

Leicester
City Council

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

DATE: WEDNESDAY, 25 OCTOBER 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:

Jacob Mann, tel: 0116 454 5843 / Jessica Skidmore, tel: 0116 454 2623

e-mail: jessica.skidmore@leicester.gov.uk / jacob.mann@leicester.gov.uk

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

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- ✓ where filming, to (via the Chair of the meeting) ensure that those present are aware that they may be filmed and respect any requests to not be filmed.

Further information

If you have any queries about any of the above or the business to be discussed, please contact: **Jacob Mann, tel: 0116 454 5843 / Jessica Skidmore, tel: 0116 454 2623 or , Democratic Support Officers**. Alternatively, email jessica.skidmore@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 will be asked to confirm that the minutes of the meeting of the Planning and Development Control Committee held on 23 August 2023 and 4 October 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.

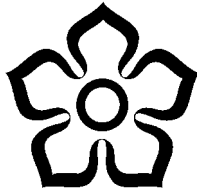
(i) **20230708 553 WELFORD ROAD** [Appendix A1](#)

(ii) **20221467 268-270 UPPINGHAM ROAD** [Appendix A2](#)

(iii) **20231197 8 RING ROAD** [Appendix A3](#)

5. ANY URGENT BUSINESS

6. CLOSE OF MEETING



Leicester
City Council

Wards:
See individual reports.

Planning & Development Control Committee

Date: 25 October 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

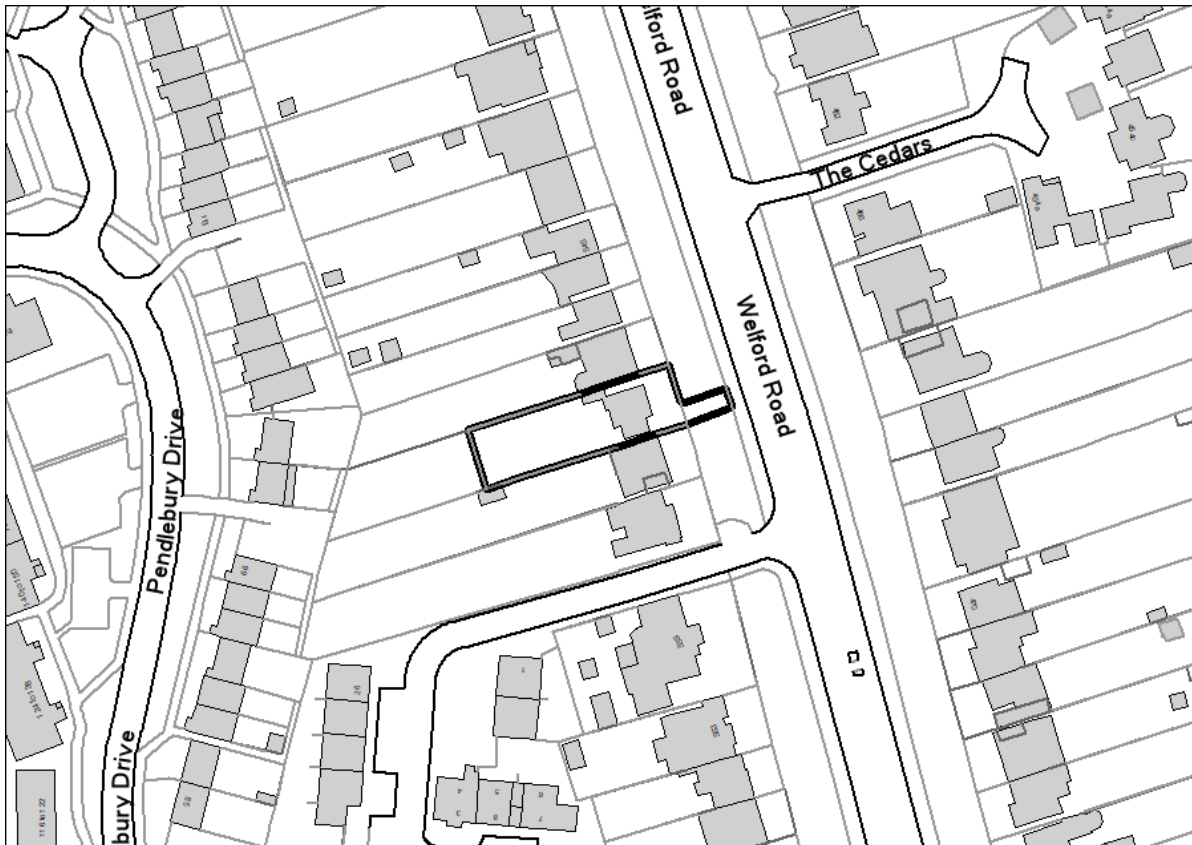
- 7.1 Where impacts arise from proposed development the City Council can require developers to meet the cost of mitigating those impacts, such as increased demand for school places and demands on public open space, through planning obligations. These must arise from the council's adopted planning policies,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

20230708	553 Welford Road	
Proposal:	Demolition of house; construction of replacement two storey dwelling (Class C3) (amended plans received 07/09/2023)	
Applicant:	Ms S Kaur	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	26 October 2023	
RB	TEAM: PD	WARD: Knighton



Summary

- The application is brought to committee due to more than five objections received.
- 10 objections have been received from 6 different addresses within the city on grounds of loss of neighbouring amenity, design, impact on the character and appearance of the area, drainage, impact of the development on trees, inadequate parking, and highway safety.
- One objection has been received by Cllr Whittle outlining that he may speak against the application at planning committee.

- Main issues are the principle of the use, the impact on the character of the area, design, impact on amenity of nearby occupiers, impact of the development on trees, highway safety and parking.
- The application is recommended for approval.

The Site

The site relates to an existing two storey detached property, located within a Primarily Residential Area.

The site is accessed by a tarmacked drive, adjacent to a grass verge off Welford Road, which is a classified road. Land levels increase to the north of the site along Welford Road.

There are two Council owned trees to the front of the site, one of which is directly adjacent to the tarmacked drive.

The land to the rear of the site is the rear garden space of the neighbouring dwelling at 551 Welford Road. From historic aerial photographs of the site, this land appears to have been within the curtilage of the application site until at some point between 2016 and 2019.

Part of the front of the site is prone to surface water flooding (1 in 1000 years).

Background

Application 20220707 for the demolition of house; construction of replacement 2.5 storey dwelling (Class C3) was refused on 04/07/2022 for the following reasons:

1. The proposed plans are inaccurate with regards to the existing situation on site. Inaccurate answers have been provided to several answers within the application form. Insufficient information has been provided in relation to the impact of the development on landscape features and biodiversity. No information has been provided for the use of the second floor. The proposal is therefore contrary to National Planning Policy Framework (2021) paragraph 43.
2. The proposal, by reason of its excessive size, siting, height, mass, lack of detailing and its contextually unresponsive design, would appear out of context in relation to the surrounding area. The footprint and size of the proposal would be excessive in relation to neighbouring properties and would fail to respect the established built form contrary to National Planning Policy Framework (2021) paragraphs 130 and 134, Core Strategy (2014) policy CS03, saved policy PS10 of The City of Leicester Local Plan (2006) and the Residential Amenity Supplementary Planning Document (2008).
3. The height of the proposed boundary treatment at the rear of the property would result in overlooking at the rear of 551 and 553 Welford Road. The proposal therefore conflicts with National Planning Policy Framework (2021) paragraph 130, Policy CS03 of the Core Strategy (2014), saved policy PS10

of The City of Leicester Local Plan (2006) and SPD Residential Amenity (2008).

4. The proposed development, by virtue of its design and layout would create a poor living environment for future occupiers. The development would result in poor levels of outlook and daylight to the habitable kitchen/pantry on the ground floor. Therefore the proposal would be contrary to paragraph 130 of the NPPF (2021), Core Strategy policy CS03, saved policy PS10 of the Local Plan and SPD Residential Amenity (2008).
5. The applicant has failed to demonstrate that a net gain in biodiversity could be achieved as a result of the proposal, contrary to Core Strategy policy CS17 and paragraphs 174 and 180 of the National Planning Policy Framework (2021).
6. The applicant has failed to demonstrate that the proposed development would not result in significant detriment to the Council owned trees at the front of the site and the trees at the rear of 551 and 555 Welford Road. The proposal is therefore contrary to paragraphs 131 of the National Planning Policy Framework (2021), Core Strategy policy CS3 and saved policy UD06 of the City of Leicester Local Plan.

The Proposal

The proposal is for the demolition of the existing two storey property on site and the construction of a two storey house.

The footprint of the proposed dwelling would measure 10.9m in width, 13.7m in depth at the southern side and 15m in depth at the northern side.

The single storey elements to the rear would measure 2.7m in height to the eaves and 3.6m in total height.

At first floor level, the property would measure 10.9m in width, 10.2m in depth at both sides, with a 2.3m deep, 6.8m wide element located centrally at the rear.

The height to the eaves of the property would be 5.9m and the total height would be 8.6m.

A single storey canopy with pillars is proposed to the front of the dwelling, which would measure 2.9m in width, 0.5m in depth and 3m in height.

In terms of layout, on the ground floor there would be a lounge and living room to the front, a bathroom and a pantry in the centre and a kitchen/diner and bedroom at the rear. On the first floor, there would be a bathroom and four bedrooms, two of which would have ensuite bathrooms and one would have a walk in wardrobe.

Materials would be red brick walls, grey tiled roof and grey uPVC windows and doors. There would be fenestration on the front, rear and side, including French doors at the rear.

Permeable paving is proposed to the front and rear of the property. A soakaway and water butts would be located to the rear of the site.

In comparison to the previous refusal for the site, the width of the dwelling would be 0.7m less and the eaves height would be 0.3m less. The design of the roof has been altered so it would have a hipped roof rather than a crown roof and the positioning of the openings has been revised.

Amended plans and an amended application form have been received during the application process to ensure that the proposal and the information provided is accurate including in relation to the application site and the red line boundary.

Policy Considerations

National Planning Policy Framework (NPPF) 2023

Paragraphs 2 and 11 (Presumption in favour of sustainable development)

Paragraphs 92 and 93 (Promoting Healthy and Safe Communities)

Paragraphs 110, 111 and 112 (Highways)

Paragraphs 120, 122 and 125 (Use of land)

Paragraphs 130 and 134 (Amenity and Good Design)

Paragraph 131 (Trees)

Paragraphs 159 and 167 (Flooding and drainage)

Paragraphs 174 and 179 (Biodiversity)

Paragraph 185 (Pollution)

Development Plan Policies

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

Further Planning Documents/Guidance

The Leicester Street Design Guide (2020)

Residential Amenity SPD (2008)

Appendix 01 – Parking Standards (2006)

Leicester City Council Corporate Guidance – Achieving well-designed homes (2019)

Consultations

Lead Local Flood Authority

No objection subject to two conditions requiring full details of SuDS and drainage.

