

Leicester
City Council

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

DATE: WEDNESDAY, 23 AUGUST 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, Kennedy-Lount, Kitterick, Mohammed, Dr
Moore, Singh Patel and Surti

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 / Jessica Skidmore, tel: 0116 454 2623 /

e-mail: aqil.sarang@leicester.gov.uk / jessica.skidmore@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 / Jessica Skidmore, tel: 0116 454 2623 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 12 July 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) **20230641 - 66 BURLEYS WAY** [Appendix A1](#)

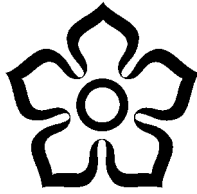
(ii) **20231045 - 44 THURNVIEW ROAD** [Appendix A2](#)

(iii) **20230499 - 52 WINTERSDALE ROAD** [Appendix A3](#)

(iv) **20230576 - 54 GRASMERE STREET** [Appendix A4](#)

5. ANY URGENT BUSINESS

6. CLOSE OF MEETING



Leicester
City Council

Wards:
See individual reports.

Planning & Development Control Committee

Date: 23 August 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

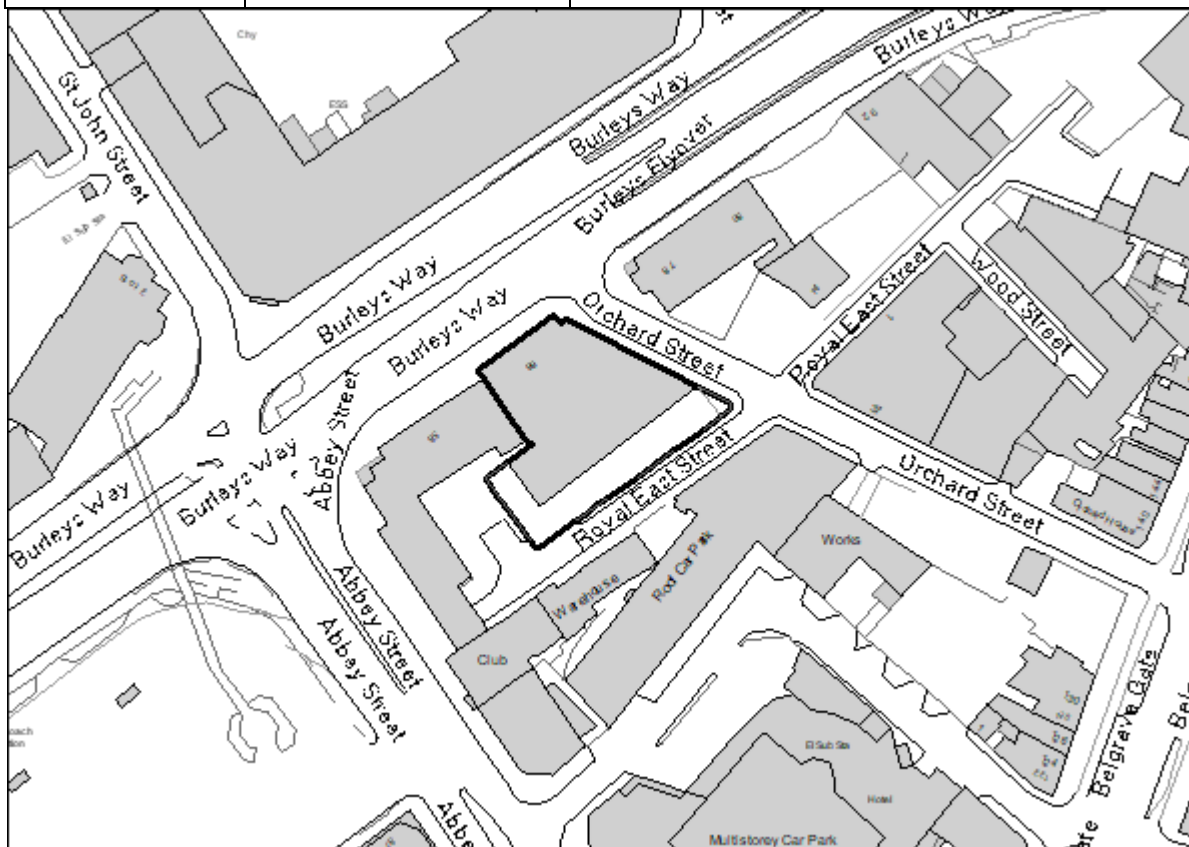
- 7.1 Where impacts arise from proposed development the City Council can require developers to meet the cost of mitigating those impacts, such as increased demand for school places and demands on public open space, through planning obligations. These must arise from the council's adopted planning policies, 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

20230641	66 Burleys Way	
Proposal:	Change of use of part of ground floor and all of first floor from shop (Class E) to place of worship, public hall, and day care centre (Classes F1 and E) (Amendments received 4 July and 2 August 2023)	
Applicant:	Mr Omorinola Osunmakinde	
App type:	Operational development - full application	
Status:	Change of use	
Expiry Date:	8 June 2023	
CY1	TEAM: PD	WARD: Castle



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Summary

- Application brought to committee as 16 objections from 11 city addresses.
- Support received from Cllr Kitterick.
- Main issues are acceptability in principle, residential amenity, and highways.
- Objections relate to highway issues and parking, along with the use in principle.
- The application is recommended for approval.

The Site

The application relates to a two-storey commercial unit residing within the following policy allocations:

- Central Commercial Zone
- Strategic Regeneration Area
- St George's Area

The site lies in an archaeological alter area, an air quality management area, and a critical drainage area.

Background

No recent relevant planning history

The Proposal

The proposed development is for the change of use of the first floor and part of the ground floor unit from a retail unit (Class E) to a mixed-use unit comprising of a place of worship, public hall, and day care centre (Classes E and F1).

The site holds 13 spaces including 2 disabled parking spaces to the rear. These would be shared with the lower ground retail unit. The new use would be accessed from the front of the site on Burley's Way with the retail unit accessed through the rear carpark.

No external alterations are proposed. Opening hours are requested to be 7am to 10pm Monday through Sunday, including bank holidays.

A travel plan and noise impact assessment were submitted on the 4th July along with slight alterations to the parking layout on the location and site plans. One parking space was changed to allow for a Sheffield cycle space rack accommodating 12 cycle spaces. An amendment was made to the travel plan on the 2nd August adding the travel plan co-ordinator's contact details to the travel plan.

Policy Considerations

National Planning Policy Framework (NPPF) 2021

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)

Paragraph 93 (guarding against the unnecessary loss of valued facilities and services)

Paragraphs 111 and 112 (Highways impacts)

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 subject to conditions

Local Highways Authority – no objections subject to conditions

Representations

16 objections have been received from 11 address within the local authority boundary with the following concerns:

- Existing illegal parking issues in area, in particular at Royal East Street Car Park which could be exacerbated by development
 - Poor behaviour from users of site
 - Lack of attendance from traffic wardens during and property management who manage the car park
- Existing churches within the immediate area
 - Potter's house is stated to have a capacity of 100 people who have an agreement with the application site on Sunday and Thursday evenings
- Limited parking within ¼ mile radius from the building
 - Could lead to closure of existing churches
- Highway safety issues caused by parking

It should be noted 2 additional objections were raised from 2 addresses outside the local authority boundary sharing these concerns.

