

Leicester
City Council

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

DATE: WEDNESDAY, 5 AUGUST 2020
TIME: 5:30 pm
PLACE: Virtual Meeting via Teams Live

Members of the Committee

Councillor Riyait (Chair)
Councillor Aldred (Vice-Chair)

Councillors Gee, Halford, Joel, Rae Bhatia, Thalukdar, Valand and Whittle

One unallocated Labour group place

One unallocated Non group place.

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

For Monitoring Officer

Officer contact:

Elaine Baker, tel: 0116 454 6355 / Aqil Sarang, tel: 0116 454 5591
e-mail: elaine.baker@leicester.gov.uk / aqil.sarang@leicester.gov.uk
Democratic Support, Leicester City Council, City Hall, 115 Charles Street, Leicester, LE1 1FZ

Information for members of the public

PLEASE NOTE that any member of the press and public may listen in to proceedings at this 'virtual' meeting via a weblink which will be publicised on the Council website at least 24hrs before the meeting. Members of the press and public may tweet, blog etc. during the live broadcast as they would be able to during a regular Committee meeting at City Hall / Town Hall. It is important, however, that Councillors can discuss and take decisions without disruption. The only participants in this virtual meeting therefore will be the Committee members, the officers advising the Committee and any applicants, objectors and Ward Members relevant to the applications to be considered who have registered to participate in accordance with the Committee's rules on public speaking.

Attending meetings and access to information

You have the right to attend formal meetings such as full Council, committee meetings & Scrutiny Commissions and see copies of agendas and minutes. On occasion however, meetings may, for reasons set out in law, need to consider some items in private.

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Making meetings accessible to all

Braille/audio tape/translation - If you require this please contact the Democratic Support Officer (production times will depend upon equipment/facility availability).

Further information

If you have any queries about any of the above or the business to be discussed, please contact any of the following Democratic Support Officers:

Elaine Baker, tel: 0116 454 6355 (email: elaine.baker@leicester.gov.uk)

Aqil Sarang, tel: 0116 454 5591 (email: aqil.sarang@leicester.gov.uk)

For Press Enquiries - please phone the **Communications Unit on 0116 454 4151**

PUBLIC SESSION

AGENDA

1. LIVE STREAM OF MEETING

A live stream of the meeting can be viewed on the following link:

<https://tinyurl.com/yymczesh>

2. APOLOGIES FOR ABSENCE

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. CHAIRS ANNOUNCEMENTS

5. MINUTES OF THE PREVIOUS MEETING

Members are asked to confirm that the minutes of the meeting of the Planning and Development Control Committee held on 24 June 2020 and 15 July 2020 are a correct record.

6. ARRANGEMENTS FOR FORTHCOMING PLANNING AND DEVELOPMENT CONTROL COMMITTEE MEETINGS

The following meeting dates have been agreed with the Chair and Vice-Chair of the Committee under Council Procedure Rule 39(a)(ii), (Part 4A of the

Council's Constitution).

Members therefore are asked to note that it is proposed to hold meetings at 5.30 pm on the following dates:

- Wednesday 7 October 2020
- Wednesday 28 October 2020
- Wednesday 18 November 2020
- Wednesday 9 December 2020

Consideration will be given as circumstances change as to whether a meeting will be in virtual or physical format.

7. 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) **20181712 432 MELTON ROAD** [Appendix A1](#)

(ii) **20192176 LOUGHBOROUGH ROAD** [Appendix A2](#)

(iii) **20200665 9-13 EVINGTON LANE, LAND BETWEEN** [Appendix A3](#)

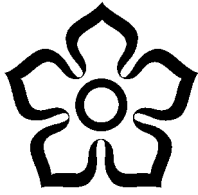
(iv) **20200780 49 WESTFIELD ROAD** [Appendix A4](#)

8. HUMBERSTONE VILLAGE AREA 20MPH ZONE - OBJECTION TO PROPOSED SPEED CUSHIONS [Appendix B](#)

The Director of Planning, Development and Transportation submits a report setting out objections received to proposals to introduce speed cushions in the Humberstone Village area.

The Committee is recommended to consider the report and pass its views to the Director of Planning, Development and Transportation to take into account when considering whether or not to make the proposed traffic regulation order.

9. ANY URGENT BUSINESS



Leicester
City Council

Wards:
See individual reports.

Planning & Development Control Committee

Date: 5th August 2020

REPORTS ON APPLICATIONS AND CONTRAVENTIONS

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 2011 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.

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 dealing with those impacts, such as increased demand for school places, 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 Regulations 2010.
- 7.2 Planning obligations cannot make an otherwise unacceptable planning application acceptable.
- 7.3 Recommendations to secure planning obligations are included in relevant individual reports, however it should be noted however that the viability of a development can lead to obligations being waived. This will be reported upon within the report where relevant.

8 Legal

- 8.1 The recommendations in this report are made under powers contained in the Planning Acts. Specific legal implications, including the service of statutory notices, initiating prosecution proceedings and preparation of legal agreements are identified in individual reports. As appropriate, the City Barrister and Head of Standards has been consulted and his comments are incorporated in individual reports.
- 8.2 Provisions in the Human Rights Act 1998 relevant to considering planning applications are Article 8 (the right to respect for private and family life), Article 1 of the First Protocol (protection of property) and, where relevant, Article 14 (prohibition of discrimination).
- 8.3 The issue of Human Rights is a material consideration in the determination of planning applications and enforcement issues. Article 8 requires respect for private and family life and the home. Article 1 of the first protocol provides an entitlement to peaceful enjoyment of possessions. Article 14 deals with the prohibition of discrimination. It is necessary to consider whether refusing planning permission and/or taking enforcement action would interfere with the human rights of the applicant/developer/recipient. These rights are 'qualified', so committee must decide whether any interference is in accordance with planning law, has a legitimate aim and is proportionate.
- 8.4 The impact on the human rights of an applicant or other interested person must be balanced against the public interest in terms of protecting the environment and the rights of other people living in the area.
- 8.5 Case law has confirmed that the processes for determination of planning appeals by the Secretary of State are lawful and do not breach Article 6 (right to a fair trial).

9 Background Papers

Individual planning applications are available for inspection online at www.leicester.gov.uk/planning. Comments and representations on individual

applications are kept on application files, which can be inspected online in the relevant application record.

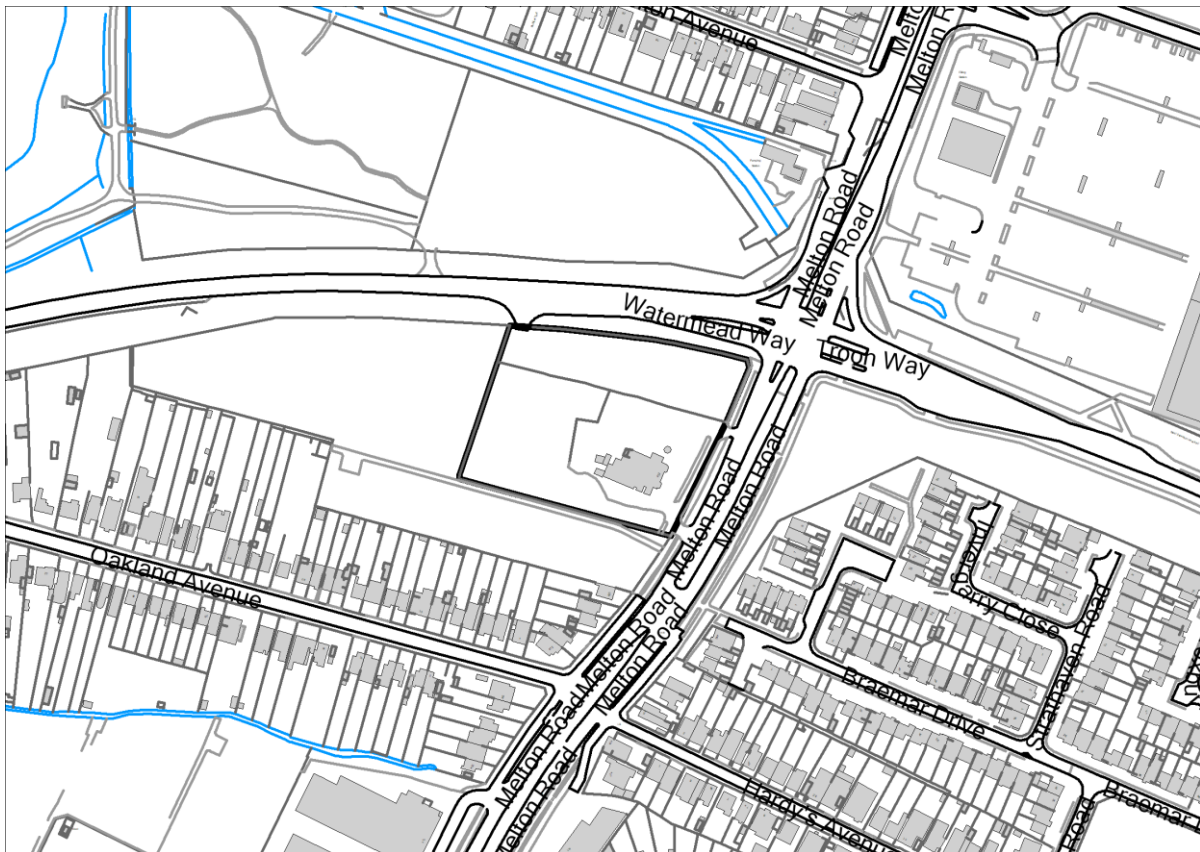
10 Consultations

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

11 Report Author

Grant Butterworth (0116) 454 5044 (internal 37 5044).

Recommendation: Conditional approval	
20181712	432 Melton Road, Indigo
Proposal:	Demolition of existing restaurant; construction of one to five storey building to provide a mixed-use facility with a banqueting hall and ceremony room; restaurant and hotel (Sui Generis) (Amended plans 11/5/2020, 2/6/2020 & 12/6/2020)
Applicant:	MR JAGDISH GHELANI
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20181712
Expiry Date:	30 June 2020
WJJ	WARD: Rushey Mead



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Summary

- Brought to the Committee as the recommendation is for approval and more than five objections have been received
- The main issues are the impact of the proposal on and for:
 - the principle of building in this area a mixed-use facility with a banqueting hall and ceremony room, restaurant and hotel
 - the character and appearance of the area
 - the use of sustainable means of transport
 - air quality

- function and safety of the highway
- the amenity of neighbouring dwellings
- wildlife, trees and landscaping
- 107 objections and four petitions (with a total of 138 names) mainly concerned whether the proposed use is acceptable here, the impact on wildlife, the appearance of the proposed building, the impact on residential amenity, and highway/ traffic/parking congestion.
- The application is recommended for approval subject to conditions.

The Site

The site lies on the southwest side of the junction of Melton Road and Watermead Way. It is on the diagonally opposite side of the junction from Sainsbury supermarket.

On the northern side of Watermead Way, opposite the site, a sports centre is currently being built (20150794). On the eastern side of the Melton Road, opposite the site, is a sculpture and suburban style housing.

A rectangle running across the northern part of the site is Green Space. At the eastern end of this rectangle this consists of unused land with some trees. To the western end it consists of land laid with hardcore. The Council owns this land within the Green Space. In order for the scheme to be built the applicant will need to come to an agreement with the Council.

To the eastern end of the rectangle of Green Space by the junction of Watermead Way and Melton Road is a highway improvement line.

To the south and west of the site are the Oakland Avenue Allotments which are designated as Green Space. To the south, beyond the allotments, are the dwellings of Oakland Avenue.

With regards to flooding from fluvial sources the site straddles Flood Zones 1, 2 and 3a. As such parts of it are at very low risk of flooding while other parts are at high risk. The site is not at significant risk of flooding from pluvial sources and no pluvial related designation applies to it.

The site is within an area of archaeological potential. There is evidence for what is likely to be a Roman farmstead, settlement or perhaps even a villa close to the Fosse Way.

Background

There was a hotel on the site since the 1950s.

Various minor alterations have been permitted over the years. The most recent permission was granted for works to trees and removal of trees covered by Tree Protection Order; construction of single and two storey extension to side of restaurant ventilation flue and alterations to car park (20162537).

Pink hardcore has been laid across much of the rear of the site.

The Proposal

The proposal is to demolish the existing three storey restaurant and construct a one, two and five storey building to provide a mixed-use facility with a banqueting hall and ceremony room, restaurant and hotel with thirty-four bedrooms.

To the sides and rear of the proposed building car parking and landscaping is proposed.

The roof of the fifth storey will be 17.6m high. This will face Melton Road and Watermead Way in an L shape following the shape of the road junction corner.

Above the fifth storey there is some plant which is set back and screened. Behind the fifth storey element will be lower elements of one and two storeys. These fill out and extend the L shape so that the overall footprint of the building is close to being a rectangle.

On the Watermead Way side beyond the five storey part, at the western edge of the building, is a porch of about two storeys in height, which protrudes northwards from the rectangular shape of the building.

A group of mature trees, that are close to the middle of the site and currently covered by Tree Preservation Orders, will need to be removed to make space for the proposed building. Most other mature trees, that are around the edges of the site, will be retained.

Policy Considerations

National Planning Policy Framework (NPPF) February 2019

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

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

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

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

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

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

Of particular relevance to this scheme are the following paragraphs.

Sustainable Development

Paragraph 8 states ‘Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The following paragraphs are particularly relevant to the principle of use aspects of this scheme.

Paragraph 86 states that *'Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.'*

Paragraph 89 states that *'When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:*

a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).'

