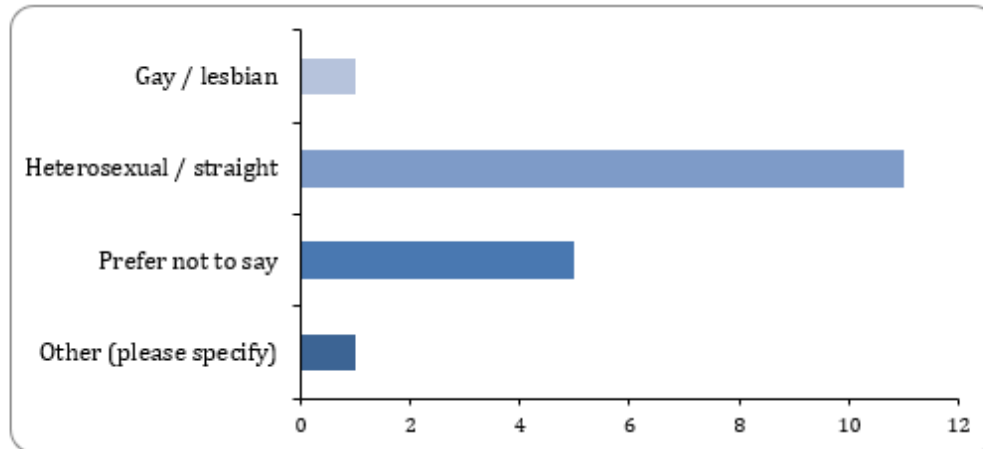
There were 18 responses to this part of the question.



Option	Total	Percent
under 18	0	0.00%
18 - 25	0	0.00%
26 - 35	2	11.11%
36 - 45	2	11.11%
46 - 55	0	0.00%
56 - 65	4	22.22%
66+	6	33.33%
Prefer not to say	4	22.22%
Not Answered	0	0.00%

**Sexual orientation. Do you consider yourself to be ...
sexuality**

There were 18 responses to this part of the question.



Option	Total	Percent
Bisexual	0	0.00%
Gay / lesbian	1	5.56%
Heterosexual / straight	11	61.11%
Prefer not to say	5	27.78%
Other (please specify)	1	5.56%
Not Answered	0	0.00%

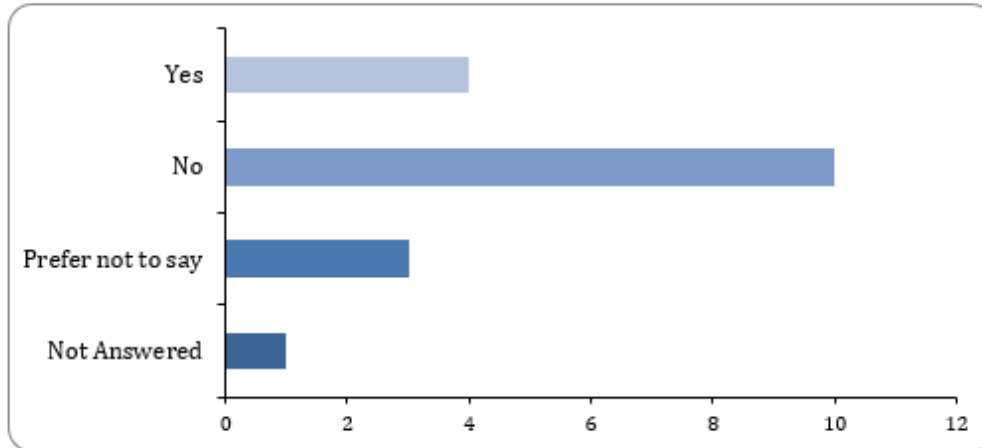
Other sex

There were 0 responses to this part of the question.