2 supporting comments have been received from 2 addresses within the local authority boundary with the following comments:

- Sustainable location as next to bus station
- Notes many objectors are from the neighbouring church and points out the lack of support from these followers does not correlate with Christian values
- Lists number of carparks in immediate vicinity and that these provide around 1000 parking spaces.
- Use would be a benefit to the community
- Notes neighbouring church lost out on the bid that this church won

It should be noted 1 additional supporting comment was received sharing these views from outside the city boundary.

A supporting comment has also been received from Councillor Kitterick who considers the use is in a sustainable location and an important use for the city. He notes the issues relating to parking but does not consider them significant enough to warrant a reason for refusal.

Consideration

The site is located within the central commercial zone. The use would result in a loss of retail space however there would be some retained on the ground floor of the building. The site is within St George's Area as indicated on page 14 of the 2016 Saved Local Plan.

Local Plan saved policy PS06 states that the following factors will be taken into consideration new development proposals in this location.

- a) the contribution towards the formation of new and improvement of existing links between the City centre, surrounding residential areas and within the St. George's area itself;
- b) the provision of new housing providing a mixture of house type, size and affordability;
- c) the provision of modern business accommodation including live/work accommodation for small businesses;
- d) the contribution to provision of high quality public realm and a varied mix of open spaces throughout the area; and
- e) links and complementarity with the Cultural Quarter, St. George's South.

Core Strategy policy CS06 states that *"new developments should create an environment for culture and creativity to flourish by... Creating or retaining cultural facilities and opportunities, including places of worship, cemeteries and crematoria, that help people who live here to develop a sense of belonging, to value the cultural diversity and heritage of our City and become more confident and proud of Leicester, seeing it as a good place to live;"*

National Policy Framework paragraph 93 states decisions should *"a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community; c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs; ... and e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services."*

I consider the uses proposed for this site would be complementary to the needs of residential uses within this location and the site would be an appropriate place for this type of use, in consistency with the St Georges Area's aims. I also consider that the place of worship element would comply with policy CS06 above, and the mixed use would comply with paragraph 93 of the National Planning Policy Framework.

I note there are concerns regarding the number of churches within the immediate vicinity of the site, including one adjacent. However, I am mindful that most of these have no restrictions on their permitted development rights, meaning they have freedom to change use to any type of place of worship or other alternate use within Class F1 of the Town and Country Planning (Use Classes) Order 1987. I am also

mindful that there is diversity within Christianity which would require a number of churches to cater for different belief systems and practices and it is difficult to empirically quantify demands from different groups. As such, I do not consider there to be an overconcentration of churches in this area.

Residential amenity (neighbouring properties)

Policy CS03 of the Leicester Core Strategy (2014) states that development must respond positively to the surroundings and be appropriate to the local setting and context. Saved Policy PS10 of the Local Plan (2006) sets out a number of amenity factors to be taken into account when determining planning applications, including the visual quality of the area, privacy and overshadowing, and the ability of the area to assimilate development.

The development would not result in any overbearing, overlooking, or overshadowing that would be detrimental to any neighbouring properties.

Concerns were initially raised by the noise pollution officer regarding noise nuisance from the proposed conversion. There were concerns that noise during worshipping might be detrimental to residents within close proximity, especially when musical instruments are used which often causes low frequency noise. A main concern was noise escaping through the fabric of the building, affecting residents close by. It was noted residential properties in the area do not include acoustic glazing sufficient to mitigate such noise levels, nor additional ventilation that permits windows to remain closed. Consequently, late at night and in the early hours of the morning, noise from amplified music and voice and raised voices, could prevent the normal and reasonable use of nearby properties. Noise from the use including visitor activity (doors slamming, stereo systems etc.) would be worse later at night and in the early hours of the morning when the prevailing background noise in the area is considerably lower.

The application form proposed hours of use to be between 7:00 and 22:00 which, given the site is in the central commercial zone, would be acceptable hours for the use to be open and would remove concerns regarding noise levels later at night and in the early hours of the morning. Additionally, it is considered appropriate to ensure through conditions no call to prayer, aural announcement, amplified music, nor voices played externally to mitigate noise concerns.

Lastly, a noise impact assessment was submitted on the 4th July. The assessment also included noise reduction measures. The noise officer has no objections to the scheme providing these measures are implemented along with the proposed opening hours and omission of any call to prayer, aural announcement, amplified music, or voices played externally. I recommend these are attached as conditions should the application be approved.

With these recommended conditions, 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.

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

It is clear from consultation responses from the public that many of the objectors are attendees of the church based in the Acorn Conference Centre on the opposite corner of Orchard Street. Whilst it is appreciated that the use would increase parking demand in the area and result in the removal of the alleged agreement between the existing church and this site this is not an overriding reason for the Highway Authority to object to the application. Being in the city centre we would fully anticipate car-borne congregants of both churches (and others in the area) to predominantly park in public car parks when attending services or other events. There are 3 multistorey car parks within a quarter mile walk of the site, all of which operate 24 hours, along with several surface level public car parks. Given the likely peak times for services and larger events (Sundays and evenings) it would seem most unlikely that there would be insufficient parking available within reasonable distance of both the application site and the neighbouring church.

The application site does, of course, have its own limited amount of parking on site. It is unlikely that this would be sufficient to cater for Sunday services and other major events. The proposal to convert 3 general purpose parking spaces to 2 mobility spaces is a positive move and is welcomed, along with the provision of cycle storage. Additionally, a travel plan has been received allocating the spaces during this time, along with the encouragement of public transportation usage, walking, and cycling.

I recommend the measures in the travel plan are conditioned should the application be approved. With these conditions, 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.

The waste arrangements are stated to be the same as existing, I do not consider that the change of use would significantly alter the level of existing waste.

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

- Notes many objectors are from the neighbouring church and points out the lack of support from these does not correlate with Christian values
- Notes neighbouring church lost out on the bid that this church won

The patrol team try and visit Royal East Street Car Park three times a week but is unable to attend more often due to capacity issues. The site is via key access only and they have been told to notify the parking enforcement or property management team if any issues occur. Any illegal parking can be raised to parking enforcement or via the Love Clean Streets application.

The behaviour of any existing users cannot be taken into account, neither can the behaviour of beliefs of any objectors.