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

Paragraph 108 states that *'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

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

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

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

Paragraph 109 states that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

Paragraph 111 states that *'All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.'*

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

Paragraph 117 states that *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.'*

Paragraph 122 states that *'Planning policies and decisions should support development that makes efficient use of land, taking into account:*

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) local market conditions and viability;*
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) the importance of securing well-designed, attractive and healthy places.'*

The following paragraphs are particularly relevant to design matters.

Paragraph 124 states that *'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.'*

Paragraph 127 states that *'Planning policies and decisions should ensure that developments:*

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

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

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

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

Paragraph 130 states that *'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.*

Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).'

The following paragraphs are particularly relevant to energy matters.

Paragraph 153 states that *'In determining planning applications, local planning authorities should expect new development to:*

a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and

b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

The following paragraphs are particularly relevant to flooding matters.

Paragraph 157 states that *'All plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:*

a) applying the sequential test and then, if necessary, the exception test as set out below;

b) safeguarding and from development that is required, or likely to be required, for current or future flood management;

c) using opportunities provided by new development to reduce the causes and impacts of flooding (where appropriate through the use of natural flood management techniques); and

d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.'

Paragraph 159 states that *'If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance.'*

Paragraph 160 states that *'The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed it should be demonstrated that:*

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.'*

Paragraph 161 states that *'Both elements of the exception test should be satisfied for development to be allocated or permitted.'*

Paragraph 163 states that *'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and*
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.'*

Paragraph 165 states that *'Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:*

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

The following paragraphs are particularly relevant to nature conservation.

Paragraph 170 states that *'Planning policies and decisions should contribute to and enhance the natural and local environment by:*

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

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

Paragraph 174 states that 'To protect and enhance biodiversity and geodiversity, plans should:

b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.'

Other policy considerations

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

Supplementary Planning Document (SPD) – Residential Amenity

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

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

Consultations

Property

The development site in part extends onto land held by Estates and Building Services for Leicester City Council, which the proposed plans show to be used as a one way system driveway and car park. After discussion with the proposer, the Council has agreed to enter into a lease, subject to planning approval. It wishes to ensure that, as per the submitted proposed plans, that wildlife is protected and encouraged and a suitable, protected wildlife corridor is retained to the allotments and sites beyond. The corridor should be protected from encroachment by parked vehicles.

Neighbourhood and Environmental Services, Parks Service

No objection to the use of the rectangle of land across the northern part of the site for car parking and landscaping.

Buildings and Estates, Better Buildings

The scheme makes use of natural light where possible. The plans have been amended to provide windows to provide natural light to areas that were originally served only by artificial light. They have also been amended so that less air will escape from the building when guests enter through the banqueting hall entrance.

The target U values and air permeability figure provided demonstrate that a fabric first approach is being taken, consistent with Core Strategy Policy CS2. They are acceptable.

Air source heat pumps are proposed as the main heating technology for the development. This is appropriate. An array of photovoltaic (PV) panels is proposed for the roof.

The inclusion of electric vehicle charging points in the scheme is welcomed.

They recommend a condition be attached to ensure the details of the on-site renewable energy generation, energy efficiency measures and electric vehicle charge points are acceptable and provided.

Neighbourhood and Environmental Services, Trees

Tree protection and no dig areas should be in accordance with drawing Drw No TPP_432Meltonrd_2 Rev A Tree Protection Removal Plan.

Environment Agency (EA)

In order to ensure users of the building are not subjected to unnecessary flood risk the mitigation measures detailed in the submitted Flood Risk Assessment, such as the appropriate floor level, should be secured by condition.

In order to ensure the scheme does not displace water, and so increase flood risk elsewhere, floodplain compensation measures should be secured by condition.

Lead Local Flood Authority (LLFA)

The proposed Sustainable Drainage System (SuDS) will reduce the rate at which surface water leaves the site. It will be carried out using measures including permeable paving, collector drains and a green roof. This will reduce the risk of flooding to places outside of the site. The SuDS should be secured by condition

Severn Trent Water

No objection subject to approval of drainage. This can be addressed by a condition. An informative alerting the applicant to the existence of public sewers and their responsibilities should be attached to the permission.

Highway Authority

The site is located on the north side of the city centre, approximately 85m south of the A563 Outer Ring Road (Watermead Way & Troon Way). Vehicular access to the proposed development will be taken from Melton Road to a surface car park.

The A607 Melton Road is a dual carriageway trunk road which passes the development site in a north-south direction and has carriageway widths of 7m each. There are footways and street lighting present on both sides of Melton Road.

A Transport Assessment (TA) has been submitted with the application. This indicates the available visibility at the proposed egress to Melton Road provides an acceptable safe stopping distance and that the development can be accommodated without improvement to the existing Melton Road/Outer Ring Road junction.

Vehicular access to the car park will be taken via newly constructed access points taken off Melton Road. It consists of a one-way system where vehicles enter the car park through one access road and exit through the other.

While the proposed car parking provision is lower than the policy level of 203 spaces, a parking accumulation assessment has been undertaken based on forecast TRICs vehicle trip generation. This identified a maximum parking demand of seventy-nine spaces.

Ninety-eight standard car parking spaces, four wider spaces for disabled users, a space for coach parking, and two further spaces for deliveries/servicing are proposed. This provides a total of 102 spaces. This accommodates the expected

maximum level of parking occupation of seventy-nine spaces identified in the accumulation survey.

Parking accumulation assessments are undertaken using expected levels of traffic generation. However, as the proposal includes a banqueting use, it would be reasonable to expect larger numbers of people attending for special occasions which may exceed the level of parking provision from time-to-time. As such, some guests are likely to park outside of the site in nearby streets. The residential streets opposite the site, on the eastern side of Melton Road, have a pavement parking scheme. This was introduced to manage the existing level of on-street parking demand and maintain access. Further pressure should not be put onto these streets as a result of a lack of on-site parking provision as part of this scheme. It is recognised that provision has been made for coach parking and pick up/drop off within the site to reduce the number of cars which may be generated by large events, and that as the venue would cater for wedding receptions, coaches and mini-buses are normally provided to transport guests.

Furthermore, a Travel Plan and Car Parking Management Plan has been submitted in support of the application, setting out measures to seek to minimise single occupancy car trips to the site and control of off-site parking.

Whilst the Travel Plan has been accepted, it should be noted that the website for the venue would need to state that the site discourages any parking of guests within the nearby residential streets covering: Oakland Avenue, Braemar Drive, Braemar Close, Hardy Avenue, Lockerbie Avenue, Strathaven Road, Invergarry Close, Glencoe Avenue, etc. There is ample on-street parking available on the Melton Road service road south of the development site (which serves the industrial estate) in evening and weekends that would provide for any off-site parking without detriment to the arterial route or neighbouring residents.

The dimensions of car parking spaces are shown at 4.8m long by 2.4m wide, which is below the recommended dimensions of 5.5m by 2.4m. It is acknowledged however that a 0.9m strip has been provided at the ends of the parking spaces which would provide additional space for some vehicles to over-hang the spaces and provide space for circulation.

The landscaped area in the northeast corner of the site falls within Highway Improvement Lines relevant to altering the intersection. The scheme will not compromise these.

The Highway Authority considers the scheme is acceptable subject to the following being secured by conditions: access works, cycle parking, vehicle parking, the Travel and Car Parking Management Plans and construction management.

Air Quality

The area suffers high levels of air pollution and is designated an Air Quality Management Area (AQMA). The City Council has invested in retrofitting buses that use the Melton Road corridor with Selective Catalytic Reduction Technology (SCRT) to lower the pollution levels. The air quality monitoring station located on Melton Road has been recording levels below the EU limit value annual mean for NO₂. We attribute this to the retrofitted buses as well as the buses to Euro VI standard, that the bus companies have invested in, which are cleaner than older ones. We are concerned to see a scheme be proposed that may reverse drops in pollution levels through traffic connected to it. The impact can be partly mitigated through landscaping, electric charging points for vehicles

(10% of total parking suggested), cycle parking, and a Travel Plan to promote the use of sustainable means of transport.

Environmental Services, Noise

The proposal is for a potentially noisy use close to a residential area. The applicant seeks unrestricted opening hours.

The existing restaurant has no planning controls such as conditions to address noise. This is because it was built before the planning system came into force in its current form in 1948.

With appropriate insulation, informed by an acoustic survey, to prevent noise breakout, and outdoor activities managed in an appropriate manner, it should be possible to operate the proposed use without causing unreasonable disturbance to neighbouring residents. Construction work also needs to be managed appropriately. They recommend these matters are addressed by conditions.

Environmental Services, Land Contamination

There is no evidence to suggest there might be land contamination here.

Representations

107 objections and four petitions with 138 signatures:

- The location is not suitable for the proposed use. Planning policy indicates the use should be located in or near the city centre or shops.
- There are more appropriate sites such as the much larger 510 Melton Road (formerly Paprika restaurant). Alternatively sites in and near the Golden Mile would be more appropriate; such as 5 Belgrave Road (the former Sainsbury site).
- The use should not be located here close to primary and secondary schools; another restaurant, a medical centre, ecological park, an already busy ring road and so many homes.
- There is no need for another hotel in the area.
- There is no need for another banqueting hall in the area.
- The scheme is an overdevelopment of the site.
- The scheme, when combined with many other developments taking place in the area, will have a big impact on the character and function of the area.
- The documentation provided for the application assumes a level of knowledge that residents find challenging.
- Will contribute to traffic congestion and air pollution.
- The air quality information provided with the application is poor and could be interpreted in different ways.
- Often there is a tailback of vehicles leaving the existing restaurant. This will become far worse if the proposed scheme is approved.
- The Transport Assessment provided with the application is light and does not take into account all the relevant uses nearby and ones that are permitted

such as the Watermead Sports Centre on the other side of Watermead Way and the approved care home next to Sainsbury.

- May be harmful to highway safety; especially given the road is busy and the traffic fast and the access is close to the junction of Melton Road and Watermead Way. Will it be safe for children to walk and ride their bikes? What impact will it have on the considerable amount of people who walk in the area? They already struggle with the impact of vehicular traffic.
- The area is residential in nature. Residents are contending with Feast India, the industrial estate, Sainsbury's and, in the near future, Watermead Sports Centre. Parking from Feast India currently overflows.
- It is difficult to enter and exit Oakland Avenue by car at present. The scheme may make this worse.
- The junction of Melton Road and Watermead Way is already very busy. The scheme may make this worse and it may become a bottleneck.
- Highway users may be aggravated.
- Illegal u-turns often take place at present. The scheme may make this worse.
- The parking level proposed is not sufficient to accommodate the use. This is especially true for large events.
- Neighbouring car parks are either not large enough to cope with the parking overspill that large events will create or are not appropriate. For example the Sainsbury car park is limited to three hours.
- The car park is designed to flood to reduce the likelihood the building will flood. This will reduce car parking provision at such times.
- Concern that the scheme may result in an increase in parking on neighbouring streets.
- Concern that the nature of events here may require smart dress and seek to arrive here by car rather than public transport.
- Public transport in the area is limited. This will encourage people to come here by car.
- The transport information provided with the application is poor.
- Possible increase in crime.
- The large number of cars that will park here and on neighbouring street may attract car thieves so car crime will increase in the area.
- Loss of a pleasant building.
- Unpleasant design of proposed building.
- A five storey building, which is much taller than the mostly two storey buildings nearby, will be incongruous.
- Most buildings in the area are made of brick. The materials proposed for the scheme are not in keeping with the area.
- Loss of a pleasant green area.
- The impact of light pollution on neighbouring residents and wildlife.

- Loss of outlook for neighbouring dwellings. Given its height it will be visible from some distance.
- Odour concerns.
- Increase in noise from vehicles and people coming and going, and events. This is especially harmful given the area is quiet.
- Unlike Sainsbury's, the scheme, will be open 24 hours a day and will not have adequate parking. As well as a hotel it will have banqueting and conference facilities with catering for up to 800 guests. There is no consideration for residents living nearby.
- The elderly may be fearful by the nature of events taking place here; such as noise and large numbers of cars.
- Particular concern is raised about the impact on those who live close to the site (house near the north corner of Oakland Avenue and Melton Road) and who are elderly or have significant learning disabilities; especially noise associated with the scheme. This applies to noise from construction and noise from when the development is completed and in operation. If the sleep of those with learning difficulties is significantly disrupted, then they become less happy in themselves and become harder to look after for their carers.
- Should the scheme cause significant problems for those residents with significant learning disabilities, and those who care for them, then finding another acceptable house would be difficult. Their house is adapted for their needs and is quiet. Having lived there for twenty-five years, they have got to know the area and are part of the community. Such things cannot be quickly found or re-created elsewhere.
- The carbon footprint of the site will increase.
- People using the hotel rooms on the upper floors will be able to look into neighbouring houses and gardens. CCTV for the site may look into neighbouring properties.
- Loss of trees may decrease privacy for neighbouring dwellings.
- Loss of trees and greenery.
- Loss of wildlife habitat on the site and harmful to wildlife at Watermead Country Park.
- The flood defences at Watermead Park have not been sufficient to protect the area from flooding; there have been a number of flooding incidents since they were installed in 1974. The area is at high risk of flooding. The scheme may increase this.
- Residents in the area currently struggle to acquire home insurance and this may become worse. Businesses can afford the cost of insurance but residents cannot.
- The flooding information indicates the likelihood of the water main on Melton Road bursting is statistically remote. However, it burst on New Year's Day 2001 and flooded properties around Oakland Avenue.

- The application does not address climate change and how the likelihood of flooding in this area may increase.
- The flood related documents contradict each other.
- Concern that food related uses can attract vermin.
- Concern there may be an increase in littering.

Consideration

Principle

Main town centre uses

Paragraph 86 of the NPPF states that *'Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.'*

According to Annex 3 of the NPPF main town centre uses are *'Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).'*

The proposal is for a use that is in a class of its own but incorporates a number of these uses such as retail, restaurant and hotel. The site is not within the city centre or any of the town and local centres and it is not an edge of centre location.