Trees and Woodlands

No objection, subject to the relevant elements of the Tree Report being conditioned and a condition to ensure that access to the property during the construction and demolition phases is restricted to the driveway only.

Representations

10 objections have been received from 6 different households within the city including one from Cllr Whittle. The following issues were raised:

- The information submitted with the application is inaccurate, including questions answered incorrectly within the application form, the labelling of the rooms within the proposed plans and the details and dimensions shown on the submitted plans in relation to the existing situation.

- The existing use of the existing dwelling is not within Class C3, but is being used as a house in multiple occupation (Class C4)
- Concerns that parts of the development may not be constructed within the confines of the site.
- It is unclear from the proposed second floor plan what the use of the second floor would be.
- Concerns regarding the number of bedrooms proposed.
- Whether the proposed drainage measures would suitably address the issues presented within the site.
- Concerns over the design, style, scale and massing of the proposed dwelling and that it would not be in keeping with the character and appearance of the area.
- Demolition and rebuilding would cause waste and general pollution.
- Concern that the grass area on the front of the properties would be used for machinery, materials, skips and storage.
- The trees to the front of the site could be damaged by heavy construction vehicles.
- One of the trees is not included within the tree protection plan.
- Concerns regarding potential damage to neighbouring properties due to the construction process.
- There would be inadequate separation distance between the proposed dwelling and the common boundary with the neighbouring properties.
- The proposal would result in overshadowing of neighbouring principal rooms resulting in a loss of light.
- The proposal would have a negative impact on the environment and climate change
- The proposal would be overbearing to neighbouring properties.
- Three parking spaces for a five bedroomed house is inadequate.

Some procedural matters were raised regarding the application process, which included:

- Concern that only three weeks had been given for responses to the application rather than six weeks.

Consideration

Principle of development

The proposal is for a replacement dwelling, the principle of which is acceptable subject to the considerations of privacy and amenity of neighbouring and future occupiers; the character and appearance of the area; parking and highway safety; trees; flood risk and ecology.

Design and Character & Appearance of the Area

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. It goes on to state that development must contribute positively to an area's character and appearance in terms of scale, height, density, layout, urban form, high quality architecture, massing and materials.

The existing dwelling is a two-storey property with brick and render finish with grey roof tiles. The property has a hipped roof with subservient original side facing gable and attached single storey garage at the side. The property has not been extended.

Welford Road is defined by its tree lined street giving it a leafy character and characterised by detached and semi-detached two storey 1930s/1940s dwellings within spacious plots with relatively wide frontages.

The area is suburban in character, with the majority of houses having hipped roofs, front projecting bay windows and front facing gables and retain a variety of original design features, providing interest to the frontages. A large number of properties, along this part of Welford Road have been extended with varying degrees of design quality, some of which do not contribute well to the character and appearance of the area.

The neighbouring property at 551 has had a hip to gable extension at both sides and a two storey side extension. There does not appear to be any record of planning permission being granted for these extensions and would be immune from enforcement action.

The property at 458 Welford Road opposite is a residential care home and has been extended significantly to the front, side and rear.

Due to the existing sizeable extensions within the vicinity of the application site and the spacious nature of the plot, I consider that there is scope for a larger property on the application site.

Street scene drawings have been provided, which show the proposed dwelling would sit comfortably between the neighbouring properties at 551 and 557 Welford Road, with separation from the boundaries at both sides. The ridgeline of the dwelling would be higher than that of the neighbouring property at 551 Welford Road and lower than that of 557 Welford Road, and would follow the land levels within the street scene. As such, I consider that the size and massing of the proposal would be in keeping with the surrounding area.

The window to void ratio would allow for an appropriate amount of detailing on the front elevation and would be a considerable improvement on the previously refused scheme.

The pillars to the single storey canopy to the front are not a design feature within the area. However, as they are at ground floor level and compliment the design of the proposed dwelling, I consider that they are acceptable in this instance.

Although bay windows are a common feature of the area, there are nearby properties that do not have bay windows. As such, I consider it unreasonable to request that such a design feature is incorporated into the development.

Due to the size and bulk of the proposed dwelling and the potential impacts of any further extensions would result in harm to residential amenity or adverse impacts on

the design of the house and the character of the area. As such, I consider it necessary to removed permitted development rights for the new dwelling.

As the materials would be newly introduced into the area, I consider it necessary for samples to be submitted prior to work above ground level to ensure that the materials are appropriate.

I conclude that, subject to conditions, the development would comply with Core Strategy policy CS03, the design guidance set out within SPD Residential Amenity and NPPF paragraphs 130 and 134.

Residential Amenity (neighbouring occupiers)

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 privacy and overshadowing. The Council's Residential Amenity SPD (2008) sets out more detailed design guidance and is therefore also relevant to the subject proposal. The guidance is specific to new extensions; however, I consider that the impact of elements of the proposed dwelling would have a similar impact to new extensions.

SPD Residential Amenity sets out the following guidance for light and outlook at the rear of properties: *'A single storey rear extension deeper than 3m on or close to the boundary should not go beyond a line taken at 45° from the centre of the ground floor window of any principal room in an adjoining property'*; and *'a two storey rear extension on or close to the boundary should not go beyond a line taken at 45° from the nearest point of the ground floor window of any principal room in an adjoining property.'*

In regard to the impact of two storey extensions on first floor windows, I consider that the scenario would be similar to the impact of a single storey extension on a ground floor habitable room. As such, a 45 degree line taken from the centre of the nearest habitable room at first floor level should not be intersected by an extension.

Plans have been provided to show the 45 degree lines taken from neighbouring windows, which are not intersected by the proposal.

With regard to the amenity at the rear of 555 Welford Road, the existing single storey extension at the neighbouring property is on the boundary with a double door nearest to the existing boundary.

From my site visit and the information I have available to me, I consider that the proposal would not intersect a 45 degree line taken from the door and would not have a detrimental impact in terms loss of light or outlook at the rear of the neighbouring property at ground floor level.

In regard to the impact of the first floor element on the nearest habitable first floor window, the 45 degree line has been taken from the edge of the window rather than the centre. I am satisfied, from my site visit, that the proposal would not intersect the 45 degree line taken from the centre of the nearest window and would not have a significant adverse impact on the amenity of the neighbouring occupiers.

There is a habitable living room sited behind the conservatory at 551 Welford Road, which would have no other source of natural light other than through the conservatory. As a result of this, the 45 degree line from the centre of the opening between the habitable room is taken, rather than from the rear of the conservatory.

However, in this instance, the roof of the conservatory is tiled and not glazed, so I consider that the impact of the proposed two storey element of the dwelling would not have a significant detrimental impact on the natural light afforded to the living room when compared to the existing situation.

In measuring the proposed plans, as well as previously submitted plans for the neighbouring property, I consider that the proposed dwelling would not intersect the 45 degree lines as set out in SPD Residential Amenity and would not result in an adverse impact in terms of loss of light and outlook for existing and future occupiers at 551 Welford Road.

In regard to the impact of the first floor element, I am satisfied, from my site visit, that the proposal would not intersect the 45 degree line taken from the centre of the nearest window and would not have a significant adverse impact on the amenity of the neighbouring occupiers.

The original garden to the rear of the application property appears to have been subdivided at some point between 2016 and 2019 and the rear portion now within the curtilage of the neighbouring property at 551 Welford Road. The proposal would result in a separation distance of approximately 22m from the rear of the proposed single storey element to the new rear boundary of the site. The separation distance would be more than the 11m recommended within SPD Residential Amenity and would be acceptable.

The height of the proposed boundary treatment at the rear of the site on both sides is shown to be approximately 1.8m in height on the proposed elevations. I consider that this would ensure adequate privacy in relation to the future occupiers and the neighbouring occupiers.

I conclude that the development would not conflict with Saved Local Plan policy PS10, would comply with Core Strategy Policy CS03 and NPPF paragraph 130 and is acceptable in terms of the impact on the amenity of neighbouring properties.

Living Conditions (Future Occupiers)

All habitable rooms would have adequate light and outlook. There would be a store/pantry and bathroom on the ground floor that would not have windows, but are considered to be non-habitable rooms. As such, the arrangement would be acceptable.

There are no windows proposed to the loft area and would result in inadequate living conditions for any habitable use. As such, I consider it necessary to attach a condition to ensure that the roof space is only used for storage and not as habitable accommodation.

SPD Residential Amenity sets out that 100sqm of private amenity space should be provided for a three or more bedroomed dwelling in this part of the city. The dwelling would have in excess of the required amount. As such, I consider the arrangement to be acceptable.

The proposed dwelling has been designed to building regulations standard M4 (2), which sets out requirements that ensure that new dwellings to be accessible and adaptable for their lifetime. I consider it necessary to attach a condition to ensure that the dwelling is built to that standard and retained as such in the interests of the future occupiers of the property.

I conclude that the development would not conflict with Saved Local Plan policy PS10, would comply with Core Strategy Policy CS03 and NPPF paragraph 130 and is acceptable in terms of the amenity of future occupiers.

Highways & Parking

The Vehicle Parking Standards (2006) set out that for a three or more bedroomed dwelling two car parking spaces are required. Three car parking spaces are shown to the front of the property, which I consider to be sufficient.

The proposal would include an increase in the width of the existing driveway to allow for the parking court at the front of the property to be suitably accessible for three cars.

The amount of space available for car parking at the front of the site would not change significantly as a result of the proposal, compared to the existing situation.

I consider that the layout would provide sufficient car parking, and would not result in significant highways safety issues. The proposal is therefore, in accordance with saved local plan policies AM01, AM02 and AM12 and Core Strategy policies CS14 and CS15.

Biodiversity

The relevant protected species surveys have been conducted and it has been found that the proposal would not result in the detriment of protected species. As the protected species report is valid for 24 months, I consider it necessary to attach a condition to ensure that if the development is not commenced within 24 months of the last protected species survey (August 2023), then a further protected species survey would need to be conducted and any mitigation measures carried out.

The proposal does not show how it would achieve Biodiversity Net Gain; however, as the proposal would be on the footprint of the existing dwelling and existing hardstanding, the submission of the biodiversity net gain metric would be onerous in this instance. I consider that improvements through Biodiversity Net Gain can be secured by way of condition through the submission of a Landscape and Ecology Management Plan (LEMP).

I consider that subject to conditioned, the proposal complies with Core Strategy Policy CS17 and NPPF (2023) paragraphs 174 and 180.

Trees and Landscaping

Saved Local Plan Policy UD06 sets out that planning permission will not be granted for any development that impinges directly or indirectly, upon landscape features that have amenity value including areas of woodland, trees, planting or site topography whether they are within or outside the site.