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. 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 plans. (In the interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan).
3. The use shall be carried out in accordance with the approved Travel Plan received by the City Council as local planning authority on the 2 August 2023. The plan shall be maintained and operated thereafter. (To promote sustainable transport and in accordance with policies AM01, AM02, and AM11 of the City of Leicester Local Plan and policies CS14 and CS15 of the Core Strategy).
4. The use shall not be carried on outside the hours of 7:00 to 22:00 daily. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
5. Development shall be carried out in accordance with section 15 'Noise management' of the approved Noise Impact Assessment received on the 4th July 2023 by City Council as local planning authority. (To safeguard the amenity of the adjoining properties, and in accordance with policy PS10 of the City of Leicester Local Plan.)
6. There shall be no call to prayer, aural announcement, amplified music, nor voices played externally. (In the interests of the amenities of nearby

occupiers, and in accordance with saved policies PS10 and PS11 of the 2006 City of Leicester Local Plan.)

7. Development shall be carried out in accordance with the following approved plans:
Proposed Floor Plans, 22303/ PL03, received 13 April 2023
Location map and Site Plan, 22303/ PL01, revision B, received 4 July 2023
(For the avoidance of doubt).

NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process (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_PS06 | Planning permission will be granted for development proposals that contribute to the creation of a new mixed use residential neighbourhood in the St George's area as shown on the Proposals Map. |
| 2006_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents. |
| 2006_PS11 | Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc. |
| 2014_CS14 | The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development. |
| 2014_CS15 | To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads. |
| 2014_CS16 | The Council aims to develop culture and leisure facilities and opportunities which provide quality and choice and which increase participation among all our diverse |

communities. New developments should create an environment for culture and creativity to flourish.

COMMITTEE REPORT

20231045	44 Thurnview Road	
Proposal:	Change of use from dwellinghouse (Class C3) to a children's home (Class C2) (AMENDED PLAN RECEIVED 26/07/2023)	
Applicant:	Mr Masoom Bhatt	
App type:	Operational development - full application	
Status:	Change of use	
Expiry Date:	25 August 2023	
PB	TEAM: PD	WARD: Evington



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Summary

- Application brought to committee as more than 5 objections received.
- New application with additional information following a previous refusal
- Petition (35 names) and individual representations (from 10 city addresses) raise various issues including the character of the area, the impact on residential amenity (including noise) and parking.

- Main issues in this case are the principle of development; the character and appearance of the area; the amenity of neighbouring occupiers; the living conditions of the future occupiers; and parking
- Recommendation is approval subject to conditions.

The Site

This application relates to a two-storey semi-detached house in Thurnview Road. The original house has been enlarged by the addition of a two-storey extension at the side and rear and single storey extensions at the front and rear. The side extension incorporates a garage, and the forecourt is substantially hard surfaced. A dropped kerb provides vehicular access to the garage and forecourt. At the rear is a garden (approx. 173 square metres).

Thurnview Road and the surrounding area is predominantly suburban residential in character.

Background

Planning permission for the extensions to the original dwelling was granted in 2004 (20032463).

A planning application was made earlier this year for the change of use of the dwellinghouse to a children's home (20230286). On 14th May 2023 planning permission was refused, for the following reason:

1. In the absence of an acoustic report to objectively assess the risk of noise from the proposed use of the building impacting upon the adjoining semi-detached dwelling at 46 Thurnview Road, and to identify (if necessary) appropriate mitigation in terms of sound insulation, the proposal poses an unacceptable risk to the amenity enjoyed by the occupiers of 46 Thurnview Road, and in so doing it has not been demonstrated that the proposed use would be appropriate to its setting and context nor that it would maintain space that is fit for purpose, contrary to Policy CS03 of the Leicester Core Strategy (2014) and saved Policies PS10 & PS11 of the City of Leicester Local Plan (2006), and at odds with paragraphs 43, 130(f) and 185 of the National Planning Policy Framework (2021).

The Proposal

Planning permission is once again sought to change the use of the property from a dwellinghouse (Class C3) to a children's home (Class C2). The application is now accompanied by a Noise Report.

A Planning Statement has once again been submitted with the application. The Statement explains that:

- the home will provide short, medium and long-term care for four children and young people aged between 8 & 16 years who have emotional behavioural difficulties and challenging behaviours resulting from their autism spectrum disorder;

- there will be 2 staff members on the site at all times (awake overnight) and one home manager (9.00am-5.00pm);
- the home will have three car parking spaces;
- one visitor at a time will be permitted on an appointment basis (e.g. social workers or other professionals); and
- on average, professional visitor appointments can be once or twice a month.

The proposed floorplans show that the ground floor front room would become a staff room. Otherwise, the use of individual rooms and the internal layout would remain as existing.

The proposed floor plans have been amended during the course of the application to show the installation of sound-insulation along the party wall between 44 & 46 Thurnview Road at first floor as well as ground floor levels.

Policy Considerations

National Planning Policy Framework (NPPF) (2021)

Paragraph 8 establishes three, overarching and interdependent objectives for sustainable development. They are: an economic objective; a social objective; and an environmental objective.

Paragraph 11 states that decisions should apply a presumption in favour of sustainable development. For decision taking this means: approving development proposals that accord with an up-to-date development plan without delay; and where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.

Paragraph 38 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 43 states that the right information is crucial to good decision making and that applicants should discuss what information is needed with the local planning authority as early as 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 92 states that planning decisions should aim to achieve healthy, inclusive and safe places which (a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other.

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 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and goes on to recognise that good design is 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; 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.

Paragraph 185 states that planning decisions should ensure that new development is appropriate for its location taking account of the likely effects of pollution on health and living conditions. It goes on to indicate that decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and the quality of life.

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

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

Supplementary Planning Documents and Other Guidance

Achieving Well Designed Homes – Corporate Guidance (2019)
Residential Amenity SPD (2008) – Appendix E

Consultations

Pollution Control Officer: The Noise Report provides a reasonable assessment of the noise and required insulation, with a good degree of caution. If the insulation is installed as set out in the Noise Report it should be sufficient to reduce noise levels into the adjoining property. It is likely that noise outside will be heard (people coming and going, and children) but the extent of this impact is almost impossible to tell as it will come down to individuals that will use the facility.

Representations

One petition has been received (with 35 signatures) and ten individual representations have been received from ten City addresses raising the following issues:

- noise and disruption (noise levels cannot be guaranteed/impact on nightshift workers/noise report not accurate)
- safety and security
- property value
- traffic/congestion and parking pressure/risk of accidents
- stress/health/wellbeing of neighbours (with small children and elderly/possible harassment of families/pressure to leave)
- alternatives should be considered (e.g. Hospital Close)
- culture of fear/workplace aggression and excessive workloads for care home staff
- character of area (quiet area/loss of front boundary wall/incompatible land use)
- loss of privacy
- already three schools nearby
- precedent
- no agreement to sound test/noise report based on assumptions
- party wall standard brick construction (no insulation)
- property too small – minimum space standards
- inhumane conditions for the children

An amended plan was received on 26/07/2023. This amends the scheme only to correct an omission on the original floorplan, to show the installation of sound-insulation along the party wall between 44 & 46 Thurnview Road at first floor as well as ground floor levels. I consider this to be no more than a minor change to the plans and consequently have not carried out further public consultation. Nonetheless, one additional representation has been received raising the following additional issues:

- amended plan submitted despite end of consultation
- relentlessness of applicant demonstrates bullying tactics towards neighbours
- applicant may be getting insider support from the council – request that this be investigated

Consideration

The main issues in this case are the principle of development; the character and appearance of the area; the amenity of neighbouring occupiers; the living conditions of the future occupiers; and parking.