The applicant has provided information demonstrating there are no suitable sites available in centre and edge of centre locations. This consists of a sequential assessment in October 2017 and an update in March 2019.

The purpose of the sequential assessment is to consider alternative sites that are sequentially preferable alternative sites. Sites have to be available, suitable, accessible, and viable to accommodate the proposed development. Not all centres are going to be suitable for this type of development and it is sensible to rule out the smaller centres. Some objectors to the scheme have asked whether some specific sites may be more suitable for this scheme. I will now address these as follows.

5 Belgrave Road (the former Sainsbury site) was not covered in the sequential assessment. The site has planning permission and has been marketed for a mixed retail and employment scheme. Such a scheme is important for the health of the Belgrave Road District Centre following the relocation of the former Sainsbury's to the Troon Way site. A hotel on this site would prevent this from happening. The site is ruled out on this basis.

510 Melton Road (formerly Paprika restaurant) is partly in and partly outside the City boundary. It is also an out-of-centre site. The nature of the sequential test is to seek alternative sites that are sequentially preferable to the application site i.e. alternative in-centre or edge-of-centre sites. Like the application site 510 Melton Road is also an

out-of-centre site but further away from the Belgrave Road District centre. As such it is not sequentially preferable.

I am satisfied that the application site is a sequentially preferable site for this use.

Green Space

A rectangle running across the northern side of the site is designated as Green Space (and owned by the City Council). The eastern side of this will remain unbuilt upon and will be enhanced with landscaping. The proposal for the western side is for it to form part of the car park.

Green Space should only be released for development when certain criteria are met. Policy CS13 states that *'Where proposals affect green space, outdoor sport or recreation facilities, land should not be released, either in total or in part, for development unless it is:*

- a) Surplus to requirements for its current green space function; and*
- b) Not needed for another type of green space use; or*
- c) Equivalent or better replacement green space would be provided in the local area.'*

The Open Space, Sports and Recreation (OSSR) Study (2017) provides an assessment of the quantity, quality and accessibility of publicly accessible open space throughout the city and helps inform whether open spaces are surplus to requirements.

According to the OSSR study, the site lies within the North Western area of the city and is adjacent to the North Eastern area. The open space is not accessible to the public and can be categorised as natural open space.

Within the North West area of the city, there is a sufficient supply of natural open space (130ha). The area is well served by publicly accessible open spaces at Watermead Country Park, Jesse Jackson Park and allotments. All of these are close to the application site.

Given the small size of this rectangle of Green Space and its proximity to Watermead Way no alternative type of Green Space use is envisaged as likely. Given the eastern part of the rectangle of Green Space will be enhanced with landscaping, this will balance the loss of the western part to car parking. The loss of the western part of this Green Space to car parking is therefore acceptable in principle.

Density

The proposed scheme is an intensification of use for the site when compared with the existing use. The density of development on the site will increase.

NPPF Paragraph 117 states that *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions...'* NPPF Paragraph 122 develops this theme further and states that *'Planning policies and decisions should support development that makes efficient use of land'*. In principle the increase in density here is therefore welcomed. NPPF paragraph 122 goes on to say that the following should be taken into account, which I address.

a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; ... The applicant has provided information demonstrating there are no suitable sites available in centre and edge of centre locations. As such the proposed use is acceptable here.

c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use; The scheme will not create undue pressure on existing infrastructure, such as the highway network. The proposed use will provide a service to the area and employment.

d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; The proposed building is an acceptable replacement for the existing one. This is examined in more depth elsewhere in this report.

e) the importance of securing well-designed, attractive and healthy places.' The building will act as a local landmark while retaining much of the leafy character through the retention of most of the trees on the site. The trees will also act to soften the presence of the building. Overall, the scheme will make a positive contribution to the character and appearance of the area.

The details of this scheme are acceptable and therefore the increase in density here is a positive element in this scheme.

Character and appearance

The existing building on the site is of some interest but has not been identified as of significant architectural and historic interest. Subject to a replacement building being of an acceptable design the demolition of this building is acceptable.

The site is located next to a major junction on the outer ring road with Melton Road, which runs out from the city centre. The area has a mixture of development. The immediate area has suburban style housing and a supermarket (Sainsbury); which is diagonally opposite the site across the outer ring road/Melton Road junction. A bit further out are industrial areas and a number of restaurants.

The junction of two main roads lends itself to taller buildings which can act as landmarks. These can add to the legibility of the area. At five storeys high (17.6m to the top of the fifth storey), where facing the Melton Road and Watermead Way, the building will be the highest in this part of Leicester and taller than the existing building which is 10.7m to the highest roof pitch. While it will be prominent, its presence will be significantly reduced and softened as the site is well screened on all sides by trees; many of which are mature. These are both on the site and on neighbouring pieces of land.

The design is modern and involves good detailing. This includes interesting facades of windows, textured brickwork in vertical bands running parallel to the windows, red panels next to the windows and a small band of cladding towards the southern side of the building. The creation of a base to the building on the ground floor on the Melton Road frontage by the use of a darker brick is welcomed. I consider the proposed building is an acceptable replacement for the existing building.

The materials for the scheme have been carefully considered and, with the exception of the cladding, are fully detailed in the plans. I recommend they are secured by condition.

In order to ensure the finish is of an acceptable quality I recommend a sample panel be secured by condition to show the brickwork, the cladding, and a section of the window including the colour coated metal panel adjacent to the window. This will allow for the precise colour of this panel to be considered and approved.

A group of mature trees, that are close to the middle of the site and protected by Tree Preservation Orders, will need to be removed to make space for the proposed building. Most other mature trees (that are around the edges of the site) will be retained. It is unfortunate these trees will need to be removed. However, I see no other way of delivering a scheme of this nature that enables them to be retained. The scheme will bring many benefits to the city that are discussed elsewhere in this report. On planning balance the loss of these trees is acceptable.

Redevelopment of this site offers the opportunity for improved landscaping. I recommend this is secured by condition.

Residential amenity

There are houses to the north and east. These are on the other side of Watermead Way and the Melton Road. The closest is about 60m away and are separated by the road and trees. I am satisfied their privacy, light and outlook will not be harmed in these circumstances.

There are no houses to the west.

To the south, on the other side of Oakland Avenue Allotments, are houses along Melton Road and Oakland Avenue. The nearest house, at 420 Melton Road, is over 50m from the proposed building. Most houses, such as those along Oakland Avenue are over 80m away. There are trees between the proposed building and the houses. I am satisfied their privacy, light and outlook will not be harmed in these circumstances.

Concern has been raised that CCTV on the proposed scheme may intrude upon the privacy of residents at neighbouring properties. CCTV is commonly used to provide surveillance and recording at both residential and business premises. I see no reason why it would be a problem here.

The proposal is for a potentially noisy use close to a residential area. The applicant seeks unrestricted opening hours. The existing restaurant has no planning controls such as conditions to address noise. The scheme is close to busy roads which are an existing source of noise.

Food related uses can produce significant levels of odour; however these can be managed within the site which has been used as a restaurant for many years.

It should be possible to operate the proposed use without causing unreasonable disturbance to neighbouring residents. This is subject to the building being appropriately insulated to prevent noise breakout and outdoor activities being managed in an appropriate manner. Construction work also needs to be managed appropriately. I recommend these matters are addressed by conditions.

Highway and parking concerns

The site is located on a main road (Melton Road) that leads out from the city centre and close to a major junction with the Outer Ring Road.

At present the site has a relatively low level of development for its size. The proposal will significantly increase this with a bigger building and a large car park around it.

New access arrangements are proposed, with two accesses serving a one way system around the site, so that vehicles enter through one access and exit through the other.

The Transport Assessment (TA) submitted with the application indicates that the development does not raise significant highway safety concerns; principally that the available visibility at the proposed egress to Melton Road provides an acceptable safe stopping distance and that the development can be accommodated without improvement to the existing Melton Road/Outer Ring Road junction.

Such uses see a large variation in car parking demand depending on what is taking place at a particular time. For this scheme large weddings and events may see significant spikes in parking demand. Much of the impact of the scheme will depend on how well such events are managed. For example, car sharing and the provision of coaches and mini-buses to pick up guests can much reduce the parking demand for a large event.

I am satisfied that the design of the scheme and the implementation of the Travel Plan, together with the availability of on-street car parking on the Melton Road service road south of the development site (which serves the industrial estate), are likely to see this scheme operate in an acceptable manner that does not have a significant negative impact on parking in streets nearby and highway safety.

The layout of the accesses and parking area is acceptable and there is space for cycle parking. The provision of electric vehicle charging points is welcomed.

The scheme will not compromise the Highway Improvement Lines across the landscaped area in the northeast corner of the site, should they ever be needed to alter the Melton Road/Outer Ring Road junction.

The scheme is sizable and so construction traffic could have a significant impact on the function and safety of the highway. I recommend this is managed through a Construction Management Plan that can be secured by condition.

I recommend the following be secured by condition: access works, cycle parking, vehicle parking, the Travel and Car Parking Management Plans and construction management.

Air Quality

While it is likely that the scheme may contribute to an increase in air pollution this needs to be balanced against the benefits the scheme will bring. These include a mixed-use facility with a banqueting hall, ceremony room, restaurant and hotel, with associated leisure, cultural and employment opportunities.

Given the potential impact on air quality I recommend it is partly mitigated through landscaping, electric charging points for vehicles (10% of the parking), cycle parking, and a Travel Plan to promote the use of sustainable means of transport. These can be secured through conditions.

Archaeology

This proposal is located in an area where early archaeological investigations in 2006 revealed ditches, a gully and a pit containing Roman pottery used for food storage,

preparation and consumption (MLC2236). The site is located immediately adjacent to the Fosse Way (MLC607), the Roman road connecting Exeter to Lincoln. The footprint of the proposed hotel extends into an area not previously investigated. I recommend a programme of archaeological work be secured by condition.

Sustainability

The scheme has been designed to make use of natural light, minimise air permeability. Air source heat pumps are proposed as the main heating technology for the development and this is appropriate. The opportunity that the large flat roof provides for holding an array of photovoltaic (PV) panels is being taken. Electric vehicle charging points are proposed.

I consider that the opportunity to address matters of sustainability has been taken and I recommend the measures proposed be secured by condition.

Water environment

Sequential Test

This application is subject to the Sequential Test for Flooding. This is designed to ensure that development is directed towards potentially developable and deliverable sites at the least risk of flooding. The application includes a report that addresses the Sequential Test for Flooding. This has been carried out in accordance with National and Council guidance. It considers sites that could be developable and deliverable for a scheme such as this and concludes there are none. I am satisfied this report addresses the Sequential Test for Flooding and the test is passed.

Exception Test

This application is subject to the Exception Test for Flooding. This is designed to ensure that the sustainability benefits to the community outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and, where possible, reduce flood risk overall.

This scheme may bring significant sustainability benefits to the community. Paragraph 8 of the NPPF is quoted in full in the Policy section of this report. Using an abridged version I address the sustainability benefits as follows. *'Achieving sustainable development means that the planning system has three overarching objectives... :*

a) an economic objective... The scheme is likely to bring economic benefits to the area such as employment.

b) a social objective... The mixed-use facility with a banqueting hall and ceremony room, restaurant and hotel, is likely to bring social benefits to the area. It will provide services to those living in the area and those who may visit such as friends and relatives. The building will provide an active frontage towards Melton Road and Watermead Way.

c) an environmental objective... While the scheme will result in the loss of a group of trees close to the centre of the site, and may impact on air quality it will provide a number of environmental benefits. These include retaining, most of the trees on the site, making a more efficient use of land than the existing development, helping to improve biodiversity through landscaping, and removing some contaminants in water through a green roof and permeable paving.

I consider the sustainability benefits to the community outweigh the flood risk for this scheme. The floor levels of the ground floor and related flood risk mitigation measures detailed in the Flood Risk Assessment (FRA) ensure the scheme will be safe for its lifetime.

Other water environment related matters

The Sustainable Drainage System (SuDS) and floodplain compensation measures ensure flood risk will not increase elsewhere and the overall flood risk is likely to be reduced.

In order to ensure users of the building are not subjected to unnecessary flood risk the mitigation measures detailed in the submitted Flood Risk Assessment (FRA), such as the appropriate floor level, should be secured by condition.

In order to ensure the scheme does not displace water, and so increase flood risk elsewhere, floodplain compensation measures should be secured by condition.

The proposed Sustainable Drainage System (SuDS) will reduce the rate at which surface water leaves the site. It will be carried out using measures including permeable paving, collector drains and a green roof. This will reduce the risk of flooding to places outside of the site while removing contaminants and providing wildlife habitat. I recommend the SuDS be secured by condition.

Foul drainage can be addressed by a condition. An informative can be attached to alert the applicant to the existence of public sewers and their responsibilities.

Concern has been raised by residents that the water main on Melton Road may burst. They say this happened on New Year's Day 2001, flooding the properties around Oakland Avenue. While water mains may burst from time-to-time, Severn Trent Water have not raised this concern, and I have no reason to believe the development is likely to increase the likelihood it may happen.

The impact of flooding can be much reduced by having Emergency Flood Plans in place. These come into effect when a flood becomes likely. As the site is at risk of flooding I recommend one is secured by condition.

Wildlife

The site is adjacent to mature gardens and trees, and close to Biodiversity Enhancement Sites and Local Wildlife Sites which all provide good habitats and connectivity for wildlife, for example for bird nesting and bat foraging. An extended Phase 1 Habitat Survey (BSG Ecology, August 2018), has been carried out and submitted with the application. A further Bat Survey was completed in August 2019.