Disability

Q7

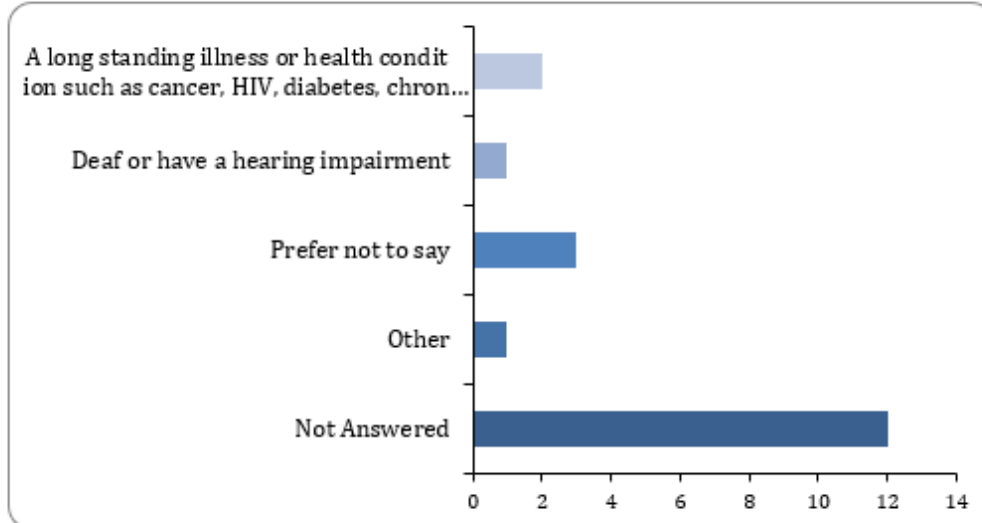
There were 17 responses to this part of the question.



Option	Total	Percent
Yes	4	22.22%
No	10	55.56%
Prefer not to say	3	16.67%
Not Answered	1	5.56%

Disability detail

There were 6 responses to this part of the question.



Option	Total	Percent
A long standing illness or health condition such as cancer, HIV, diabetes, chron...	2	33.33%
Deaf or have a hearing impairment	1	16.67%
Prefer not to say	3	50.00%
Other	1	16.67%
Not Answered	12	200.00%

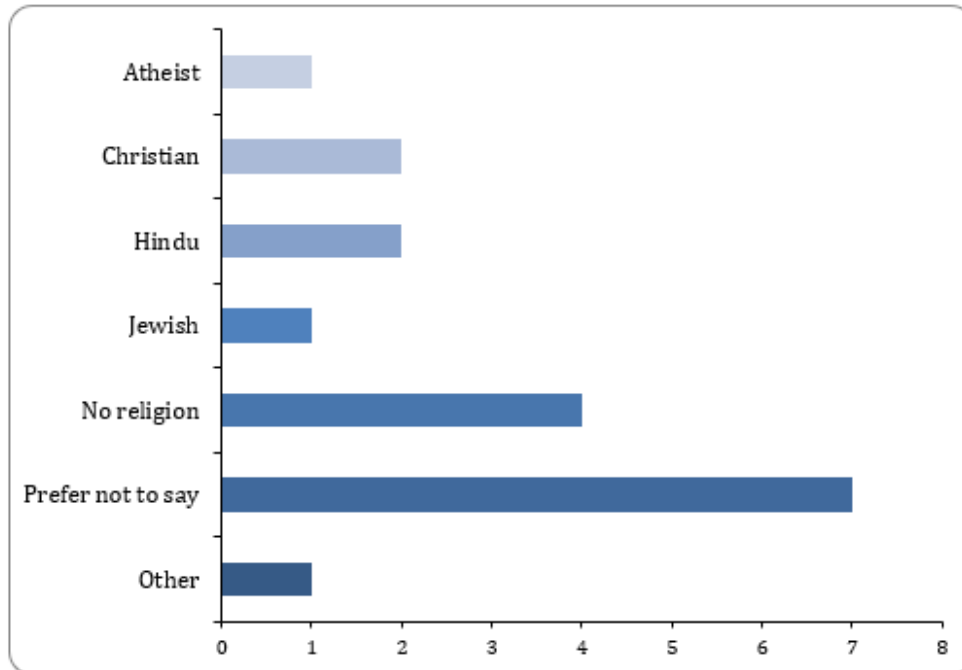
A long standing illness or health condition such as cancer, HIV, diabetes, chronic heart disease, or epilepsy	2	11.11%
A mental health difficulty, such as depression, schizophrenia or anxiety disorder	0	0.00%
A physical impairment or mobility issues, such as difficulty using your arms or using a wheelchair or crutches	0	0.00%
A social / communication impairment such as a speech and language impairment or Asperger's syndrome / other autistic spectrum disorder	0	0.00%
A specific learning difficulty or disability such as Down's syndrome, dyslexia, dyspraxia or AD(H)D	0	0.00%
Blind or have a visual impairment uncorrected by glasses	0	0.00%
Deaf or have a hearing impairment	1	5.56%
An impairment, health condition or learning difference that is not listed above (specify if you wish)	0	0.00%
Prefer not to say	3	16.67%
Other	1	5.56%
Not Answered	12	66.67%

Other disability

There were 2 responses to this part of the question.