The principle of development

Policy CS06 of the Core Strategy (2014) states that the City Council will seek to meet the needs of specific groups through: provision of supported housing to meet other identified special needs. The proposal would provide supervised accommodation for

children with special needs and in this respect, I find that it would be consistent with the objective of Policy CS06.

Saved Policy H05 of the Local Plan (2006) seeks to resist the loss of housing but sets out a number of exception criteria. I consider that a Class C2 use is a residential use and not the type of use that Policy H05 seeks to resist. Notwithstanding, exception criteria (c) allows for the loss of dwellings where this can be justified by other community benefits, and I consider that the benefit of providing special needs housing would apply in this case.

I conclude that the proposal would be consistent with Policy CS06 and would not conflict with Policy H05, and that the principle of the change of use is acceptable.

Character and appearance

Core Strategy (2014) Policy CS03 states that development must respond positively to the surroundings and be appropriate to the local setting and context. Policy CS08 recognises that the suburbs are popular places to live for families and that it is the Council's aim to ensure that these areas continue to thrive and provide neighbourhoods that people aspire to live in.

I do not consider that a children's home is an inherently incompatible land use in a residential area, although I acknowledge that such uses are by definition more institutional in nature than single family dwellinghouses. However, at the scale proposed (four children and up to three staff), I do not consider that the degree to which this would be perceptible in the wider area would be so significant as to have an unacceptable impact upon this suburban locality in terms of general noise and disturbance. No external alterations to the dwelling are proposed and any signage could be controlled under the provisions of the advertisement regulations. The removal of the remaining section of front boundary wall and front garden vegetation to increase off-street parking would have a minor negative impact upon the appearance of the property in the streetscene, but I do not consider that this would justify withholding planning permission (and I note that the previous application was not refused for this reason).

I note that third party representations allude to the risk that the proposal will lead to conditions that force local residents to leave the area. Whilst I am sympathetic to such concerns, I have not found that there would be any unacceptable harm to the area and am content that the proposal is not inconsistent with the Council's aim to ensure that suburbs such as this continue to provide neighbourhoods that people aspire to live in.

I conclude that the proposal would not conflict with Policies CS03 and CS08, and that the proposal is acceptable in terms of impact upon the character and appearance of the area.

Amenity of neighbouring occupiers

As noted above, Core Strategy (2014) Policy CS03 requires developments to be appropriate to the local setting and context. It goes on to state that development should create buildings and spaces that are fit for purpose.

Saved Policy PS10 of the Local Plan (2006) sets out amenity considerations for new development including (a) noise, (b) visual quality, (c) additional parking and manoeuvring, (d) privacy, (e) safety and security, and (f) the ability of the area to assimilate development. Saved Policy PS11 states that proposals which have the potential to pollute by reason of noise will not be permitted unless the amenity of users, neighbours and the wider environment can be assured.

As I have already acknowledged, the proposed use would be more institutional in nature and as such it is likely that neighbours will experience a different character of activity – associated for example with staff shift changeovers and other visiting professionals – than might be expected from the property as a single family dwellinghouse. I am also mindful that, over the medium/longer term, resident occupation of the property will be more transient than might be expected of a single family dwellinghouse. However, such differences do not of themselves equate to harm. Again, I find that the scale of proposal – in terms of staff numbers, anticipated frequency of visitors and number of occupiers – is such that the likely parking and manoeuvring activity would not have an unacceptable impact upon amenity.

For the same reason – of the modest scale of proposal - I do not consider that there would be any unacceptable impact upon privacy enjoyed at neighbouring properties, nor that there would be conflict with the ability of the area to absorb a use of the type and scale proposed. I note that third party representations point to the presence of nearby schools (City of Leicester College; Judgemeanow Community College; Krishna Avanti Primary School; and St. Paul's School). However, I do not consider that the amenity impact of the proposal in combination with that of the nearby schools would be unacceptable.

In response to the previous reason for refusal, concerned with the potential impact upon living conditions within the adjoining semi-detached dwelling, 46 Thurnview Road, a Noise Report has been submitted with the subject planning application. In the absence of access into the adjoining property to carry-out site specific testing, the Noise Report uses modelling software and assumptions about the existing building's construction and applies a robust 'worst case scenario' of the potential for internally generated noise. Acknowledging that noise levels can vary, the Noise Report recommends sound insulation enhancements and proposes a scheme for the insulation of the party wall which, in the opinion of the Report's author, would be sufficient to avoid adverse levels of noise between the adjoining premises.

The Council's Pollution Control Officer has indicated that the Noise Report including proposed insulation is acceptable. Having regard to this advice, and noting that doubt has been cast on the accuracy of the report in third party representations, I consider that the sound insulation scheme proposed in the submitted Noise Report would satisfactorily safeguard living conditions at 46 Thurnview Road. Subject to a condition to secure the implementation of the scheme and its retention thereafter, I am satisfied that the previous reason for refusal has been overcome.

I do not consider that noise from within the building, used as a children's home, poses an unacceptable risk in terms of amenity enjoyed within any other neighbouring dwellings. The Pollution Control Officer has acknowledged that noise outside will be

heard, but I do not consider that use of the rear garden by staff and occupiers of the home, nor general comings and goings associated with the property, are likely to give rise to noise impacts that would unacceptably impact amenity at any neighbouring properties. I note that third party representations refer to the potential impacts upon nightshift workers and, more broadly, on the health and wellbeing of residents living in the area, including families with children and elderly people, but I do not consider that the risk of such impacts is likely to be significant or unacceptable.

As I have already noted, no external alterations to the building are proposed and any signage could be controlled under the provisions of the advertisement regulations. I therefore find that there would be no material impact upon the visual quality of the area as enjoyed from neighbouring properties.

The home would be occupied by children with special needs but it is evident that the property would be staffed at all times and that there would be professional oversight and supervision of the occupants. I do not consider that the proposal poses any significant or unacceptable risk in terms of safety and security. I have no evidence to substantiate the claim made in third party representations that local residents would be likely to suffer harassment and, in any event, such behaviour would be a matter for the home's operator or ultimately the Police to investigate.

I conclude that the proposal would not conflict with Policies CS03, PS10 and PS11, and that the proposal would be acceptable in terms of impact upon amenity.

Living conditions of future occupiers

As I have already noted, Policy CS03 of the Core Strategy (2014) states that new development should create buildings and spaces that are fit for purpose. Saved Policy PS10 of the Local Plan (2006) applies to the amenity of future as well as existing neighbouring residents.