A tree report has been submitted that sets out protection measures for the trees to be retained on adjacent land. I consider that these mitigation measures can be suitably conditioned to ensure that the development would not harm the trees.

Concerns were raised by objectors that one of the trees to the front of the site is not included within the tree protection plan. I consider that this tree is of a significant separation distance from the access road not to be impacted by the construction work, providing a condition is attached to ensure that all construction traffic access the site by using the driveway.

I consider it is also necessary to attach a condition to ensure that the driveway is widened, as shown on the proposed plans, prior to demolition or construction works to ensure that construction vehicles do not use the grass verge to the front of the property. In addition, all construction access would be on the tarmacked area and not on the grass verge and all storage of materials would not be on the grass verge.

As such, subject to conditions, I consider that the proposal would comply with saved Local Plan Policy UD06 and Leicester Core Strategy Policy CS03.

Flood Risk/Drainage/Climate Change

Part of the front of the site is at a 1 in 1000 year risk of flooding. As a new dwelling, the provision of SuDS features and other mitigation measures to ensure that surface water run-off is minimised from the site can be secured by way of condition. These matters can be secured by way of condition.

Although the demolition of the existing house and construction of a new property on site would be less efficient than extending the existing property, the Local Planning Authority must assess schemes that are submitted to them. As the proposal provides an element of public benefit in the increased amount of accommodation, I consider it would be unreasonable to withhold planning permission on the basis of an impact on climate change or pollution.

Subject to the conditions, I consider that the proposal would comply with Core Strategy policy CS02 and NPPF paragraphs 159 and 167.

Other Issues

Comments have been made that the pre-application advice previously for the site and the bat survey is not available to view by the public. This information is confidential and is not published.

There is no evidence to suggest that the property is being used as a house in multiple occupation with Council records suggesting the use of the property is in use as a residential dwelling (Class C3). I consider that whether the existing use of the property falls within Class C3 or Class C4 does not materially affect the consideration of the application, particularly as the existing property has permitted development rights for

the change of use without requiring planning consent from the local planning authority and it lies outside the Article 4 Areas of control for HMOs.

In regard to the consultation period for planning applications of this type, three weeks or 21 days is the statutory time given to neighbours to provide comments and not six weeks. In addition all comments from neighbours received after the three weeks consultation period have been considered in the report.

Boundary disputes and impacts on neighbours due to the construction process are not planning matters and cannot be assessed as part of the planning process. However, I consider it necessary to attach a note to applicant, regarding entering into a party wall agreement.

Conclusion

I consider that the proposal is acceptable in terms of its principle, impact on residential amenity, impact on trees, living conditions of the future occupiers, parking and highways, design and impact on the character of the area. Subject to additional information, that can be secured by way of condition, the proposal is acceptable in regard to drainage, SuDS, landscaping and ecology.

I therefore recommend APPROVAL subject to the following conditions:

CONDITIONS

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

2. Prior to any work above ground level, the materials to be used on all external elevations and roofs shall be provided on site and approved by the City Council as local planning authority. The details shall include:

- beige stonework sample
- grey roof tile sample
- Wienerberger 65mm Bellbrook red multi F2 brick sample or of

similar quality

The development shall be carried out in accordance with the approved details. (To ensure that the details are agreed in time to be incorporated into the development and in the interests of visual amenity and the character and appearance of the area, and in accordance with Core Strategy policy CS03).

3. Notwithstanding the boundary treatment shown on the approved plans, the height of the close board fencing beyond the front of the front elevation shall be no higher than 1m, installed prior to occupation of the approved dwelling and retained as such thereafter. Prior to the occupation of the approved dwelling, the boundary treatment to the side and rear of the property shall be installed in full accordance with these approved details and retained as such thereafter. (In the interests of neighbouring amenity, visual amenity and the character and appearance of the area, and in accordance with saved policy PS10 of the City of Leicester Local Plan and Core Strategy policy CS03).

4. The second floor loft space shall not be used as living accommodation and only used for storage purposes and shall be retained as such (In the interests of the amenity of occupiers of the approved dwelling and in accordance with saved policy PS10 of the City of Leicester Local Plan).

5. The development shall not commence until a detailed landscape and ecological management plan (LEMP) showing the treatment and maintenance of all parts of the site which will remain unbuilt upon shall be submitted to and agreed in writing with the City Council as local planning authority. No part of the development shall be occupied until the LEMP has been implemented in accordance with the approved details. This scheme shall include details of: (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed; (ii) new tree and shrub planting, including plant type, size, quantities and locations; (iii) means of planting, staking, and tying of any trees, including tree guards; (iv) other surface treatments; (v) any changes in levels; (vi) the position and depth of service and/or drainage runs (which may affect tree roots), (vii) a detailed plan of the biodiversity enhancements on the site such as meadow creation and hedgerow improvements including a management scheme to protect habitat during site preparation and post-construction. (viii) details of planting design (ix) details of the make and type of [2]x bird boxes/tiles/bricks and [2] x bat boxes/tiles/bricks to be erected on buildings or trees under the guidance and supervision of a qualified ecologist.

For a period of in perpetuity, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interest of biodiversity, amenity and the character and appearance of the area, and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS3 and CS17).

6. Should the development not commence within 24 months of the date of the last protected species survey (August 2023), then a further protected species survey shall be carried out by a suitably qualified ecologist. The survey results and any revised mitigation shall be submitted to and agreed in writing with the local planning authority and any identified mitigation measures carried out in accordance with the approved plan. Thereafter the survey should be repeated biennially and any mitigation measures reviewed by the Local Planning Authority until the development commences. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CROW Act 2000), the Habitat & Species Regulations 2017 and CS17 of the Core Strategy).

7. Prior to any demolition of construction works, the driveway shall be widened in accordance with the approved plans and retained as such thereafter. (To ensure a satisfactory vehicular access is provided and achieve a satisfactory form of development and in accordance with saved policies AM01 and AM12 of the City of Leicester Local Plan and Core Strategy policy CS3.)

8. The dwellings and their associated parking and approach shall be constructed in accordance with 'Category 2: Accessible and adaptable dwellings M4 (2) Optional Requirement. On completion of the scheme and prior to the occupation of the dwellings, a completion certificate signed by the relevant inspecting Building Control

Body shall be submitted to the City Council as local planning authority certifying compliance with the above standard. (To ensure the dwellings are adaptable enough to match lifetime's changing needs in accordance with Policies CS03 and CS06 of the Leicester Core Strategy (2014)).

9. All works to trees shall be carried in accordance with the details provided within the categories and subcategories of the submitted Tree Survey and Arboricultural Impact Assessment received on 20/04/2023 as follows:

- *3.0 Tree Protection;
- *4.0 Onsite Storage of Spoil and Building materials;
- *5.0 Location of Site Office;
- *6.0 Programme of Works;
- *7.0 Remedial Tree Surgery;
- *8.0 Levels;
- *9.0 Services;
- *10.0 Construction Within the Tree Protection Area;
- *11.0 Reporting Procedure; and
- * the Tree Protection Plan

(In the interests of the health and amenity value of the trees and in accordance with saved Policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)

10. During the demolition and construction process, all vehicles entering and exiting the site shall use the tarmacked driveway. The grass verge to the front of the site shall not be used for storage of construction materials, construction equipment or for vehicle parking (In the interests of the health and amenity value of the trees, the character and appearance of the surrounding area and in accordance with saved Policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)

11. Prior to the commencement of development full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system shall be submitted to and approved by the local planning authority. No property shall be occupied until the system has been implemented. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall include: (i) full design details, (ii) a timetable for its implementation, and (iii) a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy).

12. Prior to the commencement of development details of drainage, shall be submitted to and approved by the local planning authority. No property shall be occupied until the drainage has been installed in accordance with the approved details. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy).

13. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other

alteration to any dwelling house of types specified in Part 1, Classes A, B, C, D, E and F of Schedule 2 to that Order shall be carried out without express planning permission having previously been obtained. (Given the nature of the site, the form of development is such that work of these types may be visually unacceptable or lead to an unacceptable loss of amenity to occupiers of neighbouring properties and the proposed house; and in accordance with saved policy PS10 of the City of Leicester Local Plan (2006) and Core Strategy (2014) policies CS03 and CS06).

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

Location Plan, PL553 A212 rev B, received 07/09/2023

Proposed Site Plan, PL553 A210 rev B, received 07/09/2023

Proposed Ground Floor Plans, A200 rev A, received 20/04/2023

Proposed First Floor Plans, A201 rev A, received 20/04/2023

Proposed Second Floor Plans, A202 rev A, received 20/04/2023

Proposed Roof Plans, A203 rev A, received 20/04/2023

Proposed Front and Side Elevations, A204 rev A, received 20/04/2023

Proposed Side and Rear Elevations, A204 rev A, received 20/04/2023

Proposed Street Scene, A213 rev A, received 20/04/2023

(For the avoidance of doubt).

NOTES FOR APPLICANT

1. All foundations, gutters and downpipes should be wholly within the application site. No permission is granted for works on, under or above land outside the ownership of the applicant. The applicant may need to enter into a Party Wall Agreement with adjacent land owners.

2. Please note it is a criminal offence to kill, injure or disturb protected species and their habitat in accordance with the Wildlife and Countryside Act (1981) as amended and The Habitat & Species Regulations (2010). If during the demolition a protected species is found, work must cease immediately and a suitably qualified ecologist or Natural England be contacted.

3. 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 highway.management@leicester.gov.uk

4. The effect of condition 13 of this planning permission is that all future alterations and extensions to the dwellings, and the construction of outbuildings within the curtilage of the dwellings, will require planning permission from the City Council as the local planning authority. (Permitted development rights for this dwelling has been restricted).

5. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all

material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process.