While the scheme will result in the loss of a group of mature trees near the centre of the site this will be balanced by improvements to the landscaping and the provision of bat and bird boxes and tubes. I recommend these are secured by conditions.

No evidence of bat roosts were found. I recommend a re-survey be secured by condition should the development not start for a while.

Japanese knotweed has been found in the south-west corner of the site. This is an invasive species. I recommend this be removed to promote biodiversity. This can be secured by condition.

Lighting can have a significant impact on wildlife. To ensure that the lighting is carefully designed so to only provide for the needs of the scheme, and not lead to unnecessary light spillage, I recommend lighting be addressed by condition.

Archaeology

This proposal is located in an area where early archaeological investigations in 2006 revealed ditches, a gully and a pit containing Roman pottery used for food storage, preparation and consumption (MLC2236). The site is located immediately adjacent to the Fosse Way (MLC607), the Roman road connecting Exeter to Lincoln. The footprint of the proposed hotel extends into an area not previously investigated. I therefore recommend a programme of archaeological work be carried out. This can be secured by condition.

Other matters

Concerns have been raised that, should this scheme go ahead, property prices in the area may fall. Property prices are not a material planning consideration.

Some have raised concerns that there may be an increase in crime in the area should the scheme go ahead. Some were concerned that the numbers of vehicles using the scheme may attract to the area those wishing to carry out vehicle crime. Others were concerned that illegal u-turns take place on the highway. These matters are addressed by policing and highway management.

Some objectors have raised concerns that there may be an increase in littering and vermin in the area for reasons associated with the scheme. With a banqueting hall, hotel rooms and restaurant, I consider it likely that most food produced on the premises will be consumed there and environmental health control would deal with any issues on site. I do not think that the proposal brings a particular risk of littering or vermin.

Concern has been raised that the scheme would result in an increase in carbon emissions. As the scheme will be a more intensive use than the existing use this is possible. However, measures have been taken to minimise carbon emissions through building design, on-site renewable energy and transport management. The scheme is also relatively small when considered in the light of the total emissions within Leicester and the scheme involves redeveloping an already developed site within an area of existing development. The impact on carbon emissions must also be balanced against the numerous benefits that the scheme will bring.

Concerns have been raised that the documentation provided for the application assumes a level of knowledge that residents may find challenging. The information required for a planning application is determined by national and local validation requirements. Some of the matters that planning applications involve can be technical. During the application process the Local Planning Authority consults experts in various fields to evaluate the information provided.

Conclusion

NPPF Paragraph 11 contains a presumption in favour of sustainable development. For decision-taking this means that an application should only be refused where the adverse impacts of approving it would significantly and demonstrably outweigh the benefits.

Consideration has been given to potentially adverse impacts such as the loss of trees and an increase in traffic and associated air pollution. On the other hand it will have benefits including providing services and employment, a landmark building, a more efficient use of land, improved landscaping, and a Sustainable Drainage System (SuDS) that will reduce the risk of flooding. Concerns such as the implications for wildlife have been addressed and will be mitigated.

I consider the benefits of this scheme significantly and demonstrably outweigh the adverse impacts. I 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. (A) No development or related works such as site compounds, shall take place or commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to, and approved in writing, by the City Council as local planning authority. The scheme shall include an assessment of significance and research questions; and:

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

(2) the programme for post-investigation assessment;

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

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

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

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

(B) No development or related works such as site compounds, shall take place other than in accordance with the Written Scheme of Investigation approved under (A) above.

(C) The development shall not be occupied until the site investigation and post-investigation assessment has been completed, in accordance with the programme set out in the Written Scheme of Investigation approved under (A) above, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured, unless first approved in writing, by the City Council as local planning authority.

(To ensure that any heritage assets that will be wholly or partly lost as a result of the development are recorded and that the understanding of their significance is advanced; and in accordance with Core Strategy policy CS18.) (To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

3. All works to trees and all other development on the site shall be carried out in accordance with Drw No TPP_432Meltonrd_2 Rev A Tree. (To ensure trees are protected in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)

4. Prior to the commencement of development, a detailed landscaping scheme showing the treatment of all parts of the site which will remain unbuilt upon, shall be

submitted to, and approved in writing by the City Council as local planning authority. This scheme shall include details of: (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed; (ii) new tree and shrub planting, including plant type, size, quantities and locations; (iii) means of planting, staking, and tying of trees, including tree guards; (iv) other surface treatments; (v) fencing and boundary treatments; (vi) any changes in levels; (vii) the position and depth of service and/or drainage runs (which may affect tree roots). The approved landscaping scheme shall be carried out within one year of completion of the development. For a period of not less than five years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.) (To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

5. Prior to the commencement of use the development shall be carried out in accordance with the submitted flood risk assessment (ref: Indigo Restaurant Flood Risk Assessment (FW1410/FRA/001 – v6), produced by Farrow Walsh Consulting and dated May 2019). Finished floor levels shall be set no lower than 52.20m Above Ordnance Datum (AOD) in accordance with the mitigation in the submitted flood risk assessment. These measures shall be retained and maintained thereafter throughout the lifetime of the development. (To reduce the risk of flooding to the proposed development and future occupants in accordance with policy CS02 of the Core Strategy.)

6. Prior to the commencement of development, a scheme to provide level for level floodplain compensation, demonstrating that there is no increase in either the extent or depth of flooding beyond the redline boundary of the site. shall be submitted to and approved in writing by, the City Council as local planning authority. Prior to the commencement of use the floodplain compensation scheme shall be implemented. The measures shall be retained and maintained thereafter throughout the lifetime of the development. (To ensure the risk of flooding outside of the application site is not increased due to the displacement of water 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. Prior to the commencement of use the Sustainable Drainage System (SuDS), including the green roof, for the site shall be completed in accordance with the approved details. The Sustainable Drainage System shall be managed and maintained thereafter in accordance with the approved management and maintenance plan. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy.)

8. Prior to the commencement of development, details of foul drainage, shall be submitted to and approved in writing by the City Council as local planning authority. The use shall not commence until the foul drainage has been installed in accordance with the approved details. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core

Strategy.) (To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

9. Prior to the commencement of development, an Emergency Flood Plan shall be submitted to, and approved in writing by, the City Council as local planning authority. The scheme shall thereafter be managed and maintained in accordance with the approved Emergency Flood Plan. (To ensure the safe occupation of the scheme throughout its lifetime 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.)

10. Prior to the commencement of development, full design details of on-site renewable energy generation, energy efficiency measures and electric vehicle charge points, shall be submitted to and approved in writing by the City Council as local planning authority. Development shall be carried out in accordance with the approved details and no part of the development shall be occupied, until evidence demonstrating satisfactory operation of the approved scheme, including on-site installation, has been submitted to and approved in writing by the City Council as local planning authority. (In the interests of securing energy efficiency and reduced greenhouse gas emissions 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.)

11. Prior to the commencement of use the access works shall be implemented, in accordance with details first submitted to and approved in writing by the City Council as local planning authority. They shall include (a) proposed signage to help ensure the one-way operation of the proposed one-way system; (b) footway crossings at each vehicular access; (c) alterations to footway crossings; (d) reinstatement of any altered areas of footway. (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).

12. Prior to the commencement of use cycle parking shall be provided in accordance with details first submitted to and approved in writing by the City Council as local planning authority. (To provide for the needs of cyclists and to promote the use of sustainable means of transport in accordance with policies AM02 & AM11 of the City of Leicester Local Plan and Core Strategy Policies CS03, CS14 & CS15).

13. Prior to the commencement of use the following works shall be carried out in accordance with details shown on the approved plans: (a) surfacing and marking out of all parking areas; (b) provision of loading/unloading areas; (c) provision of turning space. The parking, loading/unloading areas and turning space shall not be used for any other purpose. (In the interests in highway safety, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)

14. Prior to the commencement of use, five car parking spaces for the use by disabled people shall be provided in accordance with guidance in the Leicester City Council and Leicestershire County Council document "6Cs Design Guide". They shall be retained and kept available for use by disabled people. (To ensure adequate

provision for the needs of disabled people, and in accordance with policy AM11 of the City of Leicester Local Plan and Core Strategy policy CS3.)

15. Prior to the commencement of development, details of electric charging for no less than 10% of the vehicle parking shall be submitted to and approved in writing by the City council as local planning authority. Prior to the commencement of use the electric vehicle charging shall be installed. (To promote means of transport that are less likely to contribute to poor air quality in accordance with policy CS02 in the Core Strategy and policy PS11 in the City of Leicester Local Plan.) (To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

16. Prior to the commencement of use, the occupier shall submit a timetable to be contained within the Travel Plan, for the implementation and on-going monitoring of the approved Travel Plan and Car Parking Management Plan, unless otherwise approved in writing by the City Council as local planning authority. The Plan shall: (a) assess the site in terms of transport choice for staff, users of services, visitors and deliveries; (b) consider pre-trip mode choice, measures to promote more sustainable modes of transport such as walking, cycling, car share and public transport (including providing a personal journey planner, information for bus routes, bus discounts available, cycling routes, cycle discounts available and retailers, health benefits of walking, car sharing information, information on sustainable journey plans, notice boards) over choosing to drive to and from the site as single occupancy vehicle users, so that all users have awareness of sustainable travel options; (c) identify marketing, promotion and reward schemes to promote sustainable travel and look at a parking management scheme to discourage off-site parking; (d) include provision for monitoring travel modes (including travel surveys) of all users and patterns at regular intervals, for a minimum of 5 years from the first occupation of the development brought into use. 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).

17. Prior to the commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to, and approved in writing by the City Council as local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: (i) the parking of vehicles of site operatives and visitors; (ii) the loading and unloading of plant and materials; (iii) the storage of plant and materials used in constructing the development; (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) wheel washing facilities; (vi) measures to control the emission of dust and dirt during construction; (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works. (To ensure the satisfactory development of the site and in accordance with Core Strategy policy CS3.) (To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

18. Prior to the commencement of development, an acoustic survey shall be undertaken and submitted to and approved in writing, by the City Council as local

planning authority, The survey shall be carried out in accordance with methodology first submitted to and approved in writing, by the City Council as local planning authority. The survey shall determine the existing ambient noise levels at the site boundaries of houses on Braemar Close that directly face the development, the façade of 420 Melton Road that is closest to the development, and the site boundaries of houses on Oakland Avenue that directly face the development.

Prior to the commencement of development, an insulation scheme (informed by the acoustic survey) to prevent the transmission of noise from the proposed building to neighbouring residential properties, shall be submitted to and approved in writing, by the City Council as local planning authority. The scheme shall include ventilation arrangements that ensure that windows and external doors to the restaurant/banqueting hall/ceremony room can remain closed. The insulation scheme shall ensure that the sound pressure level at any site boundary shall not exceed the existing ambient sound pressure level between the hours of 0700 and 2300, and that the sound pressure level at any residential façade that includes a bedroom window shall not exceed the existing ambient noise level between the hours of 2300 and 0730. In addition the insulation scheme shall ensure that the Noise Rating level at any such facade does not exceed Noise Rating curve NR30.

The noise insulation scheme as approved shall be fully implemented prior to the commencement of use. It shall be maintained for the life of the development.

(To protect neighbouring residents from unreasonable levels of noise and in accordance with policies PS10 & PS11 of the City of Leicester Local Plan and policy CS03 in the Core Strategy.) (To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

19. No live or amplified music shall be played or broadcast outside of the building, nor in any temporary structure outside of the building, between the hours of 2300 and 0730. (To protect neighbouring residents from unreasonable levels of noise and in accordance with policies PS10 & PS11 of the City of Leicester Local Plan and policy CS03 in the Core Strategy.)

20. Live or amplified music, between 0730 and 2300, taking place outside of the building, or in any temporary structure outside of the building, shall be actively managed so as not to be detrimental to the amenity of the residents of neighbouring dwellings. (To protect neighbouring residents from unreasonable levels of noise and in accordance with policies PS10 & PS11 of the City of Leicester Local Plan and policy CS03 in the Core Strategy.)

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

The City Council Noise Team shall be notified of any unforeseen emergency work as soon as is practical after the necessity of such work has been decided by the developer or by anyone undertaking the works on the developer's behalf.

(To protect neighbouring residents from unreasonable levels of noise and in accordance with policies PS10 & PS11 of the City of Leicester Local Plan and policy CS03 in the Core Strategy.)

22. Should the development not commence within 24 months of the date of the last Phase 1 Protected Species Survey (7th August 2020), then a further protected species survey shall be carried out of all buildings, nearby trees and other relevant features by a suitably qualified ecologist. The survey results and any revised mitigation, shall be submitted to and approved in writing, by the City Council as local planning authority and any identified mitigation measures carried out in accordance with the approved plan. Thereafter the survey shall be repeated every 24 months, and the results and any mitigation measures, shall be submitted to and approved in writing, by the City Council as 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 policy CS17 of the Core Strategy.)

23. Should the development not commence within 24 months of the date of the bat survey (23rd July 2019), then a further bat survey shall be carried out of all buildings, nearby trees and other relevant features by a suitably qualified ecologist. The survey results and any revised mitigation, shall be submitted to and approved in writing, by the City Council as local planning authority and any identified mitigation measures carried out in accordance with the approved plan. Thereafter the survey shall be repeated every two years, and the results and any mitigation measures, shall be submitted to and approved in writing, by the City Council as 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 policy CS17 of the Core Strategy.)

24. Tree T39 shall not be removed until a further bat survey has been carried out for T39 and all buildings, nearby trees and other relevant features by a suitably qualified ecologist. The survey results and any revised mitigation, shall be submitted to and approved in writing, by the City Council as local planning authority and any identified mitigation measures carried out in accordance with the approved plan. Thereafter the survey shall be repeated every 24 months, and the results and any mitigation measures, shall be submitted to and approved in writing, by the City Council as 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 policy CS17 of the Core Strategy.)