The Nationally Described Space Standards (NDSS) are not yet adopted in Leicester and, I consider, are principally intended for Class C3 dwellings. Nevertheless, the adequacy of internal space is part of the creation of a satisfactory living environment for future occupiers and as such remains a material consideration, and in this respect it is instructive to benchmark the proposal against the relevant standards.

When scaled from the drawings, and excluding the integral garage, I find that the existing dwelling has a gross internal area of approx. 155 square metres. This compares favourably with the NDSS which requires (used here as the nearest relevant proxy) a minimum of 97 square metres for a 4 bedroom / 5 person two storey dwelling. The NDSS also requires 3 square metres built-in storage and, although not specifically labelled as such on the plans, the existing bedroom 5 which would be surplus as a bedroom offers an area of approx. 4.5 square metres that would be suitable for storage.

The NDSS calls for single bedrooms to have a minimum area of 7.5 square metres and a minimum width of 2.15 square metres. The smallest bedroom (bedroom 4) would have an area of 7 square metres and therefore falls marginally short, but all other bedrooms would be well in excess of 7 square metres and all exceed the

minimum width requirement. I do not consider that a shortfall of 0.5 square metre in respect of one bedroom only would justify withholding planning permission.

The NDSS calls for a minimum floor to ceiling height of 2.3 metres. I have no information to demonstrate that this is achieved, but I have been into the property and I estimate that the headroom is compliant (as would be expected of a property of this vintage) and, in any event, is satisfactory.

The NDSS does not provide minimum sizes for other domestic rooms but the Council's Corporate Guidance 'Achieving Well Designed Homes' (2019) does provide guidance at Appendix 2 for Houses in Multiple Occupation. I consider that is useful for benchmarking purposes. It calls for kitchens used by up to 5 persons to be at least 7 square metres in area, and for dining spaces at a minimum ratio of 2 square metres per person. By comparison, the proposed kitchen would be 10 square metres and the proposed dining room 12 square metres – so both meet and exceed the guidance. The proposed living room at 30 square metres would provide a further generous space within the property.

All bedrooms and other principal rooms would have at least one window providing daylight/sunlight, outlook and opportunity for natural ventilation.

Appendix E of the Residential Amenity SPD (2008) recommends minimum amenity space of 100 square metres for a 3+ bedroom semi-detached dwelling in an outer area location. Using this SPD guideline as a proxy, I find that the garden area of 173 square metres should be more than adequate to meet the outdoor recreational needs of the future residents of the proposed home.

I note that a third party representation claims that the home would provide inhumane conditions for the children. In view of the above planning assessment I do not consider that this would be the case. On-going conditions at the property in terms of cleanliness, management and safeguarding would be for other competent bodies and are not a matter for the local planning authority.

Notwithstanding the relatively small size of bedroom 4, I conclude that the proposal would not conflict with Policies CS03 and PS10, and that overall the proposal would provide good living conditions for its future occupiers.

Parking

CS03 of the Core Strategy (2014) calls for the creation of spaces that are fit for purpose and the integration of car parking so that it is safe. Policy CS15 states that parking for residential development should be appropriate for the type of dwelling and its location and take account of the available off-street and on-street parking and public transport. Parking standards for cars and bicycles are set out at Appendix 01 of the Local Plan (2006) and are given effect by saved Policies AM02 and AM12. Saved Policy AM01 calls for the needs of pedestrians and people with disabilities to be successfully incorporated into the design of new development.

Appendix 01 calls for one car parking space per 4 bedrooms for Class C2 residential institutions, and as such the application proposal generates a standard requirement

for only 1 space. However, in this case I find that it is a material consideration that the submitted block plan drawing shows three cars accommodated on the forecourt and that the submitted Statement indicates that there would be 2 staff members on the site at all times (awake overnight) and one home manager (9.00am-5.00pm). I am also mindful that third party representations raise concern about parking and, by association, the risk of accidents and additional traffic congestion in the area.

In the circumstances, and notwithstanding Appendix 01, I consider that it would be prudent to plan for three car parking spaces on the forecourt (as proposed on the block plan). In its response to the previous application, the local Highway Authority assessed the application on this basis and has raised no objection subject to the existing vehicle access being widened to enable each car parking space to be accessed independently. The Authority recommended conditions to achieve this, and I am satisfied that suitably worded conditions to this end (and also to ensure that satisfactory footway conditions are maintained) would meet the tests for conditions. The Authority also recommended a condition to ensure that the parking spaces are provided and thereafter retained, and again I consider that this would meet the tests for conditions.

The widening of the crossover would require the demolition of the existing front boundary wall. I am satisfied that this would be a very minor element of operational development and, as I have already set out above, would have no unacceptable visual impact in the streetscene.

With the proposed forecourt parking secured, the local Highway Authority concluded that proposal (and acknowledging the potential for occasional on-street parking to arise) would not be likely to lead to unacceptable harm to highway safety.

Appendix 01 sets no cycle parking standard for Class C2 residential institutions. As the age range of the intended future occupiers goes up to 16 years it is possible that some residents may cycle, and some staff and visitors may also wish to travel by this mode. However, I note from the submitted floorplans that the existing integral garage would be retained, and it seems reasonable to assume that the operators of the home could make this available to resident, staff and visitor cyclists. It would provide a secure and weather-protected cycle parking facility.

I conclude that the proposal would not conflict with Policies CS03, CS15, AM01, AM02 and AM12, and that the proposal is acceptable in terms of parking and highway safety.

Other matters

No details of the proposed bin storage arrangements have been submitted. However, I am content that this is a minor matter and is capable of being resolved by condition. I note that, as with bicycles, the existing garage may offer a suitable location for the storage of bins and that this would mitigate the streetscene impact of any larger bins needed to service the home whilst also leaving the forecourt space freely available for parking.

The proposed change of use, if allowed, would bring the property into Class C2 use. Class C2 covers a range of uses including hospitals, nursing homes, boarding schools,

residential colleges and training centres. I consider that these other uses could have different implications in terms of the character of the area, amenity, parking and highway conditions to those of the subject proposal, and those implications may or may not be acceptable. To enable consideration of alternative uses within Class C2, I recommend a condition to limit the Class C2 use to that applied-for.

Turning to the issues raised in third party representations and not otherwise dealt with above:

- property value: *this is not a material planning consideration*
- alternatives should be considered (e.g. Hospital Close): *the task of the local planning authority is to determine the application proposal before it on its own merits, irrespective of the potential for alternative sites*
- culture of fear/workplace aggression and excessive workloads for care home staff: *these are matters for other competent bodies and not the local planning authority*
- precedent: *this and any other applications must be considered on their own merits*
- relentlessness of applicant demonstrates bullying tactics towards neighbours: *the amended plan was submitted to correct an omission on the original floorplan with regard to the proposed sound insulation and in my opinion is no more than a minor change to the plans and does not amount to the alleged behaviour*
- applicant may be getting insider support from the council – request that this be investigated: *the plan was amended following a telephone conversation between the case officer and the applicant – I consider that this is proactive engagement with the applicant of the kind expected of local planning authorities at paragraph 38 of the NPPF*

The Planning Balance

As noted above, paragraph 11 of the National Planning Policy Framework (NPPF) (2021) establishes a presumption in favour of sustainable development and sets out an explanation of what that means for decision taking.