How would you define your religion or belief? religion

There were 18 responses to this part of the question.



Option	Total	Percent
Atheist	1	5.56%
Bahai	0	0.00%
Buddhist	0	0.00%
Christian	2	11.11%
Hindu	2	11.11%
Jain	0	0.00%
Jewish	1	5.56%
Muslim	0	0.00%
Sikh	0	0.00%
No religion	4	22.22%
Prefer not to say	7	38.89%
Other	1	5.56%
Not Answered	0	0.00%

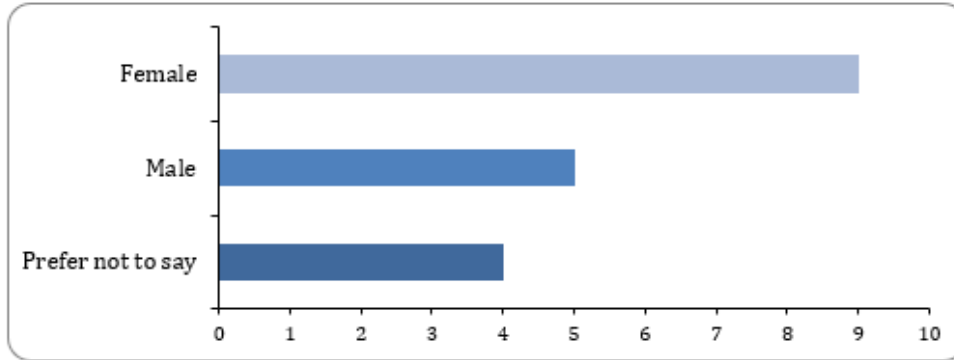
other religion

There was 1 response to this part of the question.

What is your sex?

sex

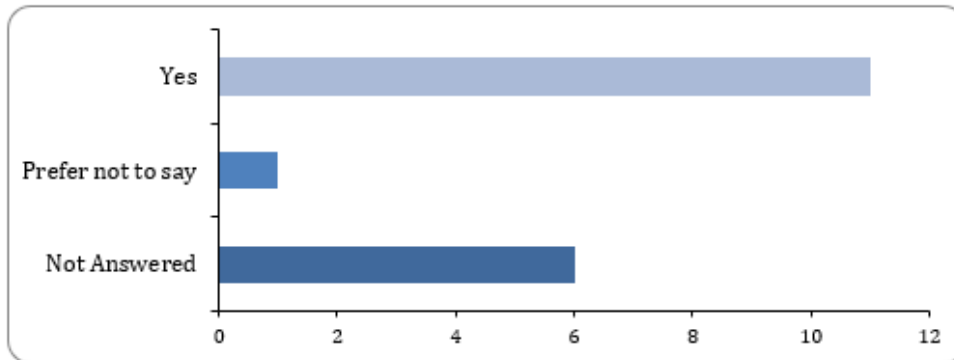
There were 18 responses to this part of the question.



Option	Total	Percent
Female	9	50.00%
Male	5	27.78%
Prefer not to say	4	22.22%
Not Answered	0	0.00%

gender same as birth

There were 12 responses to this part of the question.



Option	Total	Percent
Yes	11	61.11%
No	0	0.00%
Prefer not to say	1	5.56%
Not Answered	0	0.00%

Not Answered	6	33.33%
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Other gender

There were 0 responses to this part of the question.

Appendix 9: Comments Received

Online Consultation

Comments where answer was 'yes':

'It's made a MASSIVE positive difference to the look and feel of affected neighbourhoods.'

'Recently I have noticed that the number of boards on display seem to be increasing again.'

'Allowing the regulation to lapse would be an awful choice. PLEASE...'

'The introduction of the ban has had a significant effect in my area. Previously many boards were left up for all or most of the year cluttering the look of the street and giving out the wrong message in terms of the strong, friendly community that exists here. I think the ban should be continued and also extended to other parts of the city.'

'They are an eye sore that has improved so carry on I say'

'This has been a really successful control policy. There have been few abuses, and its dramatically improved the local environment in the terraced streets of Clarendon Park. Please renew it!'

'The streets are a lot less cluttered and no longer an eyesore.'

'The number of boards were becoming a huge problem - they were often left even though the house/flat was occupied. The area is now calmer - visually. Thank you. (Sadly most people will not realize the difference as it is now the 'norm')'

'Should also include "Let By" boards which in some cases stay up for months'

'I am most familiar with the impact of this direction in the Clarendon Park area. It has considerably improved its appearance as I'm sure it has in the other areas affected.'