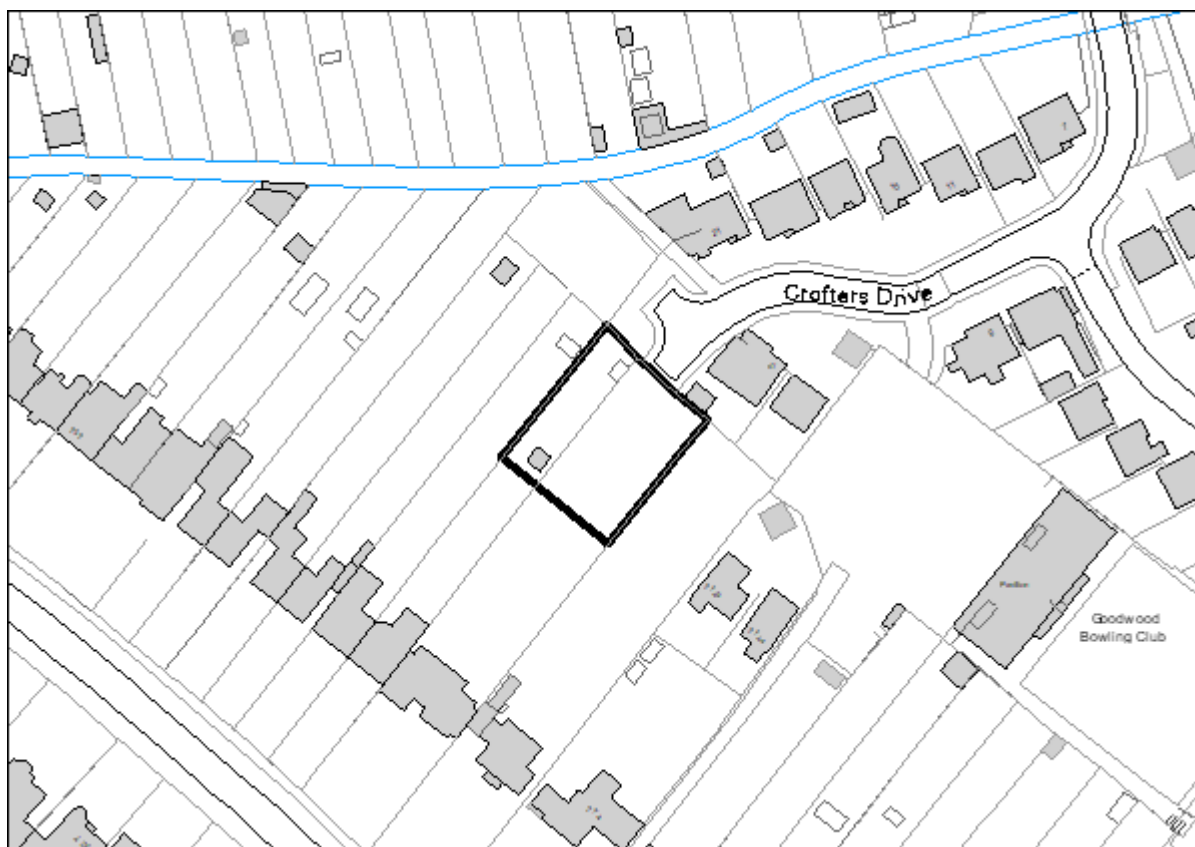
The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2023 is considered to be a positive outcome of these discussions.

Policies relating to this recommendation

- | | |
|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2006_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_AM12 | Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01. |
| 2006_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents. |
| 2006_UD06 | New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria. |
| 2014_CS02 | Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City. |
| 2014_CS03 | The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'. |
| 2014_CS06 | The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents. |
| 2014_CS08 | Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City. |
| 2014_CS14 | The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development. |
| 2014_CS15 | To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads. |
| 2014_CS17 | The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network. |

COMMITTEE REPORT

20221467	Land rear of 268-270 Uppingham Road	
Proposal:	Construction of x2 two storey dwellinghouses (2 x 4 bed) (Class C3); associated parking and landscaping (amended plans 28/3/2023)	
Applicant:	Easy Property Group	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	20 April 2023	
SS1	TEAM: PD	WARD: Thurncourt



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Summary

- Brought to committee due to level of objections. Former Cllr Gee objected to the application and requested a Committee decision should the recommendation be for approval.
- Objections received from 11 City addresses with main concerns regarding character of the area, biodiversity/trees, highways/parking, residential amenity and drainage.

- Main issues are acceptability in principle, design, proposed living conditions, neighbouring residential amenity, tree protection, biodiversity/nature conservation, highways/parking, and drainage.
- The application is recommended for approval.

The Site

The application relates to the rear part of the rear garden of two dwellinghouses on Uppingham Road. The site is also adjacent to a cul-de-sac at the end of Crofters Drive behind the rear fence.

The site is within a primarily residential area. It is also within an LAAPC 250m buffer site, a critical drainage area and an area at 1 in 1000 year risk of surface flooding.

Background

Both 268 and 270 Uppingham Road have had approved residential extensions however these are not relevant to this proposal which relates to the very rear of the large gardens at the properties.

The housing development to the east i.e., Crofters Drive & Treetops Close was approved in the 1990's:

- 19890602 – Residential Development – Conditional approval
- 19920922 – 23 detached houses (amended plans dated 21/10/92) – Conditional approval
- 19940023 – Substitution of house types on plot nos 1 3-7 9-12 15-17, 19-21, 23, 24 (being amendment to application no 92/0922/5 approved on 24/11/92) – Conditional approval
- 12 detached houses (amendment to application nos 92/0922/5 and 94/00235) (amendments received 18/04/94) – Conditional approval

A pre-application enquiry was submitted at the site in 2020 for 3 houses, 2 semi-detached houses and 1 detached. The response from officers informed the applicant of issues with the proposal including: the appearance of car parking areas at the front; density of the development; loss of green space/ecology; the hard landscaping; the lack of landscape plan; the lack of SuDS proposals; mitigation of existing vegetation loss; separation distances to neighbouring properties; the height of the proposed houses; the size of amenity spaces; the requirement for the M4(2) accessible standard to be met; the size of the parking spaces; vehicles tracking distances; and biodiversity net gain.

An application was submitted and refused for 2 houses: 20211563 Construction of two 2-storey detached dwellings (2 x 4 bed) (Class C3). Reasons for refusal:

- 1. By reason of the proposed siting, layout and design of the development, the houses would not be visually attractive. The development would appear cramped and would fail to assimilate within its context or maintain a strong sense of place contrary to National Planning Policy Framework 2021 paragraph 130 and Core Strategy 2014 policy CS03.*
- 2. The proposed dwellings, by reason of their siting and layout, would provide insufficient outlook to the study of the eastern house, the lounge of the western house, insufficient light and outlook to the kitchens of both houses, and insufficient rear amenity space to both houses in terms of its being overshadowed, resulting in inadequate living conditions for future occupiers, contrary to National Planning Policy Framework (2021) paragraph 130,*

Core Strategy (2014) policy CS03, and saved policy PS10 of The City of Leicester Local Plan (2006).

3. There are no appropriate measures in place to retain existing trees wherever possible – both in terms of the significant loss of trees on site and the lack of mitigation of potential harm to trees adjacent to the site - contrary to National Planning Policy Framework 2021 paragraph 131 and saved policy UD06 of the Local Plan.

The Proposal

The proposal is for the construction of 2 two-storey detached dwellinghouses fronting Crofters Drive.

Appearance and Design of Houses

The dwellinghouses would have the same design and critical dimensions as each other (but, as shown on the streetscene, designed symmetrically to each other at ground floor), measuring 9.5m in depth, 9.2m in width, 5m in height to the roof eaves, and 8m to the roof ridges. They would have pitched roofs.

Plot A would be sited marginally forward of Plot B.

There would be a canopy and square bay window each at the front at ground floor level.

The houses would have red bricked walls including a 'pattern' between windows at ground and first floor, uPVC windows and doors, and red roof tiles.

The houses would also have green roofs on the front canopies and there would be vertical trellis green walls at the rear right hand side. There would also be solar panels on the rear roofscapes.

Site Layouts

The houses would have gross internal floor areas of 140sqm. On the ground floor of both houses there would be a lounge, study, kitchen/dining room, utility room and W/C, and on the first floors there would be 4 bedrooms (one with a walk in wardrobe and en-suite) and a bathroom.

To the front there would be two parking spaces each and wildflower lawns. There would be deciduous hedges around the entirety of the site (except the front vehicles accesses). Further hedges would separate the gardens at the rear. The gardens would measure 154sqm for the western house and 172sqm for the eastern house.

Bin storage is shown to the rear of the fences.

Amended Plans

During the course of the consideration, amended drawings were requested from the agent primarily in relation to providing appropriate parking and landscaping proposals. The updated plans were received on 28/03/2023 with a detailed landscape plan received 18/05/2023.

Ancillary Information

The proposal was initially accompanied by the following supporting information:

- Vehicle tracking plan;
- Design and access statement;
- Tree protection plan;

- Tree survey and constraints plan;
- Tree survey document; and
- Flood risk assessment.

During the course of the consideration, further information was requested from the agent in relation to trees and ecology. The following further documents were received.

- Arboricultural impact assessment & method statement;
- Preliminary ecological appraisal; and
- Biodiversity net gain metric.

Changes from the previously refused 20211563

The following has changed from the previous submission:

- The roofscapes have been reduced in massing;
- The front elevations have been re-designed including the removal of two storey front projections, new square bay windows, reducing the size of other front windows and addition of altered ground floor canopies with green roofs;
- There are larger bi-fold doors and windows and new green wall elements on the rear elevations and new solar panels on the rear roofscapes;
- The windows and doors are white uPVC instead of anthracite, the fascia and guttering is now white instead of grey, and the roof tiles are now red instead of grey;
- The gardens are deeper and larger than in the original plans submitted in the previous submission;
- Previously proposed garages have been removed and tracking maps have been submitted for the cars;
- More detailed proposed landscaping has been submitted; and
- More detailed information on tree protection and biodiversity/nature conservation has been submitted.

It is noted that vegetation has been removed from the site since the previous refusal.

Policy Considerations

National Planning Policy Framework 2023

Paragraph 2 (Primacy of development plan)

Paragraph 11 (Sustainable development)

Paragraph 60 (Boost supply of homes)

Paragraph 69 (Small housing sites)

Paragraph 75 (5 year supply of homes)

Paragraph 104 (Transport impacts and patterns)

Paragraph 110 (Assessing transport issues)

Paragraph 111 (Unacceptable highways impact)

Paragraph 112 (Highways requirements for development)

Paragraph 130 (Good design and amenity)

Paragraph 131 (Trees)

Paragraph 134 (Design decisions)

Paragraph 159 (Avoiding flood risk or making development safe)

Paragraph 167 (Flood risk considerations and SuDS)
Paragraph 174 (Natural environment considerations)
Paragraph 180 (Biodiversity in planning decisions)

Core Strategy 2014 and Local Plan 2006

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

Further Planning Documents/Guidance

The Leicester Street Design Guide Design Element Sheet (DES) 16
Residential Amenity SPD 2008
Local Plan Appendix 01 – Parking Standards
Nationally Described Space Standards

Consultations

Highways Authority

- Access is proposed from the edge of the turning head and this would appear to be satisfactory;
- The drawings show the residents should be able to access their parking spaces and turn around so they can enter and exit in a forward gear;
- Recommendation: No objections subject to two conditions to require no occupation of the development prior to footway/verge crossings being provided at each vehicular access and to require no occupation of the development prior to the parking spaces and turning areas being provided with those spaces/areas being retained for that use.

Council Trees and Woodlands Officer

- No objection to the proposal as long as the tree protection plans are followed.

Lead Local Flood Authority

- No objection subject to conditions to establish full details of SuDS measures and full details of drainage.

