

COMMITTEE REPORT

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



©Crown Copyright Reserved. Leicester City Council Licence 100019264(2023). Ordnance Survey mapping does not imply any ownership boundaries and does not always denote the exact ground features.

Summary

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

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

The Site

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

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

Background

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

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

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

The Proposal

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

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

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

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

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

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

Policy Considerations

National Planning Policy Framework (NPPF) (2021)

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

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

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

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

Paragraph 43 states that the right information is crucial to good decision making and that applicants should discuss what information is needed with the local planning authority as early as possible.

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

Paragraph 92 states that planning decisions should aim to achieve healthy, inclusive and safe places which (a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other.

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

Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and goes on to recognise that good design is a key aspect of sustainable development.

Paragraph 130 sets out decisions criteria for achieving well designed places. It states that decisions should ensure that developments (a) will function well and add to the overall quality of the area; (b) are visually attractive as a result of good architecture; (c) are sympathetic to local character and history, including the surrounding built environment; and (f) create places with a high standard of amenity for existing and future users.

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

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

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

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

Supplementary Planning Documents and Other Guidance

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

Consultations

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

Representations

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

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

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

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

Consideration

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

The principle of development

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

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

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

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

Character and appearance

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

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

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

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

Amenity of neighbouring occupiers

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

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

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

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

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

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

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

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

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

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

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

Living conditions of future occupiers

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

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

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

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

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

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

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

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

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

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

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

Parking

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

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

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

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

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

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

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

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

Other matters

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

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

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

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

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

The Planning Balance

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

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

Conclusions

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

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

I recommend that this application for planning permission be APPROVED subject to the following conditions:

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The change of use hereby approved shall not take place until sound insulation along the party wall has been installed in accordance with the details set out in the submitted Noise Report (received 01/06/2023) along the party walls as shown on the approved drawing numbered 5600 Rev. B (received 26/07/2023). The sound insulation so installed shall thereafter be retained. (To safeguard amenity at the adjoining semi-detached house, and in accordance with Policy CS03 of the Leicester Core Strategy (2014) and Policies PS10 & PS11 of the City of Leicester Local Plan (2006)).
3. The change of use hereby approved shall not take place until the existing vehicular access and footway crossing serving the site has been widened to provide independent access to the three car parking spaces shown on the approved plans. (To ensure a satisfactory means of access to the highway for the three car parking spaces shown on the approved plans, and in accordance with Policy CS03 of the Leicester Core Strategy (2014)).
4. All street works shall be constructed in accordance with the Leicester Street Design Guide, June 2020. (To achieve a satisfactory form of development and in accordance with Policy CS03 of the Leicester Core Strategy (2014) and saved Policy AM01 of the City of Leicester Local Plan (2006)).
5. The change of use hereby approved shall not take place until the three car parking spaces shown on the approved plans have been provided. The parking spaces shall thereafter be retained and kept free of obstruction and available for vehicle parking in connection with the approved use. (To ensure a satisfactory level of car parking space is provided and retained on the site, and in accordance with Policy CS15 of the Leicester Core Strategy (2014) and saved Policy AM12 of the City of Leicester Local Plan (2006)).
6. The change of use hereby approved shall not take place until facilities for the storage of waste and recycling material arising from the home have been installed in accordance with details that shall first have been submitted to, and approved in writing by, the local planning authority. The facilities shall thereafter be retained in accordance with the details so approved and the bins shall be stored in the approved position except, in any calendar week, on the day prior to and the day of collection. (In the interests of visual amenity, and to ensure that on-site car parking provision is not prejudiced by the indiscriminate siting of bins on the forecourt, and in accordance with Policies CS03 and CS15 of the Leicester Core Strategy (2014) and Policies AM11 & PS10 of the City of Leicester Local Plan (2006)).

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

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

NOTES FOR APPLICANT

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

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

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

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

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

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

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

Policies relating to this recommendation

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

- 2006_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
- 2006_AM12 Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
- 2006_H05 Planning applications involving the loss of housing will be refused unless they meet criteria.
- 2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2006_PS11 Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
- 2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014_CS06 The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
- 2014_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
- 2014_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.