In this case, I have assessed the proposal against relevant development plan policies and found that there would be no conflict with Policies CS03, CS06, CS08 and CS15 of the Core Strategy (2014) nor with saved Policies AM01, AM02, AM12, H05, PS10 and PS11 of the Local Plan (2006). I consider that the proposal would be in conformity with the relevant provisions of the NPPF and, in accordance with the presumption in favour of sustainable development, I recommend that the application be approved.

Conclusions

The proposed change of use is acceptable in principle and would not have a significant or unacceptable impact upon the character and appearance of the area. The proposal would provide good living conditions for future occupiers of the proposed home and, subject to conditions, satisfactory arrangements can be secured as regards living conditions at the adjoining semi-detached dwelling, car parking and bin storage at the site. There would be no unacceptable risk to highway safety and the impact upon amenity at other neighbouring properties and the wider area would be acceptable.

I have taken into account the presumption in favour of sustainable development and what this means for decision taking as set out at paragraph 11 of the NPPF (2021).

I recommend that this application for planning permission 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 change of use hereby approved shall not take place until sound insulation along the party wall has been installed in accordance with the details set out in the submitted Noise Report (received 01/06/2023) along the party walls as shown on the approved drawing numbered 5600 Rev. B (received 26/07/2023). The sound insulation so installed shall thereafter be retained. (To safeguard amenity at the adjoining semi-detached house, and in accordance with Policy CS03 of the Leicester Core Strategy (2014) and Policies PS10 & PS11 of the City of Leicester Local Plan (2006)).
3. The change of use hereby approved shall not take place until the existing vehicular access and footway crossing serving the site has been widened to provide independent access to the three car parking spaces shown on the approved plans. (To ensure a satisfactory means of access to the highway for the three car parking spaces shown on the approved plans, and in accordance with Policy CS03 of the Leicester Core Strategy (2014)).
4. All street works shall be constructed in accordance with the Leicester Street Design Guide, June 2020. (To achieve a satisfactory form of development and in accordance with Policy CS03 of the Leicester Core Strategy (2014) and saved Policy AM01 of the City of Leicester Local Plan (2006)).
5. The change of use hereby approved shall not take place until the three car parking spaces shown on the approved plans have been provided. The parking spaces shall thereafter be retained and kept free of obstruction and available for vehicle parking in connection with the approved use. (To ensure a satisfactory level of car parking space is provided and retained on the site, and in accordance with Policy CS15 of the Leicester Core Strategy (2014) and saved Policy AM12 of the City of Leicester Local Plan (2006)).
6. The change of use hereby approved shall not take place until facilities for the storage of waste and recycling material arising from the home have been installed in accordance with details that shall first have been submitted to, and approved in writing by, the local planning authority. The facilities shall thereafter be retained in accordance with the details so approved and the bins shall be stored in the approved position except, in any calendar week, on the day prior to and the day of collection. (In the interests of visual amenity, and to ensure that on-site car parking provision is not prejudiced by the indiscriminate siting of bins on the forecourt, and in accordance with Policies CS03 and CS15 of the Leicester Core Strategy (2014) and Policies AM11 & PS10 of the City of Leicester Local Plan (2006)).

7. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, or any order amending or revoking and replacing that Order with or without modification, the premises shall not be used for any purpose other than for a care home within Class C2 of that Order, unless otherwise approved in writing by the local planning authority. (To enable consideration of the character, amenity, parking and highway safety impacts of alternative Class C2 uses, in accordance with Policies CS03, CS06 and CS15 of the Leicester Core Strategy (2014) and saved Policies AM01, AM02, AM12, PS10 and PS11 of the City of Leicester Local Plan (2006)).

8. Development shall be carried out in accordance with the following approved plans: Location Plan and 5600-01 (Existing and Proposed Block Plan) - both rec'd 01/06/2023; and 5600 Rev. B (Existing and Proposed Planning Layout) - rec'd 26/07/2023. (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-peter-soulsby/key-strategy-documents/>

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

2. 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.

3. 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.

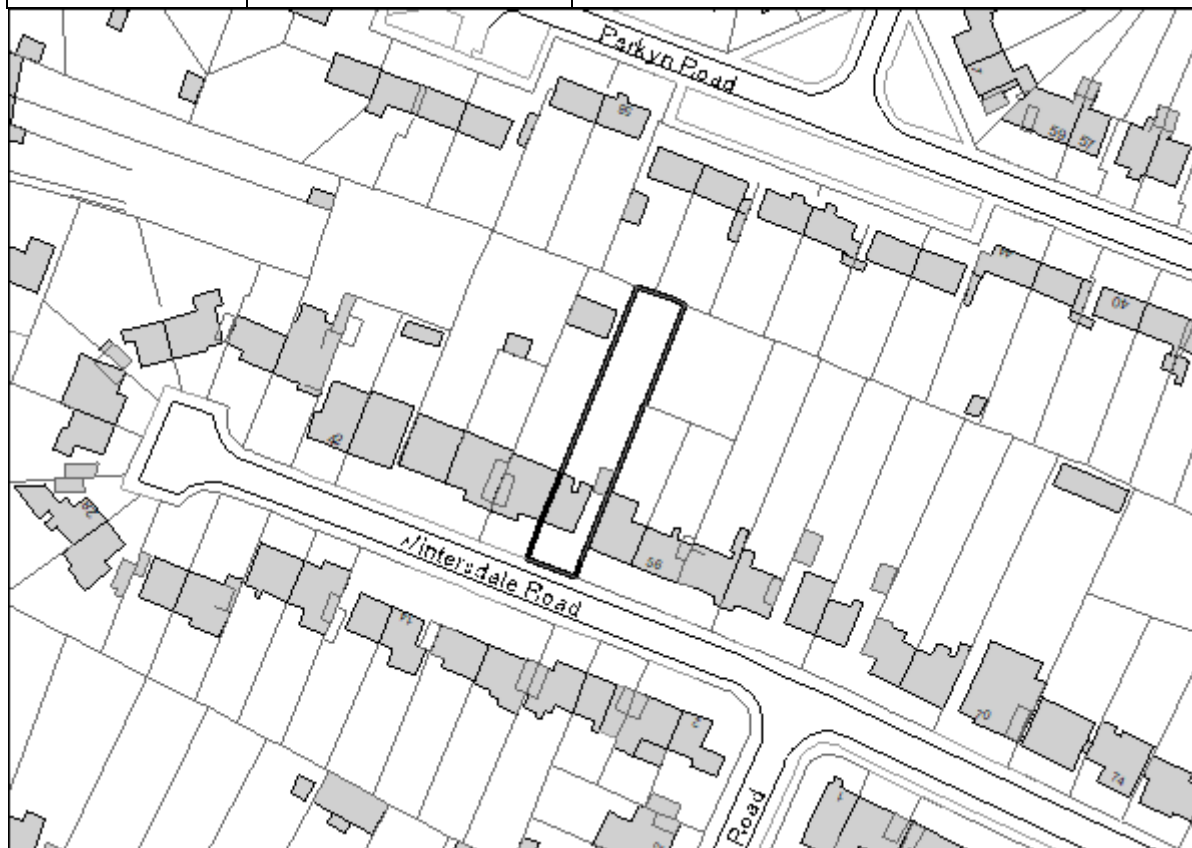
Policies relating to this recommendation