25. Development shall be carried out in accordance with the guidance in section 4 of the ecology report (BSG Ecology, December 2018) at all times. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRoW Act 2000), the Habitat & Species Regulations 2017 and policy CS17 of the Core Strategy.)

26. Prior to the commencement of development, details of bird and bat boxes and tubes, shall be submitted to and approved in writing, by the City Council as local planning authority. The use shall not commence until the boxes and tubes have been installed in accordance with the approved details. (To take the opportunity to provide wildlife habitat in accordance with policy CS17 in the Core Strategy.) (To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

27. Prior to the commencement of development, a detailed design plan of the lighting to be used (which shows the locations of lights, their type of light emittance and wavelength, together with a lux contour map showing the variation in light) during construction and the lighting to be used once the scheme is in use, shall be submitted to and approved in writing, by the City Council as local planning authority. The lighting should be designed to cause minimum disturbance to wildlife that may inhabit the site with appropriate areas remaining dark and a maximum of 1 lux in areas where there is higher ecological sensitivity if necessary. The approved scheme shall be implemented prior to the commencement of development (for construction related lighting) and prior to the commencement of use (lighting to be used once the scheme is in use) and retained thereafter. No additional lighting should be installed without prior agreement from the City Council as local planning authority. (In the interests of protecting wildlife habitats and in accordance with policy CS17 Biodiversity 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.)

28. Prior to the commencement of development, a plan for the removal of Japanese Knotweed shall be submitted to and approved in writing by the City Council as local planning authority. The plan shall be implemented as approved. (To promote biodiversity through the removal of an invasive species in accordance with policy CS17 in the Core Strategy.) (To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

29. Prior to the commencement of above ground development, a 2sqm sample brick panel, including mortar and bond, which shows the brickwork and a section of the window, including the colour coated metal panel adjacent to the window, and the U-channel glass rainscreen cladding, shall be constructed and then viewed and approved in writing, by the City Council as local planning authority. Brickwork, windows, panels and cladding shall be installed in accordance with the approved panel. (To maintain the character and appearance of area in accordance with policy CS03 of the Core Strategy.)

30. Prior to the commencement of development, full details of the U-channel glass rainscreen cladding, shall be submitted to and approved in writing, by the City Council as local planning authority. Development shall be carried out in accordance with the details approved. All other materials used for the development shall be in accordance with the Details of Façade drawing, labelled 17L01 PL01_11. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.) (To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

31. This consent shall relate solely to the amended plans ref. no. 17L01 PL01_01 Rev C, 17L01 PL01_02 Rev H1, 17L01 PL01_03 Rev F, 17L01 PL01_04.1 Rev E, 17L01 04.2 Rev D, 17L01 PL01_04.3 Rev C, 17L01 PL01_05 Rev E1, 17L01 PL01_06 Rev C, 17L01 PL01_07 Rev F, 17L01 PL01_08 Rev F, 17L01 PL01_11 Rev C, 17L01 PL01_12, 17L01 PL01_13 & 17L01 PL01_14 received by the City Council as local planning authority on 11th of May, 2nd & 12th of June 2020. (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 2019, is considered to be a positive outcome of these discussions.
2. Severn Trent Water advises that there are major public sewers located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Asset Protection Build Team (Tel: 024 7771 6843 / email: net.dev.east@severntrent.co.uk).
3. It is unlikely that any construction or demolition work will be agreed outside of the hours detailed in Condition 21 unless the City Council Noise Team is satisfied that:
 - a) the work will not be detrimental to occupiers of neighbouring properties or
 - b) the developer is able to demonstrate that there is no practicable alternative to the proposed work taking place outside of these hours.
4. All wild bird species, their eggs and nests are protected by law. No work to, or removal of, vegetation on the site should be carried out during bird nesting season (March to August inclusive).
5. 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.

With regards the Travel Plan condition, the applicant should contact Bal Minhas (bal.minhas@leicester.gov.uk) for further advice.

Policies relating to this recommendation

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

2006_AM02	Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
2006_AM11	Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01.
2006_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
2006_PS11	Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
2006_UD06	New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
2014_CS02	Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
2014_CS03	The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
2014_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_CS10	The Council will seek to ensure that Leicester has a thriving and diverse business community that attracts jobs and investment to the City. The policy sets out proposals to achieve this objective.
2014_CS11	The Council supports a hierarchy of retail centres in Leicester. The policy sets out measures to protect and enhance retail centres as the most sustainable location for retail development.
2014_CS13	The Council will seek to maintain and enhance the quality of the green network so that residents and visitors have easy access to good quality green space, sport and recreation provision that meets the needs of local people.
2014_CS14	The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
2014_CS15	To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.
2014_CS17	The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.

Recommendation: Conditional approval	
20192176	176-180 Loughborough Road
Proposal:	Change of use from Storage (Class B8) to Hotel (Class C1)
Applicant:	Platinum Homes Development Ltd
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20192176
Expiry Date:	7 August 2020
LL	WARD: Belgrave



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Summary

- This application is brought to committee as objections have been received from five city addresses, as well as comments from the Belgrave Hall Conservation Area Society.
- The main concerns relate to road safety, parking and traffic congestion, and the character of the building.

The Site

The site is about 2km north of the city centre, on Loughborough Road which is a secondary radial route, and on the corner of Holden Street. Holden Street is one of the access routes to a new housing estate on Ross Walk.

The site is occupied by a building which was constructed in the later 19th Century (it shows on maps from the 1880s) as a police station. It is an attractive building,

although having been empty for many years it is in need of maintenance and repair. It is one of the few buildings within the Conservation Area constructed from cream bricks, and consists of a single storey central section with two corner blocks having pavilion style roofs. The main part of the building is almost as original. To the rear is a cell block and an unsympathetic garage extension (also described as internal parking area) with roller shutter to Holden Street.

To the immediate south are Freeman's Cottages, a small two storey flat block dating from 1900, and opposite is a small complex of variously extended buildings forming a school. North and behind are residential properties, mostly small modern houses.

To the front of the site, within the footway, are several mature attractive trees.

Background

Several applications and pre-application enquiries have been dealt with on this site. However several applications have been withdrawn and there is little recent formal planning history other than a refused prior notification last year (ref 20191164) for change of use from B1 offices to C3 flats. The site appears lawfully to be in B8 use (storage and distribution) and the refusal was appealed, and the appeal dismissed, on this basis.

Earlier applications include:

20021590 Change of use from warehouse to student accommodation – conditional consent 9/1/2003, now expired.

The Proposal

The proposal is to convert the building to a hotel. The plans show four letting rooms, ranging from 57 sq m to 68 sq m; a reception area; gym; kitchen; dining room; laundry and store. Seven car parking spaces would be provided, and cycle parking.

No major external changes are proposed, although a substantial amount of repair and refurbishment is needed. A small section of external wall, within the site, will have to be removed to provide the southern parking area.

Internally, the changes would be substantial and would include a suspended floor to deal with the levels differences between guest rooms and the facilities, and steps and a platform lift between this level and the car parking area. Several internal walls would be removed, stairs would be relocated, and some external doors would be taken out of use.

Policy Considerations

National Planning Policy Framework (NPPF)

Section 7 – Ensuring the vitality of town centres

Paragraph 86 – main town centre uses

Paragraph 180 – noise pollution

Section 16 – Conserving and enhancing the historic environment

Development Plan policies

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

The most relevant Core Strategy policies and Local Plan policies are PS10 and CS18.

Other documents

Loughborough Road Conservation Area Character Appraisal

Consultations

Local Highway Authority

No objection.

Pollution Control

Several conditions recommended relating to control of noise and fumes/smells.

Representations

Initial consultation:

- Site is located on a busy junction – concern about road safety
- Junction has become increasingly busy since the housing estate was built along Ross Walk
- Lack of car parking in the area
- Anti social behaviour is an issue, this development appears to encourage and contribute to this
- There is already a hotel on Loughborough Road which is not doing well
- Hotel unsuited to this building
- No evidence that hotel would survive in this area
- Plans show unusually large dining area [*Amended on revised plans*]
- Application does not mention trees
- No proposed elevation drawings [*No material external alterations are proposed*]
- Front of the building is of historic significance, the cells remain in situ, and the façade is an integral part of the Conservation Area.
- Lack of site notices posted in the area.

Belgrave Hall Conservation Area Society commented as follows:

- I believe that this is the Old Police station within the Conservation Area of Loughborough Road. Whilst the BHCAS would like to see empty buildings brought back into use, it must be done sensitively and sustainably.
- Access and parking would be of serious concern as the building is situated on a busy junction, indeed sadly a fatality occurred there some years ago. The junction between Ross Walk and Loughborough Road has become increasingly busy since the building of the housing estate along Ross Walk and we cannot see any alternative access point for a busy Hotel. The front building is of historic significance and the cells etc remain in situ, and the façade is an integral part of the Conservation Area.
- Opportunity to improve the appearance of the building and car park

Second consultation:

- Lack of site notices posted in the area.

Consideration

Principle of development

A hotel is a main town centre use, as defined in the NPPF. The Framework states that a sequential approach should be taken to main town centre uses that are not in an existing centre or in accordance with an up to date plan.

Policy CS12 supports the provision of hotels in the city centre but does not say that hotels are discouraged elsewhere.

Saved policy H16 controls hotels in restricted zones, but this site is not in such a zone.

Policy CS1 states that the City Centre is the focus for retailing, leisure and cultural development, but does not say that it is also the focus for tourism or hotels.

Policy CS8 sets out a broad approach for existing neighbourhoods. The application site falls just within the Inner area, where the policy seeks the retention of local distinctiveness, especially in Conservation Areas. The policy also wishes to promote Belgrave District Centre as a national shopping destination. The site is about 300m from the closest part of the Centre, on Melton Road, and 500m from the Belgrave Road section. The applicant has not argued that the proposed hotel is intended to support the Centre, but I consider that this point has some relevance to the proposal.

The site is about 600-1000m walk (along a mainly pleasant route by the river) from the Pumping Station, Space Centre, and the evolving Space Park innovation area.

The application site is in an area which is primarily residential, but this does not rule out other uses.

Although the site is not within a centre, and the NPPF states that a sequential approach should be taken for new hotels, this proposal is for a small four-bedroom hotel and I do not consider that requiring a sequential test would be a proportionate approach in this case. The building is difficult to convert to other uses, and the applicant is proposing a use that would ensure the retention and repair of the building without having any material harmful impact on the area.

Design

The applicant is not proposing substantial external changes. Refurbishment, including repaired/replaced timber windows and doors, is proposed and is supported. Secondary glazing is proposed and is also supported as enabling the original windows to be largely retained.

Internal changes include a raised floor to parts of the building, to enable level access between the ground floor bedrooms and the other facilities. The internal layout of the building will be substantially altered to accommodate the proposed use but this is not a major consideration in this case.

The existing gate to the south of the building adds definition to the streetscene, and there would be design benefits to its replacement with a new, suitably designed gate. I consider that the removal of the gate would not be overly harmful, and removal of the boundary treatment to the side as well would allow a visibility splay to be provided. This boundary treatment appears to be two pieces of board which have been there since at least 2008, which are of no visual merit.

I consider that the minor external changes to design are acceptable.

Heritage Assets

The building is within the Conservation Area, and is mentioned within the Character Appraisal as being of particular value. There are no conservation objections to the change of use, and the restoration of the building is welcomed.

The building is not protected, and therefore Permitted Development rights for B8 buildings apply prior to the change of use being implemented. These rights include alterations to B8 buildings but are excluded where any part of the development would be within 5 metres of the boundary of the curtilage. This means that works to alter most of the outside would require explicit planning permission however works to repair/restore on a like for like basis would not require explicit permission.

Some external doors will be taken out of use, and although retained externally will be closed off with stud (therefore reversible) partitions inside.

Further details will be required relating to windows and doors, and I recommend conditions to secure these. The applicant has submitted some information which shows acceptable works but the information is not complete.

It is noted that internally chimney breasts are being removed, which does not fall under planning control, but the external chimney stacks should be retained. I recommend a note to applicant advising of the importance of considering this when carrying out internal works.

It is noted that the cells and other features of the building remain as originally constructed. While it would be ideal to retain the interior as-built, this is not practical and internal alterations could in any case be carried out without any planning control.

Brining the building back into beneficial use, and securing the necessary repairs and ongoing maintenance, is identified as an aim in the Conservation Area Appraisal, and I consider that the proposal will secure this benefit.

Living conditions

This application is for a hotel and is being considered on that basis. However as can be seen above the layout of the hotel is a little unusual, and the floor area of each letting room is greater than the floor area required under the Nationally Described Space Standard for a one-bedroom flat.

Very little work would be required, once the hotel is converted (or during the conversion), to install kitchens in each of the rooms. This would result in an aparthotel arrangement. While there would be no objection in principle to a conversion of this building to residential use the proposal before the LPA does not show satisfactory levels of amenity for that use, particularly in relation to outside space and privacy, and I have considered how to avoid a de facto residential use taking place.

I consider that a condition requiring that a restriction on use of the units would be appropriate, to ensure that there is no long-term residential use of the rooms. I consider that restricting occupation to twelve weeks within a year would be reasonable.

It would also be possible for the interior to be re-worked without planning permission to provide more rooms, and as this would require reconsideration of parking and

impact on neighbours I consider that a condition restricting the number of guests should be imposed. As four double rooms are proposed I recommend a condition restricting the number of guest rooms to four, and the number of guests each night to twelve persons excluding children (to allow for family occupation of the rooms).

Residential amenity

There are three potential sources of harmful impact on neighbour amenity. These are noise from activities such as music, noise from traffic movements, and noise and smells from services such as the kitchen and laundry.