'The Direction 7 Regulation (To Let Boards) has been very successful in controlling the display of To Let boards in the 3b – Clarendon Park and the 3c – Greenhill areas of Castle and Knighton Wards. Only a few To Let boards have been displayed where they shouldn't be and these have been quickly removed when reported to Leicester City Council. Control of the display of To Let boards has had a positive effect on the character and appearance of our area and we support the renewal and retention of these controls.'

Comments where answer was 'no':

'We stopped letting our property in 2020 in Clarendon Park due to all the new regulations by the government. We have been trying g to sell it ever since. Again due to new mortgage regs. new EPC regs we have been unable to sell. On top of that we are now subject to Leicester city council tax, which we have always been happy to pay when empty, but due to Covid as well,

we are now in our second year of trying to sell and we think unfairly being charged double council tax! Having written to Leic Council about this they haven't had the decency to reply. [REDACTED]

'Just an excuse to make the council money, typical of a labour run council'

'Since this ban has come into place, we do not know which property is up for let and which isn't, prior to this ban at least you would know what house is up for let and what isn't. Not allowing this we can't see if we have new neighbours or not.'

'Are then going to penalize the private buyers as well.'

By E-mail

'Not surprisingly, I very much welcome the renewal of this direction. Thank you for letting me know.'

'Thanks for your email, but neither of our properties (Both on [REDACTED]) are located in the areas you have listed so this does not apply to us.'

'Wonderful thanks for letting me know.'

Leicester Mercury Website

'Does the ban also apply to "Office space to let" signs plastered all over the town centre?'

'KEEP THE BAN, some areas were looking like Cannery Row'

'A money making scheme mayor needing more money and who does he think will be paying not the landlord, the tenant!'

'some of the boards in Highfields and Evington are there for a long long time'

Tweets

None.

Appendix 10: Late response

Jackie Skinner

From: Rose Forman <roseforman@propertymark.co.uk>
Sent: 06 April 2023 16:28
To: planning.enforcement
Subject: Regulation 7 Public Consultation (To Let Boards)
Attachments: LCC Consultation Response from Propertymark (April 2023).pdf

Follow Up Flag: Follow up
Flag Status: Completed

Good afternoon,

Please find attached response to the consultation: Regulation 7 Public Consultation (To Let Boards).

Propertymark is the UK's leading professional body of property agents, with over 17,000 members. We represent the voice of the private property sector across the UK. We have members in Leicester City, some of whom I spoke to in order to formulate this response.

I have outlined our objections to the proposed direction and made suggestions of alternative courses of action, where appropriate.

Please let me know if you have any queries or need anything clarifying,

Best wishes

Rose

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Leicester City Council: Regulation 7 Public Consultation (To Let Boards)

Consultation response from Propertymark

April 2023

Background

1. Propertymark is the UK's leading professional body of property agents, with over 17,000 members. We are member-led with a Board which is made up of practicing agents and we work closely with our members to set professional standards through regulation, accredited and recognised qualifications, an industry leading training programme and mandatory Continuing Professional Development.

Overview

2. Leicester City Council is looking to extend the Direction under Regulations 7 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 to remove 'deemed consent' for to let boards in certain areas of the city. The city originally implemented restrictions in July 2018 which were in place for five years and are now due for renewal.
3. Under the Town and Country Planning Regulations, property agents' boards are categorised as requiring 'deemed consent'. This means that explicit planning permissions is not required as long as the criteria and conditions outlined in the regulations are met. However, the Regulations give local authorities planning enforcement powers to restrict the use of deemed consent where it feels appropriate and necessary. Usually these necessities are for public safety concerns. Public safety can also factor in the likelihood of an advertisement board obscuring or hindering the visibility of traffic signs or other navigation aids, or if the advertisement will hinder the operation of any security or surveillance device or device for measuring vehicle speed.
4. The Town and Country Planning Regulations standards conditions include that an advertisement board should be kept clean and tidy and should be in a condition which does not endanger the public.
5. The concerns outlined by Leicester City Council, and the reasoning for implementing the Regulation 7 Direction, are the negative impact on the visual aspects of neighbourhoods and the local environment due to a high number of to let boards in the areas specified.¹ The council states that it attempted to implement a voluntary Code of Practice in order to tackle the issue, but this was unsuccessful in reducing the number of boards on display.