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_AM12	Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
2006_H05	Planning applications involving the loss of housing will be refused unless they meet 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.
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_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

20230499	52 Wintersdale Road	
Proposal:	Construction of single storey extension to the front, two storey extension at side, single & two storey extension at rear of house; alterations to house (Class C3)(amended on 20/07/2023)	
Applicant:	Mr Amrit Pal	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	22 May 2023	
LW	TEAM: PD	WARD: Thurncourt



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Summary

- Application is brought to committee as more than 5 objections have been received. as the application has received 8 objections from 7 different city addresses
- Main issues are parking, character and residential amenity.

- There are 8 objections from 7 different city addresses and 4 objections and 2 comments received from non city addresses relating to use of the property, loss of light, parking and impact on character of the area.
- The application is recommended for approval.

The Site

The application relates to a two-storey semi-detached dwellinghouse situated within a predominantly residential area. The site is located within a Critical Drainage Area and landfill buffer zone.

Background

No relevant planning background.

The Proposal

The proposed development relates to the following works:

- Two storey side extension measuring 2.9m in width, 7.2m in depth, 5.6m in height to the eaves and 7.9m in height to the ridge. The extension would serve a lounge and bathroom on the ground floor. On the first floor the extension would serve a bedroom.
- Two storey rear extension measuring 4m in depth, 6.4m in width, 5.6m in height to the eaves and 7.9m in height to the ridge. The extension would create a kitchen/dining and utility room on the ground floor.
- A single storey rear extension measuring 4m in depth, 2.8m in height to the eaves and 3.8m in height to the ridge. The extension would serve as part of the kitchen/dining area.
- The existing rear extensions would be demolished as part of the proposal.

The proposal was amended on 20th July 2023 to remove side facing windows and to include the extension at 50 Wintersdale Rd on the proposed first floor plans

Policy Considerations

National Planning Policy Framework (NPPF)

Paragraph 2 –

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

Paragraph 11 –

Presumption in Favour of Sustainable Development

For decision-taking this means:

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

Paragraph 38 –

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

Paragraph 39 –

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

Paragraph 126 –

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

Paragraph 130 –

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 134 –

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

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Paragraph 183 –

Planning policies and decisions should ensure that:

a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

Development Plan policies

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

Supplementary Planning Documents (SPD)

Residential Amenity SPD (2008)

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

Residential Car Parking Research for Leicester (2011)

Consultations

No consultations

Representations

Eight comments from seven city addresses have been made which object to the proposal on the following grounds:

- Highway safety- concerns over parking arrangement and an increase traffic congestion
- Concerns over the lack of accessibility of pavement for pedestrian/ wheelchair users
- Concerns about potential use of the property – HMO/ rental unit
- Loss of natural light to garden and principal rooms neighbouring properties
- Detrimental impact on personal health
- Concerns about the character/appearance
- Concerns about the density of new developments within the streets
- Development would not be in the best interests of the local community/ amenity
- Overdevelopment
- Inaccurate plans

Six comments from non-city addresses have been made which raise the following concerns:

- Amenity - Loss of natural light and loss of privacy
- Detrimental impact on personal health
- Highways - issues with current parking arrangement
- Concerns about potential loss of green space
- Concerns of noise level
- Development would not be in the best interests of the local community/ amenity
- Concerns about building work and future obstructions
- Restrictive access to roads/ houses within the cul del sac

Consideration

Principle of development

The site is located in a residential area and therefore the extensions are considered acceptable in principle subject to amenity, design, parking, drainage and consideration of representations.

Residential amenity (neighbouring properties)

Policy CS03 of the Leicester Core Strategy (2014) states that development must respond positively to the surroundings and be appropriate to the local setting and context. Saved Policy PS10 of the Local Plan (2006) sets out a number of amenity factors to be taken into account when determining planning applications, including the visual quality of the area, privacy and overshadowing, and the ability of the area to assimilate development.

Neighbouring property no 54

This neighbouring property has an existing single storey side and rear extension, the extension to the rear of this property measure approx. 3.6m.

The proposed two storey extension to the rear would be projecting forward by 4m and would not breach a 45° line as the closest window to the application site on no. 54 is a bathroom. Similarly with the ground floor extension it would not intersect with the 45-degree line. The proposed extension would replace the current outer store/garage which is situated on the boundary and approximately 3.4m away from the extension of property no 54. Therefore, I believe the rear extension would not have an adverse impact in terms of outlook, light and privacy.

The side extension would extend along the side boundary shared with no 54. There are however no principal room windows along this side that would be obscured by this extension. Therefore, I consider the proposal would not result in detriment to the amenity of neighbouring property no 54.

Neighbouring property no 50

This neighbouring property no.50 has an existing rear extension protruding out approximately 2.2m and the proposed rear extension would extend approximately 2.8m further than this. When the proposed extension is viewed from the neighbouring property no.50 the proposal would not intersect the 45 degree line as set out in the Residential Amenity SPD. I note that the proposal might cause some shadowing to this neighbouring property; however the extension would have a mono pitched roof which would minimise the impact on no 50.

The adjacent properties have deep gardens with a distance of approximately 35m between the rear elevation and the boundary to the dwellings on Perkyn Road. Therefore, I consider that the proposal would not cause any significantly detrimental harm to the neighbouring gardens in terms of, light, privacy and overlooking.

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 & 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.

Wintersdale Road is dominated by semi-detached properties of similar size and design some of which have been extended in the same manner of the proposal. Dwellings within this area have long private amenity areas.

The two-storey side extension would be a subservient addition to the host dwelling. The first-floor extension would be set back by 1m from the front elevation whilst incorporating a pitch roof over the setback and set down from the ridge from the existing house which minimise the "terracing" effect., in the same accordance with the residential amenity SPD. The proposed rear extensions would not be visible from the public realm. I consider this element would not detrimentally alter the character and design of the host dwelling.

The proposed works would increase the volume of the host property, the overall development would be cohesive and not significantly deviate from the current situation and surrounding area. I consider that this would assimilate well with the streetscene.

The application form and plans indicate that the external finish materials would match those of the original dwelling. I consider that this is an appropriate material response and can be secured as a condition of planning permission. The proposed extensions would be in line with the guidance contained the Residential Amenity SPD.