Hotels sometimes offer facilities such as dining and parties to non-residents. Given the restricted amount of parking and circulation space I do not consider that these uses would be appropriate, and the applicant has indicated that this does not form part of the proposal. I recommend a condition restricting use of the building to residents only. There is no reason to suppose that, if these other activities are not taking place, there would be any more disturbance than would arise from a residential use.

Noise from traffic movements, given that there are only seven car parking spaces proposed, and that the building could be brought back into a B8 use at any time, is unlikely to need controlling through Planning.

Noise from services needs more consideration. The applicant has indicated that there would be only a small kitchen and that therefore a domestic ventilation system would suffice. However I consider that as this will be a catering kitchen and a catering laundry rather than domestic some control should be imposed, especially taking into account the close relationship with neighbouring dwellings.

I recommend a condition to secure full details of any extraction equipment, prior to installation. Subject to this matter being dealt with I consider that impact on neighbours should be within acceptable limits.

Waste storage and collection

The applicant has shown a refuse storage area, however it is not clear where refuse would be left for collection. In the absence of clarity on this matter, I recommend that details are provided and secured by condition.

Highways and Parking

Neighbours have commented on highway safety, and said that the junction is busy and dangerous. However, as the traffic movements generated are unlikely to be significantly greater than those which would result from the lawful B8 use, I do not consider that the proposal could be resisted on traffic grounds.

The two vehicle accesses into the site are the wide roller shutter onto Holden Street, and the narrower driveway onto Loughborough Road. The roller shutter is about 6.5m wide and could provide adequate visibility splays but the narrower driveway to Loughborough Road cannot be provided with visibility splays on both sides to current standards. However, the access already exists, and so it would not be reasonable to refuse reuse of it. A visibility splay could be provided to one side, across the site frontage, and I recommend a condition to secure this.

The applicant is proposing to keep the roller shutter to Holden Street open permanently. The area behind the roller shutter is utilitarian in appearance, but there are no current restrictions in place on the shutter or the internal parking area and I do

not consider that it would be reasonable to put any restrictions or requirements in place as part of this conversion. Keeping the roller shutter closed would also result in vehicles having to wait in the Highway for it to be opened.

The plans show twelve cycle parking spaces, which is in excess of the policy requirement and considered acceptable.

Seven car parking spaces are proposed, which is more than the maximum allowed by policy AM11. In this case however as there is no other provision for servicing and deliveries, and there are recognised concerns about car parking in the area, I consider that this level of overprovision is acceptable.

I recommend conditions to secure the provision of the car parking spaces and cycle parking spaces prior to the use commencing.

Subject to these conditions being satisfactorily addressed I consider that the proposal would be acceptable in respect of highway safety and parking.

Drainage

As this is a conversion of an existing building, I do not consider that a formal drainage strategy is required. I do however recommend a condition requiring that any areas of hard surface to be created or re-surfaced should be of permeable surfacing.

Nature conservation/Trees/landscaping

There are mature street trees along the front of the site. Being within the Conservation Area, these trees are subject to protection and cannot be cut back to the boundary under common law in the usual way.

The applicant has advised that they are not seeking to have these trees cut back, and as the accommodation provided is a hotel rather than permanent homes any impact on amenity by way of shading is less important. I do not consider that the trees form a significant constraint to the proposed development.

Other matters

Neighbours have raised the following concerns that have not been addressed above.

Neighbours have referred to there being another hotel on Loughborough Road that, they say, "is not doing well".

There is no formal assessment of this, or explanation of the background to this assertion. As has been explained above, this application is for a small scale use proposed for a building that is important to the Conservation Area but difficult to re-use.

Neighbours have also commented that there was a lack of site notices in the area. Consultation was carried out in accordance with the statutory requirements. This application, being a minor application, did not trigger a site notice according to the relevant legislation, but a non-statutory notice was posted. Neighbours were consulted by letter at the time of the application being publicised, and again once revised and additional information was received.

Neighbours have commented on local anti social behaviour, but I consider that a building in beneficial use as a hotel is unlikely to increase anti social behaviour, especially as I have suggested restrictions on use by people who are not guests.

Members are advised that under the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), hotels can change use to a state-funded school or nursery without having to apply to the local planning authority for permission. This is subject to a prior notification procedure, which would include consideration of highway impacts, noise impacts, and contamination risks.

I do not consider that the Permitted Development right should be withdrawn in this case, as use of this site for a school or nursery would not be inherently harmful subject to consideration of the above matters under the notification process.

Conclusion

The proposed refurbishment and beneficial use of this building is welcomed.

The proposed hotel use is not a fundamentally unsuitable use for the building or the location.

Matters relating to Highway safety and impact on neighbours can be dealt with by condition.

I recommend that this application is APPROVED subject to conditions

CONDITIONS

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

2. Prior to any external alterations being carried out, details of the following shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Replacement and repaired windows and doors shall be "like for like".

(a) Schedule of all doors and windows to be replaced

(b) Joinery details of all window and doorway types at 1:10 including cross sections showing details of existing and proposed

(c) Details of external surfacing including a refuse collection point

(d) Details of external stair and refuse store.

(In the interests of enhancing the character of the Conservation Area and in accordance with Core Strategy policy CS18.)

3. The use authorised by this permission shall not commence until a ventilation system to control the emission of fumes and smell from the premises has been installed in accordance with details that have previously been submitted to and approved in writing by the City Council as local planning authority and the system shall be maintained and operated thereafter in accordance with the manufacturer's instructions. (In the interests of the amenities of nearby occupiers, and in accordance with policies PS10 and PS11 of the City of Leicester Local Plan.)

4. Notwithstanding the approved plans, and prior to the hotel being brought into use, at least one of the ground floor guest rooms shall be constructed and laid out to be accessible to wheelchair users, and level access throughout the ground floor and between the front door, the car parking and the ground floor shall be provided. The facilities shall be retained thereafter. (In the interests of access for all and in accordance with Core Strategy Policy CS03.)

5. Before the occupation of the development the car and cycle parking spaces shown on the approved plans shall be provided. The parking spaces shall be retained thereafter for the parking of vehicles in connection with the occupation/use of the approved development. (To secure adequate off-street parking provision, and in accordance with policies AM02 and AM11 of the City of Leicester Local Plan and Core Strategy policy CS03.)

6. No part of the development shall be occupied until a visibility splay has been provided on the north side of the vehicular access to the south of the building in accordance with details that have been submitted to and approved in writing by the local planning authority. The splay shall be retained thereafter and kept clear of any obstruction above a height of 600mm. (In the interests of the safety of pedestrians and other road users, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)

7. The hotel and its facilities shall not be open to or used by any person other than those registered to stay at the hotel overnight. (In the interests of the amenity of neighbouring residents, and highway safety, and in accordance with policies PS10 and AM11 of the City of Leicester Local Plan.)

8. No guest/resident shall stay at the premises for more than 84 nights in a rolling twelve month period. A register of guests shall be kept and be made available to the local planning authority on request. (To avoid long term residential use of the premises, which do not provide adequate amenity for general residential use as required by Core Strategy policies CS02, CS03 and CS06.)

9. Any areas of external surfacing to be repaired or relaid shall be of permeable or porous materials, and/or provision shall be made to direct rainwater from the hard surface to a permeable or porous area or surface within the curtilage of the property. (In the interests of securing satisfactory surface water disposal, and in accordance with Core Strategy policy CS02.)

10. The hotel shall not provide more than four guest rooms, or accommodate more than twelve persons (excluding children) each night. (In the interests of the amenity of neighbouring residents, and highway safety, and in accordance with policies PS10 and AM11 of the City of Leicester Local Plan.)

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

Plans A1-004b received 29/6/20

Ground floor levels A1-005 received 1/6/20.

(For the avoidance of doubt).

NOTES FOR APPLICANT

1. The City Council as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may

have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process (and/or pre-application).

The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019 is considered to be a positive outcome of these discussions.

2. The applicant is advised that the external chimney stacks must be retained, and no planning permission is granted or implied for their removal. The internal works must be carried out in such a way that the chimney stacks are permanently supported.

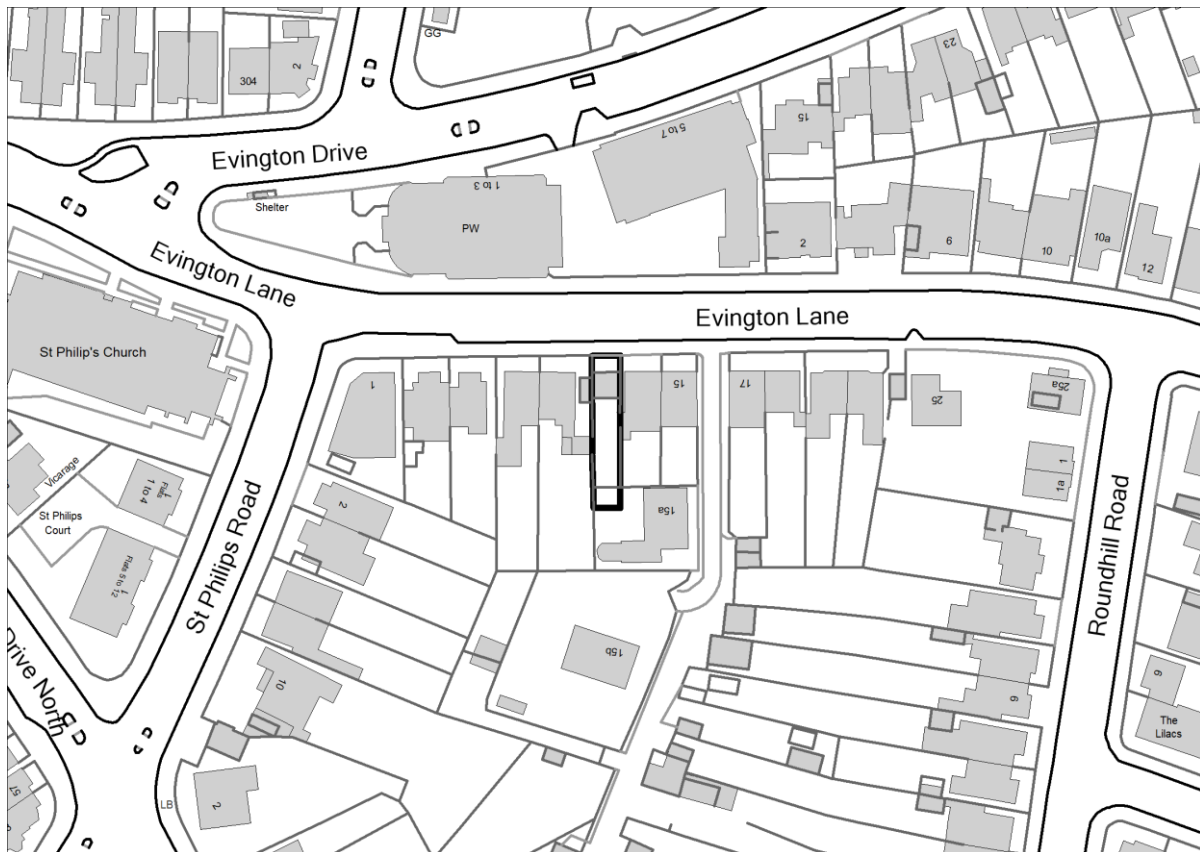
3. It is noted that an area of shrubbery will have to be cleared to provide the yard area. The applicant should note that it is an offence to disturb wild birds while they are nesting. Any active nest must be left undisturbed until the young birds have fledged and left the nest.

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_H16	Planning permission will not be granted for new or extended hotels, hostels and residential institutions within Restricted Zones unless criteria can be met.
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_CS01	The overall objective of the Core Strategy is to ensure that Leicester develops as a sustainable city, with an improved quality of life for all its citizens. The policy includes guidelines for the location of housing and other development.
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_CS12 In recognition of the City Centre's role in the City's economy and wider regeneration, the policy sets out strategies and measures to promote its growth as a sub-regional shopping, leisure, historic and cultural destination, and the most accessible and sustainable location for main town centre uses.
- 2014_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.

Recommendation: Conditional approval	
20200665	9-13 Evington Lane, Land Between
Proposal:	Demolition of garage; construction of one dwelling house (1x1 bed) Class C3)
Applicant:	Mr Nathani
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20200665
Expiry Date:	16 July 2020
PK	WARD: Stoneygate



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Summary

- Brought to committee due to the level of objections;
- 11 letters of objection (from Evington Lane and elsewhere within and outside City) on the grounds of the proposal being in conflict with planning policy, impact on residential amenity, character of the area, living environment for future occupiers and parking concerns;
- Main issues are principle of development, impact on residential amenity, living environment, highways and parking and flood risk;
- Recommended for approval.

The Site

The application site comprises a detached timber garage adjacent to two, two storey residential properties no.'s 9 and 13 Evington Lane. The garage is incidental to no.15a Evington Lane and is situated within the garden of the same. The host

property itself is served from a private access road between no.'s 15 and 17 Evington Lane.

Across the road from the application site is an established mosque. Car parking along this part of Evington Lane is not controlled.

The site is within a Critical Drainage Area. Land levels rise up to the rear towards 15a Evington Lane.