Representations

11 objections have been received. The points raised include:

General

- Disappointed that letters weren't sent to neighbours (** however this point was clarified with the objector as the letters were sent only 1 day before the site notice was put up and it was just that the letters hadn't got through the postal system before the objector saw the site notice**)
- A similar application at Treetops Close (20201928) was refused for various reasons and this application should also be refused;
- The proposed plans do not show a fence nearby which will remain;
- General objection on the grounds of safety;
- Suggestion the officer has not undertaken a site visit;
- No consultation with the local residents despite the suggestion in the application that there has been;

Character of Area and Design

- The community takes care of the leafy street, and the development would heavily change the street vista, horizon and layout which would break up an environmentally friendly/strategically planned designed street;
- The hammerhead is used for children playing/a communal area, with peace and quiet, including for elderly local residents and there is a considerable amount of wildlife – the development would affect community spirit;
- The proposed houses would be not in keeping with the rest of Crofters Drive & Treetops Close – they would be an add-on, spoiling the appearance of the cul-de-sac;
- The proposed houses appear cramped on their layout;

Biodiversity/Trees

- Natural habitats have emerged in and around the site and this would be harmed;
- Several trees have been removed from the site prior to this application being submitted despite the reason for refusal relating to trees in 20211563;

Highways/Parking

- There is a lot of through traffic to the bowling centre already;
- The cul-de-sac cannot take any more traffic (refers to app 20161331 refused on traffic grounds), including the end of Crofters Drive closest to Scraftoft Lane;
- The emergency services struggle to enter Crofters Drive;
- The turning circle is challenging and new build would increase the hazard, including for pedestrians;
- One of the pictures used by the architect is aged;
- There is a dropped kerb to a garage on the hammerhead, the development would increase risk to using this garage and it would be a blind spot;
- Construction traffic would cause congestion on Crofters Drive;
- Overspill parking from the housing and removal of the hammerhead would cause traffic and congestion concerns, there is already parking concerns and narrowing the area would be inconsiderate, irresponsible and dangerous;
- Bin serviceman face access problems already;
- There is a training space for Leicestershire Fire Service in the cul-de-sac that could be impacted;
- The road would need to be re-laid and potentially the bridge over Bushby Brook would need re-enforced to accommodate the extra traffic;
- The access could be taken from Uppingham Road instead of Crofters Drive; an example of this was done at Treetops Close;
- Unsure whether 3 or 4 parking spaces are being proposed;
- The application form does not confirm that that a new access is proposed;

Residential Amenity

- There would be an invasion of privacy, including to neighbouring principal room windows, affect natural light to a neighbour, cause harm to mental health and wellbeing of the neighbours;

- This proposal has in general caused stress and anxiety to residents; and

Drainage

- There is no consideration about proposed drainage

Former Councillor Gee raised concerns in respect of siting, layout and cramped design with a dominant parking area. He was also concerned about the ability for the development to assimilate on the area, the nature of the parking/garage provision, incorrect information in respect of ownership and access rights and removal of trees and vegetation.

Consideration

Principle of Development

The basic principle of residential development in a primarily residential area is acceptable subject to the details of the proposal.

Paragraphs 60, 69(c) and 75 of the National Planning Policy Framework require local authorities to boost the supply of homes, including maintaining a 5 year housing supply, and use the development of small windfall sites within existing settlements.

Policy CS06 of the Council's Core Strategy states that housing requirements can be met through small housing infill sites and, within housing developments, appropriate sizes of houses we sought but in particular larger family housing (4 bed +).

The Council cannot demonstrate a 5 year housing supply. Whilst the provision of 2 dwellings will not have a significant impact on this, the overall development plan is still notably in favour of the proposal in terms of the principle of the residential development.

Design and Landscaping

Policy Context

NPPF paragraphs 130 and 131 require well-designed developments and the retention of trees where viable.

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, to contribute positively to an area's character and appearance in terms of inter alia urban form and high-quality architecture (at paragraph 1 (first bullet point)).

Saved policy PS10 of the Local Plan states that the visual quality of the area will be taken into account in determining planning applications.

Site Context

As explained in the previous report for 20211563, the westernmost area of Crofters Drive near the application site consists predominantly of two-storey detached dwellinghouses with front lawns/driveways of different sizes due to the curve in the road. All the houses have at least a c.2m gap between their side elevations. There are a mixture of hipped roofs and gabled roofs which have red roof tiles. Several houses have front/side garages or front side single storey protrusions. There is also

a mix of red bricked houses and some white rendered houses and the garages are also white. The proposed houses would predominantly be viewed in the context of nos 10 and 12 on the left hand side, and 17, 19 and 21 on the right hand side.

Comparison of this revision with the previous refusal

Concern was raised with the previous proposal in that the houses with their garages would have been a cramped development. However, the removal of the garages as now proposed has reduced the amount of development on site. Secondly, the pitched roofs would allow for a greater degree of separation and reduce any overbearing effect as views of the sky would be available between the houses. There is some space in between the houses and to the sides and there is space in front of the site for cars, hedging and grass. There is also more space to the rear of the site than in the previous submission.

Concern was also raised in the previous submission that the previously proposed two storey front protrusions would be incongruent in the area. They have been removed from this submission and the front elevations in this revision appear standard and coherent.

Another issue with the last proposal was the proposed materials including anthracite windows and doors and garage doors and grey roof tiles which would have appeared out of context of the area. The revised proposal with red bricks, red roof tiles and white uPVC windows means that the houses would be reasonably similar to the neighbouring house no.12 and the garage of the other nearby house no.10, and generally match the overall street.

The size of the windows was the final issue with the previous application. The revised proposal shows more standard design and layout of windows and doors in a coherent appearance.

In the previous proposal there was a minimal amount of information on landscaping plans. In this revision, hedges would be installed to the front and 3 cherry trees would be at the front and centre of the layout. The car parking is to the side of front lawns to reduce the prominence of cars being parked.

Overall considerations and Conclusion

The points raised in the objections are acknowledged. A key point raised is the removal of some of the soft landscaping i.e. trees/foliage and the replacement with housing. The concerns are understandable insofar as I saw on my site visit for the previous application that the site was previously a dense mix of trees and shrubs that could support biodiversity and this has been removed. However, whilst the Council would wish to see trees retained where viable, outside of conservation areas there is no control over how people landscape their own existing back gardens in the long term as there were no protected trees. Given the detailed plans for replacement planting there would still remain a clear element of greenery and foliage at the front of the site including hedging and cherry trees. It is noted that whilst the trees/foliage would be reduced at the site, it is only part of the green/verdant area of this end of the street and a large part of the trees behind the turning area are not within the application site. The trees on the application site provided a pleasurable addition to the area but they were set behind a road and fence and not publicly accessible. For all these reasons, the weight in the planning balance given to the effect of the proposal on the 'green' character of the area is substantially reduced.

I note that the housing development of Crofters Drive and Treetops Close was approved for 23 units as backland development in the 1990's. Whilst I take the points of objectors that the existing estate is well laid out, taking all of the foregoing together in terms of the acceptability in principle of the development, the addition of 2 houses would not be considered to substantially harm this in principle.

In terms of a conclusion on the design of the houses themselves, I have set out above how the applicant has addressed the previous concerns raised. I conclude that they would be of such design, shape and materiality to reasonably reflect and be respectful of the other houses, and, being set back c.13m from the end of the road, that they would not be unduly bulky or cramped in the context of the street, striking a reasonable design balance on a relatively constrained site.

Taking all of the above together, the proposed development would be acceptable in terms of the character and appearance of the area and accord with Core Strategy policy CS03, Local Plan policy PS10 and NPPF paragraphs 130 and 131 insofar as they relate to good design.

An objection suggests that because another application 20201928 was refused on design grounds, this proposal should also be. However, that application was for enlargements to a garage and change of use to be a house in its own right. It bears little resemblance to this proposal. In the present submission, the proposed design is acceptable.

Living Conditions for Future Occupiers

NPPF paragraph 130(f) requires developments to provide a high standard of amenity for existing and future users.

The houses, having in the region of 140sqm of internal floorspace each, would meet the nationally described space standards for a 4 bed house. The houses overall and the principal rooms would all have sufficient floorspace to provide acceptable living conditions for the future residents.

The future residents would also have sufficient privacy, not being directly overlooked by any neighbours. The projection at the left hand side of the rear of 12 Crofters Drive does not have a window at first floor.

The bedrooms of both houses would benefit from sufficient outlook by reason of their location and size of their windows.

An issue with the previous application was that outlook to the front would be hindered by the cars being parked in front of the study of the eastern house and the lounge of the western house. In this revision there would remain cars in front of the studies in both houses, however now they would have square bay windows with large windows to increase the light to these rooms.

A further issue with the previous application was that the French doors and windows to the kitchens would have been looking to the rear boundary treatment and tall trees at a distance of 6.4m leading to poor outlook and lack of natural light. In this submission the distance has increased to 10m, plus the kitchen/dining rooms would have a large section of clear glazed bi-fold doors and a window. As such these rooms would now receive a good amount of light notwithstanding the trees to the rear, and have reasonable outlook.

The other issue with the previous application was that although there would have been 100sqm of rear garden space for both houses, the gardens would have been overshadowed and felt cramped owing to the trees to the rear and sides and the short space between the rear elevation and the rear boundary. However in this submission the size of gardens have been increased significantly to 177sqm (Plot A) and 157sqm (Plot B). As such there would be an acceptable amount of garden space and it would not be cramped or unduly overshadowed.

Overall, the proposal would be providing good floorspace, good garden space, and good outlook from most windows resulting in acceptable living conditions. Taking all of the above together, the proposed development would be acceptable in terms of living conditions and accord with NPPF paragraph 130 insofar as it relates to good amenity for the future occupiers.

Neighbouring Residential Amenity/Character of the Street

As above, NPPF paragraph 130(f) requires developments to provide a high standard of amenity for existing and future users, and this would also include the neighbouring residents. Local Plan policy PS10 also lists amenity factors to take into account including noise pollution, privacy and overshadowing and safety.

Overlooking & Overshadowing consideration

The development would allow the retention of sufficient garden space for 268 and 270 Uppingham Road. The first floor rear windows of the new houses would look towards the rear of their gardens but they would be set so far back from the rear elevations of 268 and 270 and have intervening trees so as to not significantly harm privacy of the neighbours. I also consider that there would not be undue overshadowing to windows or gardens at 266, 268, 270 or 272 Uppingham Road due to the length of their gardens and the orientation of the site to the north of those neighbours.