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.

Highways and Parking

The proposed extension would create two additional bedrooms. There is no change to the current parking provision and the additional bedrooms does not change the parking requirement for this site.

Within Appendix 1 of the CLLP (parking standards) it states a dwelling with 3 bedrooms or more requires 2 parking spaces. I am therefore satisfied that there would be sufficient parking space to serve the property. I conclude that the proposal would not conflict with saved Policy AM12 of the CLLP.

Drainage

The site is within a Critical Drainage Area. I consider that a requirement for a scheme of sustainable drainage would be onerous and that the impact of the proposal in terms of increased surface water run-off is unlikely to be significant.

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

Other matters

The concerns were raised in terms of the potential use of the extension. The internal use of the extension is stated to be in line with the property's residential use. There is no information submitted with the application to suggest otherwise. The site is located in an area that does not control the change of use of properties from a Class C3 dwellinghouse to a Class C4 House in Multiple Occupation for up to 6 people. Therefore if the property was to become a house in multiple occupation in the future this is a permitted change not requiring planning permission.

Concerns were raised in terms of disruption from building works and change. The building works would be temporary and would not form a reason to withhold permission. The proposal would need to comply with other relevant legislation such as building regulations.

The site is located within the 250m of landfill site. I have attached a note to applicant regarding appropriate measures shall be taken to protect the development from hazards associated with landfill gas.

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:

NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material planning considerations, including planning policies and representations that may have been received and subsequently determining to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2021.

2. Due to the site's location and historic use, the site has been identified as being at risk of contaminated land and landfill gas dangers. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

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_CS02	Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
2014_CS03	The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.

COMMITTEE REPORT

20230576	54 Grasmere Street	
Proposal:	Demolition of single storey outbuilding at rear; construction of single storey extension at rear of house (Class C3)	
Applicant:	Mr Ramesh Patel	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	3 August 2023	
BL	TEAM: PD	WARD: Saffron



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Summary

- Application is brought to committee as the applicant works for Leicester City Council
- Main issues are design and residential amenity
- Application is recommended for approval

The Site

The application relates to a mid-terraced property situated within a primarily residential area. The site is within an area covered by an article 4 Direction to control houses in multiple occupation and also an area covered by a regulation 7 directive in respect of To Let Boards. The site is within a critical drainage area and Flood Zone 2.

Background

No relevant planning history

The Proposal

The proposal comprises the demolition of an existing single storey outbuilding at the rear and construction of a single storey extension at the rear of the house.

The extension would measure 6.4m in depth x 3m in width x 4m in height (2.9m to eaves). The extension would accommodate a bedroom, shower room and en suite. It would include side windows and doors and a mono pitched roof.

Policy Considerations

National Planning Policy Framework (NPPF)

Paragraph 2 –

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

Paragraph 11 –

Presumption in Favour of Sustainable Development

For decision-taking this means:

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

Paragraph 38 –

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

Paragraph 39 –

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

Paragraph 126 –

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

Paragraph 130 –

Planning policies and decisions should ensure that developments:

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

Paragraph 134 –

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

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

Paragraph 183 –

Planning policies and decisions should ensure that:

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

Development Plan policies

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

Supplementary Planning Documents (SPD)

Residential Amenity SPD (2008)

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

Residential Car Parking Research for Leicester (2011)

Leicester Street Design Guide (2020)

Representations

None Received.

Consideration

Principle of development

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

Design

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

Grasmere Street is made up of primarily terraced properties. A rear extension is a common feature on many properties within this stretch of the road, namely property numbers 36, 38, 44, 60, 72. Each extension varies in scale and design but has a mono-pitched roof that respects that of the main property and matches in terms of material. Due to the diversity of these extensions, and their abundance, I consider them to form part of the character of the area.

The proposed extension on number 54 follows this design and roof type. Whilst the proposed works would increase the volume of the existing extensions, the overall development would not significantly deviate from the current situation and surrounding area. I consider it would be a subservient addition to the property and, providing that a condition is attached for materials to match the existing property, I consider that this would assimilate well with the area.

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.

Residential amenity (*neighbouring properties*)

Policy CS03 of the Leicester Core Strategy (2014) states that development must respond positively to the surroundings and be appropriate to the local setting and context. Saved Policy PS10 of the Local Plan (2006) sets out a number of amenity factors to be taken into account when determining planning applications, including the visual quality of the area, privacy and overshadowing, and the ability of the area to assimilate development.

The extension would not result in any overlooking, overbearing, or loss of sunlight that would be significantly detrimental to any neighbouring occupiers. The extension would replace the existing extension situated next to boundary shared with number 56. Number 56 also has an extension on this boundary. Whilst I note the height would be slightly larger, I do not consider the slight increase in overall size to cause an overbearing impact that would be detrimental to the occupiers at number 56, nor impact the sunlight to their garden to a harmful extent.

The extension would have windows facing and intersect a 45-degree line drawn from the nearest ground floor principal windows of the neighbour at number 52. However, site photos show there is a 2m high fence, which would sufficiently obscure the appearance of the extension and prevent any overlooking to the neighbour.

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.

Residential amenity (Host property)

The adopted Residential Amenity SPD states that extensions should leave sufficient garden space for general use and penetration of light and sun and recommends that a terraced property should have 75sqm of private amenity space and in any event no more than 50% of the existing garden area should be covered by extensions.

The current amenity space to the rear is approximately 33sqm and is already below the requirement stated in the Residential Amenity SPD.

The extension would further reduce this amenity space by 12sqm. Though I do not consider this to be detrimental enough to warrant refusal, as the proposal would only result in the limited loss of an already reduced amount of amenity space that I consider would leave sufficient garden space for general use and penetration of light and sun.

I conclude that the proposal would comply with policy CS03 of the Core Strategy (2014) and would not conflict with saved policy PS10 of the Local Plan (2006), and is acceptable in terms of living conditions for the existing and proposed occupiers.

Drainage

Environment agency maps show that the application site is at a medium risk of surface water flooding and has a low probability of flooding from rivers and the sea.

The site is also within a critical drainage area. However, I consider that a requirement for flood resilient measures or a scheme of sustainable drainage would be onerous and that the impact of the proposal in terms of increased surface water run-off is unlikely to be significant.

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

Conclusion

I recommend that this application is APPROVED subject to conditions

CONDITIONS

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

2. The new walls and roof shall be constructed in materials as described in the application form received on 04/04/2023. (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:
Location, Site & Existing Floor Plans & Elevations - CS/0D/001/Existing/PA - Received 04/04/2023
Proposed Floor Plans & Elevations - CS/0D/002/Proposed/PA - Received 04/04/2023
(For the avoidance of doubt).

NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material planning considerations, including planning policies and representations that may have been received and subsequently determining to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2021.

Policies relating to this recommendation

- | | |
|-----------|--|
| 2006_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'. |