Background

9-13 Evington Lane

20190156 - Demolition of garage; construction of detached dwelling (1 x 2 bed) (Class C3) – Refused for the following reasons:

1. The proposed dwelling by reason of its design, siting and materials would be representative of poor design which would have an adverse impact on the character of the area and street scene. The proposal would result in a cramped form of development which would sit awkwardly within the street scene. The proposed dwelling would be dominating and would fail to function well and add to the overall quality of the area contrary to paragraphs 127 and 130 of the NPPF and Core Strategy Policy CS03.
2. The proposed dwelling by reason of its design and siting especially being directly alongside the boundary would have an adverse impact on the residential amenity of 9 and 13 Evington Lane in terms of light and outlook. The proposal is therefore contrary to paragraph 127 of the NPPF and saved policy PS10 of the City of Leicester Local Plan.
3. The proposed dwelling by the reason of the lower level of parking provision and unsatisfactory parking arrangements would result in unacceptable levels of on street parking and awkward manoeuvring into and out of the site across a pedestrian crossing point to the detriment of highway safety. The proposal is therefore contrary to Policies AM01 and AM12 of the Local Plan, Policy CS14 of the Core Strategy and Appendix 1 of the City of Leicester Local Plan.

15a Evington Lane

There is planning history for extensions to the bungalow but these are not directly relevant to the current application.

20192095 – Construction of single storey extension at rear of garage; construction of basement to provide car parking; alterations to garage to provide annex (Class C3) – Refused for the following reason:

1. The proposed development by means of its size and location would be tantamount to a new dwelling. The annex would fail to be subservient in its size and function to the main dwellinghouse on site and would offer a poor living environment for future occupiers. Therefore would be contrary to the National Planning Policy Framework (NPPF), and Core Strategy policy CS03 and saved policy H07 of the City of Leicester Local Plan.

20200107 - Construction of single storey extension at rear of garage; construction of basement to provide car parking (Class C3) – withdrawn

The Proposal

The proposal is for the demolition of the garage on site and construction of a single storey detached residential property. The proposed dwelling would occupy the full width of the site at 5.4 metres and would have a dual pitched roof with a ridge height of 4.4 metres. The width and height of the property would be the same as the current garage. The depth of the property would be 18.1 metres whereas the current garage has a depth of 5.7 metres.

The property would be one bedroom which would be located to the front of the property, with the bathroom and utility room located centrally within the property. At the rear would be an open plan kitchen and living space.

The rear garden would have a small patio and then a grassed area beyond this up to the rear boundary with the site. Due to the changes in land levels the grassed area would be divided into two with steps to the higher part.

The bin and cycle store would be incorporated within the utility room (as indicated on the plans) and there would be no provision of off-street parking with the proposal.

Policy Considerations

National Planning Policy Framework (NPPF) 2019

Paragraph 2 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 11 contains a presumption in favour of sustainable development. For decision-taking this means:

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

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

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

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

Leicester City Council does not currently have a 5 year housing land supply therefore the policies relating to housing are out of date.

In making an assessment Paragraph 108 of the NPPF states that development proposals should take up appropriate opportunities to promote sustainable transport modes; ensure safe and suitable access can be achieved for all users and; any significant impact (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 109 advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 117 requires planning policies and decisions to promote the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 127 sets out criteria for assessing planning applications which includes issues such as the long term functionality of development proposals; visual impacts; the ability of development to relate to local character; creation of a sense of place using various design tools such as building types and materials; optimising the potential of development sites; and, designing safe, secure and inclusive developments with a high standard of amenity for existing and future users.

Paragraph 130 states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 163 of the NPPF advises that when determining planning applications local planning authorities should, inter alia, give priority to sustainable drainage systems unless there is clear evidence that this would be inappropriate.

Development Plan policies

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

Supplementary Planning Documents (SPD)

Residential Amenity SPD

Appendix 01 of the City of Leicester Local Plan

Consultations

None

Representations

Eleven letters of objection have been received from residents of Evington Lane and form outside of the City raising the following concerns:

- Lack of privacy between the application site and 15a Evington Lane due to the previous planning approval at the property, will the property be used in conjunction with 15a Evington Lane, or independent of it?;
- Lack of parking on site and traffic in the area, especially at peak times;
- 4 cycle parking spaces proposed so will the property be occupied by 4 people;
- Cramped form of living environment, small floor area which would not comply with space standards, no window to the bathroom, concern of mould for the development, outlook to front and rear only;
- Concerns of noise and disturbance during construction, health and safety concerns whilst the development is ongoing;
- Proposal represents overdevelopment of the site; single storey property is different to the two storey houses in the area;
- Overlooking, light and privacy concerns to neighbours on either side; light impact especially to the side kitchen of no.13, sense of enclosure from the depth of the property, overshadowing from the property being built to the side boundaries of the site;

- Right to light concerns under Common Law, lack of Party Wall agreement, impact on foundations and adjacent properties;
- Previous applications advised that there is asbestos within the garage;
- The proposed dwelling would be built to the end of the garden which would be poor in terms of environmental measures;
- Lack of consultation on the new application.

Photographs have been submitted to illustrate the objections.

One letter of support has been received stating that the removal of the garage would improve the appearance of the site and wider area.

Consideration

Principle of Development

Policy CS06 of the Leicester Core Strategy (2014) undertakes to meet the City's housing requirements over the plan period through, *inter alia*, limited housing growth within established residential areas and small housing infill to support the development of sustainable communities. It goes on to require new housing developments to provide an appropriate mix of housing and in particular larger family housing. Policy CS08 seeks to ensure that suburban areas continue to thrive and recognises that small scale infill sites can play a key role in the provision of new housing, but states that backland development should be compatible with the locality and any neighbourhood buildings and spaces in terms of design, layout, scale and mass.

In the above policy context and having particular regard to the City's current housing supply position, I conclude that the development is acceptable in principle, subject to the foregoing consideration of the impacts on amenity, design, privacy and highways.

Residential Amenity

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: noise and air pollution; the visual quality of the area; additional parking and vehicle manoeuvring; privacy and overshadowing; safety and security; and the ability of the area to assimilate development. Section 3 of the Council's *Residential Amenity SPD* (2008) ("the SPD") sets out more detailed design guidance for development in outer areas of the City.

The proposed dwelling would maintain an adequate separation distance from 15a Evington Lane at the rear. As such I consider in respect of daylight, outlook and privacy the proposed dwelling would not result in any harmful impact on the residential amenity of the host property.

In respect of the properties to either side, the proposed dwelling would be built up to both side boundaries and therefore the only separation would be the independent access into the rear gardens of the properties to either side. The dwelling would have a single storey depth of approximately 18.1 metres.

13 Evington Lane

The property to the east, no.13 is a two storey semi-detached property which has been extended with single storey rear extensions. The side elevation (west) facing the application site comprises of an entrance window, side door and kitchen window at ground floor and a window serving the staircase at first floor. The ground floor kitchen window is an original outlook for the property; however the size of the kitchen is below 12sqm and therefore it is considered that this is not a principle room (in accordance with the Residential Amenity SPD). The property also has an extended living area to the rear which is open plan with the kitchen. There is also a single storey rear extension along the common boundary with the application.

The proposed dwelling would extend beyond the rear wall of the extensions at no.13. The extensions at no.13 already intersect a 45 degree line when taken from the rear patio doors of the dining area. The proposed dwelling would intersect the same patio doors; however considering the separation distance from the patio doors and the dual pitched roof of the proposal I consider this would not be so significantly harmful to the outlook of the occupier of no.13.

In addition to this, the plans indicate that the proposal would be built at ground level and not built up with the land level changes; therefore the impact of the proposal would be further minimised. I consider any overshadowing would be minimal given the design of the proposed dwelling.

There are no windows in the side elevation and therefore I consider there would be no harmful impacts on the privacy of the adjacent occupiers.

9 Evington Lane

The property to the west, no.9, has recently had two and single storey side and rear extensions approved under planning reference 20180212. These extensions have been implemented. The side (east facing the application) windows would only serve non-principal rooms. The side extension is stepped back from the front building line of the host property. The front of the side extension has a bedroom window at the front which is the only window serving the bedroom.

The proposed dwelling would extend approximately 1.5 metres beyond the rear extension at no.9, however the property would not intersect a 45 degree line from the centre of the rear windows and patio doors. By virtue of the dual pitched roof I consider the proposal would not result in harmful levels of overshadowing or overbearing. There may be some overshadowing immediately along the common boundary with the application site; however the whole of the rear garden would not be cast in a shadow.

There are no windows in the side elevation and therefore I consider there would be no harmful impacts on the privacy of the adjacent occupiers.

15A Evington Lane

The property to the rear would be separated from the application site with a close boarded fence and it would be on a slightly higher land level due to the changes in levels. The bungalow has had extensions approved; however these have not been implemented. The property is at a 90 degree angle to the proposed property.

The proposed dwelling would retain a separation distance of 13 metres from the closest window at the bungalow and 16 metres from the closest principal room window. However the bungalow would be a higher level and direct views would be screened by a close boarded fence. In consideration of this, I consider the proposed dwelling would not result in any harm in the privacy of the occupiers to the rear. Due to the changes in land levels and separation distance I consider the proposal would not result in a significant level of overshadowing and overbearing to the bungalow.

General Amenity

Objectors have advised that the proposal includes no side windows and therefore should rooflights be inserted at a later stage this would result in privacy concerns. The proposed plans do not include roof lights. Should any future occupiers wish to add rooflights this is something which could be carried out using permitted development rights. The insertion of rooflights would not result in overlooking from the proposed dwelling to other properties as both neighbouring properties are two storeys in height.

The proposed property would be built on a flat level as indicated by the site section plan. I consider this, combined with the dual pitched roof would minimise any sense of enclosure or overbearing. The close boarded fence on the boundaries would screen the majority of the side elevations of the dwelling and the highest point of the dwelling would be located in the centre of the site, away from both side boundaries.

Concerns have been raised in respect of noise and disturbance during the construction period. This is considered further in the highways section below. Notwithstanding this, any noise and disturbance during the construction period would be temporary only.

As a residential property I consider that the proposal would not result in any significant impacts in terms of noise and disturbance. The proposed use is compatible with the adjoining properties and would not be different to the existing garage use which is incidental to no.15a Evington Lane.

Concerns regarding asbestos have been raised. Given the use of the site as a residential garage and the age of the structure I consider it reasonable to require the submission of a contamination strategy to ensure the demolition of the garage is undertaken safely.

I am satisfied that there is not a significant risk of crime or reduced safety to neighbouring occupiers as a result of the development.

I conclude that the proposal represents an acceptable form of residential development which would not result in significant harm to residential amenity of neighbouring occupiers. The proposal is in accordance with saved Policy PS10 of the Local Plan and the Residential Amenity SPD.

Character and Design

Policy CS03 of the Leicester Core Strategy (2014) states that high quality, well designed developments that contribute positively to the character and appearance of

the local built environment are expected. It goes on to require development to respond positively to the surroundings and to be appropriate to the local setting and context and, at paragraph 1 (first bullet point), to contribute positively to an area's character and appearance in terms of *inter alia* urban form and high quality architecture. Policy CS08 states that the Council will not permit development that does not respect the scale, location, character, form and function of the local area.

The front elevation of the garage facing Evington Lane would especially remain the same, albeit the garage doors may be replaced. From the street scene there would be very little change in terms of the appearance of the garage other than the change to materials. Some of the views of the site would see an increase in the depth of the building, but these would be limited.

I consider as a residential dwelling, the proposal would improve the character and appearance of the site. The garage is relatively aged and appears at odds within the street. Its replacement with a bungalow would be reflective of the residential character of the area. Previous planning decisions highlight the lack of space for a two storey dwelling on site and therefore this is considered the most appropriate scale of development that can be accommodated on site.

The plans and application form suggest the use of matching materials which would be sufficient in this instance and can be secured by way of condition.

The proposal is of an acceptable size and design that would not have an adverse impact on the local area. I consider the proposal would accord with policy CS03 of the Core Strategy in design terms.

Living Environment

Policy CS03 of the Leicester Core Strategy (2010) states that new development should achieve the highest standards of accessibility and inclusion.

The proposed dwelling would provide a good size of residential accommodation at 86.2 sqm. The National Space Standards have not been adopted by Leicester City Council; however they advise that one bedroom single storey dwellings should have a minimum gross internal floor area of 50 sqm. The proposed property would be in excess of this requirement. Future occupants of the property would enjoy a good level of light and outlook. Additionally a good level of privacy would also be secured.

All principal rooms would have a window, and the central areas providing bathroom and utility would have no outlook. I consider this appropriate as these are non-principal rooms. It is acknowledged that the bedroom would be to the front and there may be some noise and disturbance to the occupiers; however the front elevation of the property would be in line with the front elevation of neighbouring properties which are a slightly set back off the pavement. This would minimise any significant level of noise. Furthermore this is a common situation in the local area where properties have short front gardens.

The rear garden would provide an amenity area of approximately 50 square metres which does not comply with the Residential Amenity SPD; however the garden space would be useable and would provide space for any future occupants to carry

out day-to-day activities. It is also recognised that the site is not too far from local parks which provide further open spaces for future occupants. I consider to protect the amenity of future occupiers it is reasonable to remove permitted development rights for further extensions to the property at the rear and also the construction of outbuildings, given the limited garden area.

The site is within a sustainable location with good access to amenities and is walking distance to the nearby Evington Road district centre. The site is also situated on a classified road which is served well by public transport.

The plans indicate that bins and cycles would be stored within the utility; however I consider these could be stored within the rear garden without resulting in significant harm. As such I consider the site can accommodate a single dwelling.

The Lifetime Homes Standards have now been replaced by the requirements of the optional Building Regulations Standard M4(2) (accessible and adaptable dwellings). I consider that it is reasonable and necessary to secure compliance with Building Regulations Standard M4(2) as a condition of planning permission should planning permission be granted.

The proposal will result in the loss of garden space for 15a Evington Lane. However the resultant garden area for this property would remain in excess of 100sqm as required by the SPD.

Having regard to the SPD and the site context, I consider that the proposal would provide acceptable living conditions for future occupiers and would be consistent with Core Strategy Policy CS03 and saved Local Plan Policies AM01, and PS10.