In regard to 12 Crofters Drive to the front of the eastern proposed house, the bedroom 3 first floor window of Plot A would be c.12.8m from the shared boundary which is more than the recommended minimum distance of 11m given in the Residential Amenity SPD 2008. It would not look directly towards any principle room windows at 12 Crofters. As such, as the development would meet the SPD tests, amenity of residents at 12 Crofters Drive is considered to be retained in respect of privacy. The new Plot A house would be highly visible from the rear garden of no.12 however the houses would be sufficient distance to avoid substantial harm to residential amenity in terms of overbearing impacts also.

The proposal also would be substantial distance from the windows and garden of no.21 to avoid significant impacts on their living conditions.

Further considerations raised in objections

Objectors raise several issues with the proposal in relation to the wider amenity of the street, overall considering that the cul-de-sac hammerhead and turning area provides an area for children and the elderly to congregate in and the new houses would mean extra traffic makes this space dangerous and take it away.

The wider concerns in relation to highways are discussed below but the effective change to the area in terms of its amenity would be that the kerb is dropped and occasionally throughout the day a handful of cars would drive slowly into and from the new driveways, having clear visibility as they do so.

There would be little other change in reality to how the area is used. There would be no reason why people could not still walk on the pavement in the area and see the trees that remain or why the small grass area in the corner could not be enjoyed. The turning area on the road is not a children's play area and it could not be protected as being a play area. Indeed, several representations state that cars are often parked in this area and fire engines do training in this area. I see no reason why the area cannot assimilate the future residents of these two properties and consider the concerns over land ownership are not a matter for planning to control.

As such these concerns do not find any substance in land-use planning terms. I have not been provided any specific policies in the development plan which objectors would consider that the development is in conflict with in relation to these issues. Notwithstanding that the 2 new houses would add to the built environment at this end of the street, in conclusion there would not be any substantially material harm to the amenity of the area nor to safety of any neighbours.

Conclusion

I conclude that the development is acceptable in terms of neighbouring residential amenity and comply with NPPF paragraph 130f and Local Plan policy PS10 insofar as they relate to residential amenity and safety.

Tree Protection

NPPF paragraph 131 and Local Plan policy UD06 require developments to retain trees wherever possible.

One of the reasons for refusal in the last application was due to the loss of trees and the fact that there was inadequate proposals for avoiding harm to trees adjacent to the site as a result of the works.

In relation to the loss of trees - as discussed above trees have been removed in the applicant's back garden; the Council does not have control over how residents maintain their own gardens; and acceptable replacement planting plans including hedging and foliage to the front would retain some green element to the site's appearance. As such, the issue of loss of trees on site is not a viable reason to refuse the application any longer and has been acceptably mitigated.

In relation to the protection of trees in and around the site to be retained: it is described above that a tree protection plan, tree survey and constraints plan, tree survey document, and arboricultural impact assessment & method statement have been submitted. Page 3 of the arboricultural impact assessment outlines the nature of trees to be reduced and that document, along with the tree protection plan drawing, talks about the barriers, ground guards and associated measures to protect the trees that are to be retained during works.

The Council's Trees and Woodlands officer considers that, provided the development is carried out in accordance with the submitted information, there would be no harm to trees proposed to be retained. I agree with this conclusion.

As such, the development would accommodate replacement trees to the front of the site and retain health of neighbouring trees in accordance with NPPF paragraph 131 and Local Plan policy PS10.

Biodiversity & Nature Conservation

Paragraphs 174 and 180 of the National Planning Policy Framework and Core Strategy policy CS17 require developments to avoid harm to biodiversity and state that developments should look to provide net gains.

As described above a preliminary ecological appraisal and biodiversity net gain metric have been produced as well as detailed landscaping plans including new hedges, shrubs, wildflower lawns, green canopies, green walls, and trees. Bat and bird boxes are shown on the elevations of the houses also.

In terms of the preliminary ecological appraisal, this concludes that protected species are likely absent from the site, due to unsuitable habitats, levels of disturbance, species range, and/or landscape context. This has been reviewed by the department and it is concluded that the appraisal is acceptable and up-to-date. As such, the development would avoid harm to protected species.

The biodiversity net gain metric has been reviewed and it is concluded that it has been filled out appropriately. It shows that there would be an increase of 0.67 biodiversity units in respect of hedgerow units although a decrease of 0.15 units in respect of habitat units. As such the development would be considered acceptable in terms of hedgerow units and having regard to the variety of measures provided on site as listed above it is considered that this would mitigate for the small loss of habitat units. It is considered that the applicant has taken all reasonable steps to provide appropriate landscaping with potential for ecological value and conditions are recommended to secure this.

Highways & Parking

NPPF paragraphs 104, 110, and 112, Core Strategy policies CS14 and CS15, Local Plan saved policies AM01, AM02, AM12 and PS10 and Local Plan Appendix 001 – Vehicle Parking Standards require developments to provide a sustainable and effective transport network, appropriate levels of parking for residential development, ensure suitable access, and preserve safety for highway users including motorists, cyclists and pedestrians.

I note the objections in respect of traffic, highway safety, parking congestion, manoeuvring, and service vehicles.

The concerns relate to both the parking and safety of the cul-de-sac/turning area; and also to the traffic/highway impact on the wider area i.e. the rest of Crofters Drive.

Consideration of impact in and around the cul-de-sac

Considering firstly the localised impact on the cul-de-sac: the houses would have off-street parking for 2 cars. This is compliant with policy AM12 and the Local Plan appendix 1 and as such it would be unreasonable to consider developers to provide more than this. This also avoids over-provision of unattractive car parking spaces in the public realm and avoids encouraging excessive creation of vehicle emissions in the environment. Generally it would not be expected for homeowners to have more than 2 cars for 1 house and as the new houses would have this and the other houses in the area tend to have this, there would be no likely material harm to parking congestion. One objector considers that the area is used for parking his cars in and the development would affect this and some objectors also state that there are often cars parked in the turning head, whilst others consider it is used for turning. However this area is not a car park and also for the reasons above this point would not have significant weight in this case. The turning head could still be used as such.

Furthermore, I did not see any cars parked on my site visit and looking at aerial imagery on the Council mapping system from 10 separate years between 1997-2021 there are rarely any cars parked in that area at all. Whilst these are only snapshots in time, they do not indicate a continual parking congestion problem in this area.

The layout of the parking spaces is well-designed in terms of there being space on the frontage of the site for residents to enter and leave the site in a forward direction. Cars entering and leaving the site would have clear visibility and would not be coming or going at high speed. As such there are no concerns in relation to the safety of the proposed access and parking. The Highways Authority are satisfied that this is the case.

One objector notes that there is a dropped kerb which has recently been provided to the side garage of no.12 and considers cars coming or going would be unsafe when using the garage. However, mapping imagery shows that this garage was not an original building on site and that part of the rear garden of no.12 was plainly not designed for a garage. It does not provide high visibility for the user. However, this would not be unduly affected by the very modest amount of comings and goings to and from the safe access proposed at the application site. The development could not be prevented on these grounds.

In the absence of any correspondence from the fire department I do not give any weight to the suggestion that a development in this area would affect the Fire Service training. I am not persuaded that such a development would have a material impact on the Leicestershire Fire and Rescue Service. The site is a residential area and could not be viewed or retained as being an area for fire service training.

Consideration of wider impact on Crofters Drive as a whole

Several objectors are frustrated with members of the nearby bowling club using Crofters Drive to access their club. Other comments note that the access road to Crofters Drive is narrow and congested and tough to use for emergency services and bin men, and a further issue raised is that the same road and bridge would need to be re-laid/re-enforced to accommodate extra traffic.

However, the addition of 2 houses in this area is small in proportion to the wider housing estate and would not significantly exacerbate these issues. Two houses would not provide a significant extra amount of traffic. The streets are wide enough to accommodate cars and there are suitable pavements. Impacts of construction traffic would be temporary and would be unlikely to cause harm to highway safety.

As such there are no concerns in relation to highways impacts on Crofters Drive.

Several of the objection points are not things that the development would materially impact, including access for emergency vehicles to Crofters Drive and the road materials nearby.

Conclusion of Highways Impacts

The Highways Authority are satisfied with the proposal subject to two conditions to ensure the access and parking spaces are laid out prior to occupation and retained as such. I agree with their conclusion.

For the above reasons, the development would provide safe and suitable access and not have significant impacts on the highways network in accordance with NPPF

paragraphs 104, 110, and 112, Core Strategy policies CS14 and CS15, and Local Plan saved policies AM01, AM02, AM12 and PS10.

Flood Risk & Drainage

The site is in a critical drainage area and is at 1 in 1000 year risk of flooding. As a new dwelling, the provision of SuDS features and other mitigation measures to ensure that surface water run-off is minimised from the site would be secured by way of condition. A flood risk assessment was submitted with the application. The Lead Local Flood Authority have reviewed the submission and set out pre-commencement conditions to secure the appropriate details. As such, subject to conditions, the proposal would be acceptable in terms of NPPF paragraphs 159 and 167 and Core Strategy policy CS02 which require developments to avoid increasing flood risk and provide appropriate drainage.

Permitted Development Rights

Schedule 2 Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 grants permitted development rights for residential properties. In the event of the dwelling being extended in future, greater impacts to the design, residential amenity or living conditions could arise. It would be necessary to condition the removal of certain permitted development rights to avoid these impacts. Class A rights are to be removed as extensions may unacceptably reduce the size or quality of rear gardens at the new houses, Class AA rights are to be removed as additional storeys would impact on character of the area and amenity, Class B rights are to be removed to avoid further roof extensions affecting the character of the houses, Class D rights are to be removed to control the appearance of the front elevations and ensure space is not reduced for parking, and Class E rights are to be removed as outbuildings could unacceptably reduce garden space and rear outlook for the new houses.

Other Issues

Some further issues were raised in representations as listed above. Firstly, all publicity requirements were carried out in accordance with planning law. If the developer did not consult with the public prior to their application being submitted, that is not able to be controlled by the Council and would not warrant reason for refusal.

I have visited the site internally and viewed from Crofters Drive in connection with both applications and this has informed the recommendation.

The comment in relation to the nearby fence not being shown is not unacceptable as the proposed plans show all of the proposed development within the red line.

Conclusion

Residential development is acceptable in principle and there would not be unacceptable harm to the character of the area. In the absence of a five year land supply in the City the tilted balance should be applied in favour of applications such as this which will make a contribution to housing supply. The three reasons for refusal in regard to the previous application have been fully addressed.

Conditional approval is therefore recommended.