Response

Do you support the renewal of the Direction Regulation 7 (To Let Boards)?

6. Propertymark does not agree that a renewal of the Direction Regulation 7 is required. This is for three reasons, firstly the parameters of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 should be sufficient to control advertising boards in the area. Secondly, the direction is no longer necessary or appropriate. The lettings market has changed significantly since the direction was first implemented and therefore it is no longer relevant. Thirdly, the direction could negatively impact the promotion and awareness of local (law-abiding) letting agencies in the area, thus affecting their business unfairly.

¹ [To let boards control \(leicester.gov.uk\)](https://www.leicester.gov.uk/to-let-boards-control/)

Adequate powers under existing legislation

7. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (hereby referred to as the regulations) sets out the rules for advertising boards, including property sales and lettings boards. The regulations stipulate what is acceptable and what is not when advertising a property for sale or let. Agents' advertising boards come under the category of 'deemed consent', which means that explicit planning permission is not required as long as the criteria and conditions outlined in the regulations are met.
8. The standard conditions under the regulations state:
 - Advertisements cannot be displayed without permission of the owner of the site.
 - Advertisements, and any site used for the display of advertisements, should be kept clean and tidy.
 - Advertisements, and any site used for the display of advertisements, should be in a condition that does not endanger the public.
 - If the advertisement is required to be removed under the Regulations, the site should be left in a condition which does not endanger the public.
9. The powers of the local planning authority should be sufficient to control any advertising which falls outside of the standard conditions. The council has the power to enforce the conditions and issue a Discontinuance Notice under Regulation 8 of the legislation. Reasons for taking discontinuance action may include if the authority believes that there is risk of substantial injury to the amenity of the locality or a danger to members of the public. However, the planning authority must consider whether there is an option to modify the display instead of taking discontinuance action. If the owner of the advertising board does not comply with a discontinuance notice then the planning authority can escalate this under the Town and Country Planning Act 1990.
10. Propertymark recognises that these powers may have been insufficient in 2018 when the direction was first implemented, due to a high propensity of boards in the locality. However, following a period of five years where to let advertisement boards have been banned, agents in the local area have adhered to the regulations and a further extension of the ban seems disproportionate when there are sufficient powers in place to control any potential future breaches.

No longer necessary

11. Propertymark appreciates that a voluntary Code of Practice was introduced in 2013, which Leicester City Council states was not well adhered to. It should be noted, however, that the lettings market is significantly different now to how it was in 2013. One local Propertymark member stated that the turnaround of properties is so quick now due to such high demand in the lettings market that boards are swiftly put up and taken down (in areas not under the direction). The areas affected by the direction are predominantly student lettings, which are in very high demand as the student population of Leicester's two universities continues to climb.
12. Alongside the current direction is a Code of Practice which many agents are unaware of. Propertymark suggests that instead of imposing restrictions under a direction, a better

publicised Code of Practice and adequate enforcement could be used to regulate the improper use of advertising boards.

Impact on lettings business

13. When asked, our agents said that the enforcement of the direction had a negative impact on their business. Advertisement boards are used to locate what properties are available in an area, show the local lettings businesses and to make the public aware of their brand. Visibility is key to any brand's success and by inhibiting the use of advertising boards this can impact on the local agents. One agency that we spoke to said that their office is based in one of the areas of restriction and not being able to advertise around this area affected their business because it inevitably drew in less customers.
14. Letting agents, like any other business, want to maintain a respectable reputation. This can be achieved by using advertising boards effectively, showing their prominence in an area and thus giving the public (and any potential customers) confidence that they are a well-used and trusted organisation. It would not be in the best interest of a reputable lettings agency to leave boards up looking tatty and unsightly. Agents who are members of organisations such as Propertymark are regulated under our internal principles, they are therefore kept informed of their obligations and legal requirements such as those under the Town and Country Planning Regulations. Agents who are not aware or not a member of a professional body should be educated rather than chastised.

Conclusion

15. Propertymark agrees that excessive use of advertising boards can be labelled an 'eyesore'. But we believe that restrictions on their use, over and above the current legislation, is unnecessary and a hinderance to local businesses. The solution would be for the planning authority to use enforcement powers already within its remit to ensure that boards adhere to the standard conditions. The direction may have been required when it was first proposed in 2015, but the lettings market has changed dramatically since then as demand outstrips supply. This suggests that letting agents' attitudes to advertising boards will have changed and there is no longer an issue which needs to be controlled.