Highways

Policy CS15 of the Leicester Core Strategy (2014) states that parking for residential development should be appropriate for the type of dwelling and its location, and take into account the amount of available existing off street and on street car parking and the availability of public transport. It also seeks the provision of high quality cycle parking. Saved Policy AM02 of the Local Plan (2006) states that planning permission will only be granted where the needs of cyclists have been successfully incorporated into the design. Policy AM12 gives effect to published parking standards.

The proposal for a new dwelling and the layout shown has no off street parking. The properties to either side and in the immediate area also do not have off street parking. Given the location of the site on a main bus route and close to a local centre I consider the lack of parking provision would be adequate. The removal of the garage would allow for the dropped kerb to the front of the site to be reinstated which would provide further on-street parking which I consider a benefit in parking terms. A condition to secure this is reasonable.

The proposal would remove the garage as parking for 15a Evington Lane; however this is currently not used by the occupiers. The property has three spaces to the front and side of the property which are used by its occupiers. I consider the proposal would not adversely affect the number of vehicle parking spaces for the occupiers of no.15a.

Cycle parking has been indicated within the utility. I consider as a dwelling cycle parking could also be adequately secured within the rear garden.

The site is constrained in terms of its size and during the construction period there may be some conflict with pedestrian's and vehicles. Therefore, it is considered reasonable in this instance to require the submission of a Construction Management Strategy. This can be adequately secured by condition.

In light of the above, I consider the proposal would accord with saved policy AM12 and Appendix 01 of the City of Leicester Local Plan and policy CS15 of the Core Strategy.

Sustainable Drainage

The application site is less than 1 hectare in area and it is within fluvial flood zone 1. Accordingly, a flood risk assessment is not required and the site is consistent with the sequential principles of planning policies.

Policy CS02 of the Core strategy states that all new dwellings must provide details of a SuDS strategy to ensure that flood risk is not increased as a result of development. I consider that in accordance with the policy and with the NPPF this could be secured by way of condition should the application be approved. It is noted that the applicant has submitted some indicative proposals as part of the application; however site specific measures are required.

Other Matters

Issues such as Party Wall Agreements and impact on the foundations of other properties is not a material planning consideration and these matters are subject to other legislation.

Concerns regarding the publicity of the application have been received. It should be noted that the publicity of this application was carried out in line with the statement of community involvement and the same as the previous applications. A site notice was displayed outside the site and letters of notification were also sent to the objectors of the previous application either by email or post, depending on what information was provided in those representations. Considering that representations have been received from outside of the City boundary as well as within the City (and adjacent properties), it would appear that local and non-local residents are aware of the planning application.

Conclusion

The proposed new development is acceptable in principle and would create an acceptable living environment for future occupants and sustainable drainage measures could be secured by way of condition. The proposal is in a sustainable location and the design of the proposed dwelling is acceptable.

The proposal accords with the aims of the National Planning Policy Framework as well as Local Policies and Supplementary Planning Guidance.

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

CONDITIONS

1. START WITHIN THREE YEARS

2. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the City Council as local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: (i) the parking of vehicles of site operatives and visitors; (ii) the loading and unloading of plant and materials; (iii) the storage of plant and materials used in constructing the development; (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) wheel washing facilities; (vi) measures to control the emission of dust and dirt during construction; (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works. (To ensure the satisfactory development of the site, and in accordance with policies AM01, UD06 of the City of Leicester Local Plan and Core Strategy policy CS03. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

3. No development shall be carried out until the site has been investigated for the presence of asbestos, and a Site Investigation Report incorporating a risk assessment and, if required, scheme of safe removal and disposal of asbestos to render the site suitable and safe for the development, has been submitted to and approved in writing by the City Council as local planning authority. The approved remediation scheme shall be implemented in full, and a completion report shall be submitted to and approved in writing by the City Council as local planning authority before any part of the development is occupied. (To ensure that risks from asbestos to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy PS11 of the City of Leicester Local Plan. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

4. Prior to the commencement of development details of a Sustainable Drainage System (SuDS) shall be submitted to and approved in writing by the local planning authority. the property shall not be occupied until the system has been implemented in full accordance with the approved details. It shall be retained and maintained thereafter. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy, this is a PRE-COMMENCEMENT condition).

5. No part of the development shall be occupied until the footway crossing has been altered in accordance with details first submitted to and approved in writing by the City Council as local planning authority. The details shall accord with the Council's standards contained in the "6Cs Design Guide" (view from www.leicester.gov.uk/6cs-design-guide). (To achieve satisfactory means of access

to the highway, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)

6. Before the development is begun, the materials to be used on all external elevations and roofs shall be submitted to and approved in writing by the City Council as local planning authority. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

7. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any order amending or revoking and replacing that Order with or without modification, no development that would otherwise fall with Classes A and E of Part 1 (of Schedule 2) of that Order shall be carried out within the curtilage of the dwellinghouse hereby approved without planning permission having first been obtained from the local planning authority. (To ensure that any further development at the site does not unacceptably affect the privacy and amenity of the neighbour occupiers and the character and appearance of the area, and to ensure that adequate amenity space for future occupiers of the development is retained on the site, in accordance with Policy CS03 of the Leicester Core Strategy (2014) and saved Policy PS10 of the Local Plan (2006)).

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

9. This consent shall relate to the submitted plans received by the City Council as local planning authority on 21/05/2020. (For the avoidance of doubt.)

NOTES FOR APPLICANT

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

2. To meet a condition above 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. Any application to discharge this condition will only be considered if accompanied by a building regulations completion certificate/s as stated above.

3. No permission is granted or implied for any development (including any overhanging projections) outside the application site.

4. The applicant may need to enter into a Party Wall Agreement with adjoining land owners.

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 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 2019 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_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
2006_PS11	Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
2006_UD06	New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
2014_CS02	Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
2014_CS03	The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
2014_CS06	The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
2014_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.

Recommendation: Conditional approval	
20200780	49 Westfield Road
Proposal:	Construction of single storey extension at rear of house (Class C3); alterations
Applicant:	Mr M Cutkelvin
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20200780
Expiry Date:	6 August 2020
TB	WARD: Western



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Summary

- Brought to Committee as the applicant's partner is a member
- The main considerations are design and residential amenity.
- The application is recommended for conditional approval.

The Site

The application relates to a semi-detached dwelling house located within a Critical Drainage Area and an area characterised as Primarily Residential.

Background

There has been a dormer to the side of the house and single storey extensions to the rear of the house since at least 2002 according to mapping images. A rear dormer has recently been constructed as permitted development.

The Proposal

The application proposes the construction of a single storey extension at the rear of house with a roof light to the flat roof. Alterations include the demolition of part of the existing single storey rear extensions and the installation of a high level obscure glazed window to the side dormer to replace an existing window, which would be permitted development. Planning permission is required because the extension proposed will extend more than 3m from the original rear wall of the house. The proposed extension will have a depth of 4.1m.

Policy Considerations

National Planning Policy Framework (NPPF) 2019

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

Paragraph 11 contains a presumption in favour of sustainable development.

Part 12 of the NPPF focuses on requiring good design. Paragraph 124 describes good design as a key aspect of sustainable development.

Paragraph 127 sets out criteria for assessing planning applications which includes issues such as the long term functionality of development proposals; visual impacts; the ability of development to relate to local character; creation of a sense of place using various design tools such as building types and materials; optimising the potential of development sites; and, designing safe, secure and inclusive developments with a high standard of amenity for existing and future users.

Development plan policies

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

Supplementary Planning Documents (SPD)

Residential Amenity SPD (2008)

Other legal or policy context

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

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO)

Consideration

Design

The extension will not be generally visible from the public realm.

The application form and plans indicates that the external finish material of the walls would match those of the original dwelling.

Space will be retained to the side of the house for bin storage.

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

Residential amenity (*neighbouring properties*)

The extension would replace an existing utility room but be 1.5 metres deeper.

The extension would be away from the boundary with the adjoining property at no.51 and not project past the rear of no. 49. In each case, a 45 degree line taken from neighbouring habitable room windows would not be broken.

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

Drainage

The site is within a Critical Drainage Area. I consider that a requirement for a scheme of sustainable drainage would be onerous and that the impact of the proposal in terms of increased surface water run-off is unlikely to be significant. I conclude that the proposal would not conflict with Policy CS02 of the Core Strategy (2014) and is acceptable in terms of sustainable drainage.

I recommend that this application is APPROVED subject to conditions:

CONDITIONS

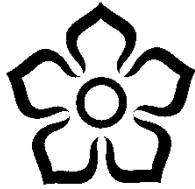
1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The external elevations shall be constructed in facing bricks to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
3. This consent shall relate solely to the submitted plan ref. no. 2019/7046/02G received by the City Council as local planning authority on 23/06/2020. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material planning considerations, including planning policies and representations that may have been received and subsequently determining to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019.

Policies relating to this recommendation

- | | |
|-----------|--|
| 2006_AM12 | Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01. |
| 2006_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents. |
| 2014_CS02 | Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City. |
| 2014_CS03 | The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'. |



Leicester
City Council

**WARDS AFFECTED:
Humberstone and Hamilton**

**Report for consideration by the
Planning and Development Control Committee 5 August 2020**

HUMBERSTONE VILLAGE AREA 20MPH ZONE--
OBJECTION TO PROPOSED SPEED CUSHIONS

1. Purpose of Report

- 1.1 To allow the Committee to consider objections to the speed cushions included within the proposed 20mph scheme before giving their views to the Director of Planning, Development and Transportation.

2. Summary

- 2.1 The proposed speed cushions in the Humberstone Village Area are part of a wider package of measures to address the problems of rat running and speeding vehicles in the area. The City Mayor gave approval to the measures including advertising the proposed speed cushions on 2nd March 2020. One resident has objected to the speed cushions. Details of the scheme, including the location of the proposed speed cushions, are included in Appendix A.

3. Recommendations

- 3.1 It is recommended that:

The members of the Committee consider the report and express their views to the Director of Planning, Development and Transportation who will consider them when deciding whether or not to uphold the objection to the scheme.

4. Report

- 4.1 The City Mayor approved implementation of the proposed 20mph zone in the Humberstone Village Area on [2nd March 2020](#). Advertisement of the traffic calming speed cushions is required under the Highways Act 1980 Section 90(a). The views of any objectors must be considered.
- 4.2 The proposed speed cushions were duly advertised on 11th March 2020 with objections to be received no later than 2nd April 2020. One objection was received on 23rd March 2020. Whilst officers have written to the objector, with the aim of

addressing the objector's concerns, the objector has not responded. The objection therefore stands.

4.3 The objection is included (as submitted) below

My husband & I have no objection to the raised Zebra Speed Hump outside 101 Main Street as such. However the rest of your proposals for 3 speed cushions are totally inappropriate in our opinion. These speed cushions cause problems to tyres and suspension of normal vehicles, whilst lorries, buses & other large vehicles just carry on at speed regardless. We also notice that cars park in close vicinity, or, on them, of other speed cushions around this area causing problems for other vehicles.

No one, except us, seem to obey the 20 mph limit in the school zone. Thus, speed cameras would seem to be more relevant in this area.

5.0 Consideration of Objections.

5.1 *Speed cushions cause problems to tyres and suspension of normal vehicles*

The speed cushions we install meet current regulations. The speed cushions proposed for this area are 75 mm high. This is less than the maximum permitted height of 100mm. Vehicles that comply with the speed limit of 20 mph should not, therefore, damage tyres or suspension when passing over speed cushions at this height.

5.2 *Lorries, buses & other large vehicles just carry on at speed regardless*

It is accepted that large vehicles and buses can, at times, straddle the speed cushions. This feature of speed cushion design helps ensure bus travel is comfortable for passengers.

The scheme consultation identified problems with speeding cars and through traffic. Buses and large vehicles are not, therefore, considered to be a problem in this instance.

On the issue of compliance more generally, Leicestershire Police have confirmed that compliance with 20mph speed limits in Leicester has been good and that Police intervention has not been required.

5.3 *Parking on, or in the vicinity of, speed cushions*

Cars do indeed park on speed cushions in the way the objector describes. This is seen as a positive feature of speed cushions. Unlike some other traffic calming measures, they reduce traffic speeds without removing kerb-side parking spaces used by local residents.

5.4 **General Point**

The City Council introduces 20mph zones with the majority support of communities and the Police, emergency services and public transport operators. Our approach meets the guidance on 20mph speed limits issued by the government, public health, safety and motoring organisations.

6 Conclusion

6.1 Having reviewed the design and considered the outstanding objection, officers believe the proposed speed cushions are an appropriate traffic calming measure, consistent with the objectives of the scheme.

7. Financial Implications

7.1 The scheme is estimated to cost £80,000. The scheme is funded from the 2019/20 approved capital programme Active Travel and Road Safety immediate starts.

Paresh Radia, Finance

8. Legal Implications

8.1 The Council may construct road speed cushions in a highway maintainable at the public expense under the Highways Act 1980 Section 90(a) subject to consultation being undertaken which includes consulting the chief officer of the police and publishing a notice in a newspaper circulating in the area and at appropriate places on the highway. As an objection has been received, the Council is under a duty to consider the objection in accordance with its general obligations to act reasonably in its consideration, to consider all relevant information and disregard any irrelevant information, and to provide full reasons supporting its conclusion and decision.

John McIvor, Principal Lawyer, Legal Services

9. Powers of the Director

9.1 Under the constitution of Leicester City Council, delegated powers have been given to the Director of Planning, Development and Transportation to approve Traffic Orders having considered any objections that have been received and taken due regard of comments made by the Planning and Development Control Committee. The legislation that confers authority on Leicester City Council to make these amendments is covered by the 1984 Road Traffic Regulation Act and the Local Authorities' Traffic Orders (Procedures) (England and Wales) Regulations 1996.

10. Report Author

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