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 shown on the approved plans. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
3. No part of the development shall be occupied until footway / verge crossing(s) have been provided at each vehicular access in accordance with guidance in the Leicester Street Design Guide. (To ensure a satisfactory means of access to the highway, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)
4. The parking area shall be provided before the occupation of any part of the development and shall be retained and kept available for that use. (To ensure that parking can take place in a satisfactory manner; and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)
5. Prior to the commencement of development full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system shall be submitted to and approved by the local planning authority. No flat shall be occupied/the use shall not commence until the system has been implemented. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall include: (i) full design details, (ii) a timetable for its implementation, and (iii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
6. Prior to the commencement of development details of drainage, shall be submitted to and approved by the local planning authority. No property shall be occupied until the drainage has been installed in accordance with the approved details. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
7. The dwellings and their associated parking and approach shall be constructed in accordance with 'Category 2: Accessible and adaptable dwellings M4 (2) Optional Requirement. On completion of the scheme and prior to the occupation of the dwellings, a completion certificate signed by the relevant inspecting Building Control Body shall be submitted to the City Council as local planning authority certifying compliance with the above standard. (To ensure the dwellings are adaptable enough to match lifetime's changing needs in accordance with Policies CS03 and CS06 of the Leicester Core Strategy (2014)).

8. Development must take place in strict accordance with Section 4 of the Arboricultural Impact Assessment & Method Statement (RJ Tree Services Ltd, dated 09 September 2022, received by the City Council as local planning authority on 09/09/2022) and the Tree protection plan (as received by the City Council as local planning authority on 09/09/2022) (To ensure that trees proposed to be retained on site and trees surrounding the site are not harmed and in accordance with Local Plan saved policy UD06).

9. The approved landscaping scheme (drawing title: Detailed soft landscape proposals, no 21-047-01, revision C, bea landscape design ltd, received 18/5/2023) shall be carried out within one year of completion of the development. For a period of not less than five years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)

10. Prior to above ground works, details of the type and location of x2 bat tiles/boxes and x2 bird boxes to be incorporated within the elevations of the proposed buildings have been submitted to and agreed in writing with the City Council as local planning authority. The locations should be determined by an ecologist who should also supervise their installation. The development shall be carried out in accordance with the agreed details and the agreed features retained thereafter (In the interest of biodiversity and in accordance with Policy CS 17 Biodiversity of the Core Strategy).

11. Should the development not commence within 24 months of the date of the last protected species survey (August 2023), then a further protected species survey shall be carried out by a suitably qualified ecologist. The survey results and any revised mitigation shall be submitted to and agreed in writing with the local planning authority and any identified mitigation measures carried out in accordance with the approved plan. Thereafter the survey should be repeated biennially and any mitigation measures reviewed by the Local Planning Authority until the development commences. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRoW Act 2000), the Habitat & Species Regulations 2017 and CS17 of the Core Strategy).

12. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling or provision of any outbuilding of types specified in Part 1, Classes A, AA, B, D and E shall be carried out without express planning permission having previously been obtained from the Local Planning Authority. (Given the nature of the site, the form of development is such that work of these types may unacceptably reduce amenity space on site or lead to an unacceptable loss of amenity to occupiers of neighbouring properties, or be a design that is out of keeping with the character and appearance of the area; and in accordance with Core Strategy (2014) policy CS03 and saved policy PS10 of the City of Leicester Local Plan (2006)).

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

Planning Application - Proposal Drawing Plot A, Ref DSA-20147-PL-PRO-01-C, received 28/03/2023

Planning Application - Proposal Drawing Plot B, Ref DSA-20147-PL-PRO-02-C, received 28/03/2023

Planning Application - Proposal Drawing Site Plan, Ref DSA-20147-PL-PRO-03-B, received 28/03/2023

(For the avoidance of doubt).

NOTES FOR APPLICANT

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

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

2. To meet condition 7 all those delivering the scheme (including agents and contractors) should be alerted to this condition, and understand the detailed provisions of Category 2, M4(2). The Building Control Body for this scheme must be informed at the earliest opportunity that the units stated are to be to Category 2 M4(2) requirements.

3. Condition 12 refers to alterations/extensions that you are normally allowed to carry out to houses without planning permission. In this case the City Council wants to be able to control any alterations and extensions to preserve the appearance of the property or protect the amenities of neighbouring properties. You should contact the City Council (telephone (0116) 454 1000) if you are considering such works.

Policies relating to this recommendation

2006_AM01 Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.

2006_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.

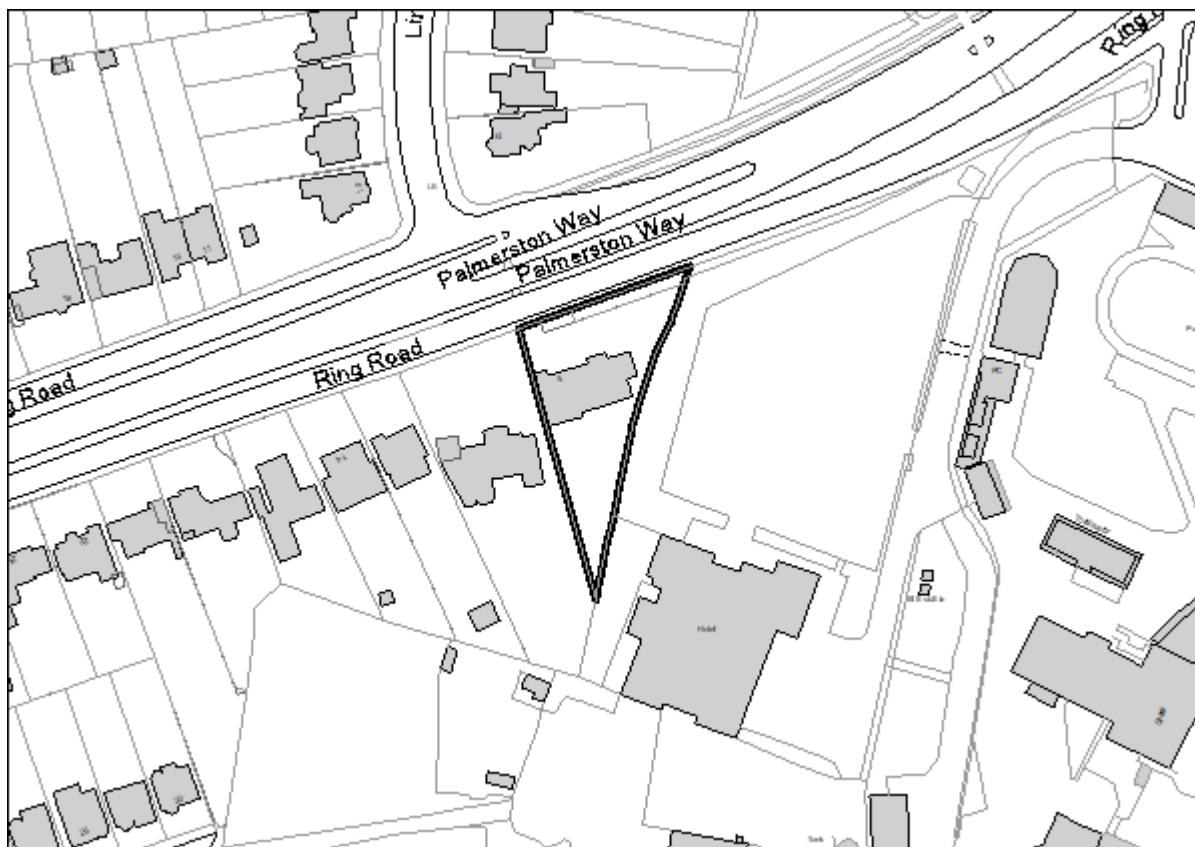
2006_AM12 Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.

2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.

- 2006_UD06 New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
- 2014_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014_CS06 The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
- 2014_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
- 2014_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
- 2014_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.
- 2014_CS17 The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.

COMMITTEE REPORT

20231197	8 Ring Road	
Proposal:	Change of use from dwellinghouse (Class C3) to day nursery (Class E); installation of two 1m high gates to existing access at front; alterations (amended plans received 21/09/2023)	
Applicant:	Nursery Rhymes Learning Ltd	
App type:	Operational development - full application	
Status:	Change of use	
Expiry Date:	26 October 2023	
RB	TEAM: PD	WARD: Knighton



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Summary

- The application is brought to committee on the request of the Head of Planning, due to the amount of public interest in the proposal.
- 6 objections have been received from 3 different addresses within the city on grounds of the principle of the use in a residential area, loss of neighbouring amenity, design, impact on the character and appearance of the area, inadequate parking, and highway safety.

- A petition in objection to the proposal has been received, which has 55 signatures.
- A letter of support for the proposal has been received for the application with 23 signatures.
- Main issues are the principle of the use, the impact on the character of the area, impact on amenity of nearby occupiers, highway safety and parking.
- The application is recommended for approval.

The Site

The site relates to a single storey detached bungalow located on the southern side of Ring Road, which is a residential road, which runs parallel to the north and south of the classified road, Palmerston Way. The area is primarily residential.

There is a large in & out driveway to the front of the property with both entrances accessed from Ring Road. The land directly to the east of the site is within Oadby and Wigston Borough Council.

There is a large amount of vegetation to the front of the site.

Background

Application 20061869 for the construction of single storey extensions at side and rear of bungalow (Class C3) was approved on 04/12/2006. This permission has been implemented.

The Proposal

The proposal is for a change of use of the dwellinghouse on site to a day nursey which falls within Class E(f) of the Use Classes Order as amended in September 2020.

Alterations to the property include:

- the conversion of the existing attached garage at the side of the property to a habitable room and the bricking up of the garage door and installation of a window;
- The installation of two inward opening gates to the existing access of the property;
- The provision of four car parking spaces and four cycle parking spaces to the front of the property

The nursery would consist of three main rooms for children, a baby room, a toddler room and a pre-school room. There would also be a kitchen, laundry room, staff room, office and cloak room. There would be three sets of toilets, one of which would be for staff.

The applicant is proposing to operate the day nursery between the hours of 8am and 6pm on Monday to Friday only. The nursery will cater for 60 children between the ages of 3 months and 5 years; however, the applicant has stated that the nursery will unlikely reach that capacity initially.

A supporting statement, including and travel plan, and a management plan have been submitted in support of the application.

Amended plans have been received to show elevations of the gated access and to provide car and cycle parking to the front of the site. Both car and cycle parking spaces would be made available only to staff.

Policy Considerations

National Planning Policy Framework (NPPF) 2023

Paragraphs 2 and 11 (Presumption in favour of sustainable development)

Paragraphs 92 and 93 (Promoting Healthy and Safe Communities)

Paragraphs 110, 111 and 112 (Highways)

Paragraphs 120 (Use of land)

Paragraphs 130 and 134 (Amenity and Good Design)

Paragraph 185 (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

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

Consultations

Environmental Health (Noise Pollution) – No objection

Traffic and Travel Planning (Highways) – No objections providing staff parking and cycle parking are provided.

Oadby and Wigston Borough Council – No objection subject to consideration of the NPPF and local planning policy.

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Representations

Six letters of objection have been received from three different addresses within the city. One of the letters is a petition, signed by 55 residents. The letters raise the following concerns:

- The proposal would result in traffic congestion, parking issues and poor pedestrian and residents' safety;
- Poor public transport and road links to the site;
- Ring Road is used as a 'rat run', and traffic queues are common between 8 and 9am;
- Drivers will need to U turn in Ring Road, resulting in safety issues and damage to the highway;
- The app proposed to be used by the nursery may not work and the projected drop off time of 30 seconds to 3 minutes appears unrealistic;
- Impact of the noise from the children playing outside;
- The cumulative noise sources, such as the racecourse and the Kube should be assessed. Noise surveys have not been completed;

- It has not been demonstrated that the area is appropriate for the proposed use;
- Other similar applications have been refused in the past with reference to the concerns raised;
- The traffic congestion is an issue in the wider area; and
- On street parking will increase as a result of the change of use and will block residents' driveways

A letter of support has been received by the applicant, which contains 23 signatures.

Consideration

The main issues are the principle of development, impact on character and appearance; impact on residential amenity and parking.

Principle of development

Saved Policy H05 of the Local Plan (2006) commits the Council to refuse applications involving the loss of existing housing. The policy is predicated on the shortfall in housing supply, which is ongoing, meaning that the loss of any housing is resisted. However, the policy does also recognise that, in exceptional circumstances, the loss of housing can be justified by the provision of other community benefits. I consider that the provision of a children's day nursery would offer such a community benefit. The proposed use would represent a relatively minor scale of day nursery compatible with residential locations such as the application site. Furthermore, some commercial uses can be considered appropriate within residential areas such as dental surgeries, medical centres and nurseries as they offer a local community benefit which would outweigh the harm from the loss of one residential unit.

I consider it necessary to attach a condition to remove permitted development rights for any further changes of use within Class E, because of the potential impacts of other commercial uses within that Use Class on the surrounding residential area.

Therefore, the proposed development is considered acceptable in principle subject to the impact on character and appearance, residential amenity and parking.

Character and Appearance

The application site is located in a primarily residential area whereby detached properties are set within spacious plots to the west of the site. To the east of the site there is a car park and events centre. There are no changes proposed to the application property itself apart from the conversion of the existing garage to a habitable room, which would require the existing entrance to the garage to be bricked up and a window installed. I consider it necessary to attach a condition to ensure that the materials match the existing brickwork.

Gates are proposed to the two existing vehicular accesses from Ring Road, which are of a suitable height, material and design. I consider it necessary to attach a condition to ensure that the gates are powder coated black. Therefore, I consider that the proposal would not result in any harm to the appearance of the street scene.

Although the intensity of the use of the site will increase, I consider that, due to its location adjacent to other commercial uses and only adjacent to one residential property, it would be a suitable location for the use that would not result in a significantly adverse impact on the character and appearance of 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 design and the character and appearance of the area.

Residential amenity (neighbouring properties)

Policy PS10 of the Local Plan states that in terms of residential amenity any new development proposals should have regard to existing neighbouring and proposed residents in terms of noise, light, vibrations, smell and air pollution, visual quality of the area, additional parking and vehicle manoeuvring, privacy and overshadowing, safety and security, the ability of the area to assimilate development and access to key facilities by walking, cycling or public transport.

The nearest residential property is the neighbouring property at 6 Ring Road. There are no other residential properties within the vicinity with the Leicester Racecourse car park and events centre the closest uses to the east.

The nature of the proposed use as a day nursery for children between the ages of 3 months and 5 years is considered to give some rise in the levels of noise experienced by neighbours and local residents. In addition to this, the arrival and departure of children could give rise to some level of disturbance in the morning and evening times. However, the statement and management plan submitted by the applicant states that no more than 60 children would be registered at any one time, which is managed via the submitted management plan. Moreover, an 'app' would be introduced to arrange for pre-arranged drop of and pick up times to ensure that there is a manageable number of vehicles entering the site at the same time. Therefore, the restriction on the total number of children is considered appropriate to mitigate the rise of any potential harm in this instance.

Whilst the applicant has indicated the hours of use would be 0800 to 1800, I consider that use of the property at 0730 would not result in detriment to the neighbouring occupiers. The hours of use from 0730 to 1800 would be appropriate and it would be reasonable to condition these hours.

The Management Plan outlines that the children will not be outside all day. When outside, the sessions can be staggered between a room/age group at any one time. This would minimise the potential of noise and disturbance to neighbours whilst the nursery is in operation. A condition to secure the Management Plan is considered necessary to minimise any noise and disturbance to local residents would be minimised significantly.

Other uses in Class E include a variety of other commercial uses. I consider that other uses could potentially give rise to harmful amenity impacts including additional demand for parking and noise pollution. As with the reasons above relating to the principle of the change of use, I recommend that a condition limit the permission to

use applied for, meaning that any future alternative uses within Class E can be considered on their own merits.

I conclude that the proposal would comply with Policy CS03 of the Core Strategy (2014) and saved Policy PS10 of the Local Plan (2006), and is acceptable in terms of amenity.

Highways and Parking

The existing dwelling has 2 points of vehicular access from Ring Road, both with existing dropped kerbs, and it is proposed to provide gates across these accesses to provide a safe and secure site for the children.

The proposal would introduce an 'in and out' system to improve traffic and manoeuvring, which I consider necessary to condition.

Given that the service road is an unclassified road, where the volume of peak hour traffic is not high, the provision of gates to the existing vehicular accesses would not lead to any significant unacceptable level of harm to highway safety.

Four staff car parking spaces are proposed within the site, three to the western side and one in front of the property. It is likely that staff cars would arrive before the children and then leave after the children leave and therefore staff vehicles manoeuvring into and out of the site should not cause any safety issues for children.

Parents who arrive by car, will be required to use an App to arrange their dropping off/picking up time for their children.

SPG Vehicle Parking Standards requires one car parking space for every 22sqm of floorspace within a proposal within the former Class D1 use class (nurseries now fall within the Class E use class). According to the vehicle parking standards, the proposal would require 11 car parking spaces, due to the approximate floor space of the resultant use of 245sqm. However, due to the nature of use of nurseries most journeys would not require all day parking, due to children being dropped off and so the requirement is for staff.

The applicant has also submitted a Travel Plan, that seeks to encourage sustainable travel choices and reduce the number of single drivers parked/waiting at the site or on Ring Road. As such, I consider that the under provision of car parking spaces is acceptable in this instance, as a workable alternative solution has been provided by the applicant.

The provision of cycle parking for former D1 educational uses within the Vehicle Parking Standards SPG is 1 space for every five persons. Four cycle parking spaces are proposed to the side of the main building and there is an existing garage, which can be provided as storage space if additional cycle parking is required. The number of spaces proposed would meet the requirement for 15 permanent members of staff so is acceptable.

Furthermore, in this instance, due to the limited restrictions along Ring Road and the nature of the proposed use, I consider that there would not be demonstrable severe

harm in terms of highway impacts associated with additional parking. I therefore conclude that the proposed development would not conflict with Appendix 1 of the Local Plan.

I consider it necessary for conditions to be attached to ensure that the Travel Plan is adhered to, and the car and cycle parking is retained.

Several conditions are recommended to secure the details submitted in support of the application, subject to which the proposal is considered not to result in a severe impact on highways and parking in accordance with the NPPF 2023, saved policies AM01, AM02 and AM11 of the Local Plan and Core Strategy policy CS15.

Conclusion

The proposed development represents an acceptable size, scale and form of development in a residential area. The resulting use of the site would be compatible with the residential area and the proposed alterations unlikely to have any significant detrimental impact on the character of the street scene or the property itself. I consider that the proposal will have minimal impact on the residential amenity in respect of noise and disturbance subject to conditions. The proposal would not have a severe impact on highways safety and would provide six car parking space within the site. The proposal is in accordance with the aims of the NPPF, development plan policies and guidelines - Supplementary Planning Document "Residential Amenity".

I recommend that this application is 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 external wall of converted garage shall be constructed using facing bricks to match those existing and retained as such. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
3. The approved metal gates shall be powder coated in black colour and installed in accordance with the approved plans and retained as such (In the interests of visual amenity, and in accordance with Core Strategy policy CS03.)
4. Traffic flow within the site shall be managed by a one-way system with vehicular access to the site from a different entrance to the vehicular egress from the site and shall be operated as such for the lifetime of the development. (In the interests of the satisfactory development of the site and in accordance with policies AM01, AM02 and AM11 of the City of Leicester Local Plan).
5. No part of the development shall be occupied until four secure and covered cycle parking spaces have been provided in accordance with the approved plans and

retained thereafter. (In the interests of the satisfactory development of the site and in accordance with policies AM02 and AM11 of the City of Leicester Local Plan).

6. No part of the development shall be occupied until all parking areas are surfaced and marked out in accordance with details shown on the approved plans and shall be retained for parking and not used for any other purpose. (To ensure that parking can take place in a satisfactory manner, in the interest of highway safety, and in accordance with policies AM01 and AM11 of the City of Leicester Local Plan and Core Strategy policy CS03)

7. The development be carried out in accordance with the Travel Plan received on 10/08/2023. The Travel Plan shall be carried out in accordance with the timetable contained within the Travel Plan. The monitoring of travel modes (including travel surveys) shall be carried out of all users and patterns at regular intervals for a minimum of 5 years from the first occupation of the development brought into use. 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).

8. The use hereby approved shall not be carried on outside the hours of 07:30 to 18:00 Monday to Friday and at no other time. (In the interests of the amenity of neighbouring occupiers, in accordance with Policy CS03 of the Leicester Core Strategy (2014) and saved Policies PS10 and PS11 of the Local Plan (2006).

9. The approved use shall be operated in accordance with the nursery management plan received on 21/09/2023, aimed at minimising disturbance to nearby residents and maintaining highway safety, and shall be operated at all times thereafter. (In the interests of the amenity of neighbouring occupiers, in accordance with saved Policies PS10 and PS11 of the Local Plan (2006).).

10. 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 day nursery within Class E of the Order. (To enable consideration of the amenity, parking and and highway safety impacts of alternative Class E uses, in accordance with Policies CS03 and CS15 of the Leicester Core Strategy (2014) and saved Policies PS10 and PS11 of the Local Plan (2006).)

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

Proposed Site plan, N04-015 Rev A, received 21/09/2023

Proposed Ground Floor Plan and North Elevation, N04-030 Rev A, received 26/06/2023

Proposed elevations, N04-050, received 21/09/2023

(For the avoidance of doubt).

NOTES FOR APPLICANT

1. With regards to the Travel Pack the contents of the pack are intended to raise the awareness and promote sustainable travel. The applicant should seek advice from Leicester City Council's Travel Plan Officer

2. The effect of condition 9 of this planning permission is that future changes of use of the property will require planning permission from the City Council as local planning authority. (Permitted development rights for this property have been restricted).

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 2023 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_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_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.