



Leicester  
City Council

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

**DATE: WEDNESDAY, 16 SEPTEMBER 2020**  
**TIME: 5:30 pm**  
**PLACE: Virtual Meeting via Zoom**

**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.

*Elaine Baker*

For Monitoring Officer

**Officer contact:**

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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 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](mailto:elaine.baker@leicester.gov.uk))**

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

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

# **PUBLIC SESSION**

## **AGENDA**

### **LIVE STREAM OF MEETING**

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

<https://www.youtube.com/watch?v=hhGSSFtDGCCQ>

#### **1. APOLOGIES FOR ABSENCE**

#### **2. 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.

#### **3. 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 5 August 2020 are a correct record.

#### **4. HUMBERSTONE VILLAGE AREA 20MPH ZONE - [Appendix A](#) OBJECTION TO PROPOSED SPEED CUSHIONS**

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.

**5. LETCHWORTH ROAD NORTH & DOVELANDS AREAS - PROPOSED 20MPH ZONE OBJECTIONS TO PROPOSED SPEED CUSHIONS** [Appendix B](#)

The Director of Planning, Development and Transportation submits a report setting out objections received to the speed cushions included within the proposed 20mph scheme in the Letchworth Road & Dovelands Area. The Committee is recommended to consider the report and express 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.

**6. PLANNING APPLICATIONS AND CONTRAVENTIONS** [Appendix C](#)

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) 20190494 87-95 HINCKLEY ROAD** [Appendix C1](#)
- (ii) 20200178 19 DE MONTFORT STREET** [Appendix C2](#)
- (iii) 20201329 62-66 HIGH STREET OUTSIDE** [Appendix C3](#)
- (iv) 20201461 122 CANON STREET** [Appendix C4](#)

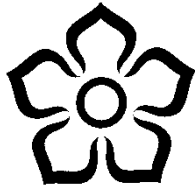
**7. ANY URGENT BUSINESS**

**8. CLOSE OF MEETING**

**MEMBERS' BRIEFING SESSION**

**After the meeting has closed, there will be an informal briefing session for Members, which will include the following:**

- Appeal decisions – for information



Leicester  
City Council

**WARDS AFFECTED:  
Humberstone and Hamilton**

**Report for consideration by the  
Planning and Development Control Committee**

**16 September 2020**

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

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**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 2<sup>nd</sup> 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 [2<sup>nd</sup> 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 23<sup>rd</sup> 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, tel: 0116 454 4082*

**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.

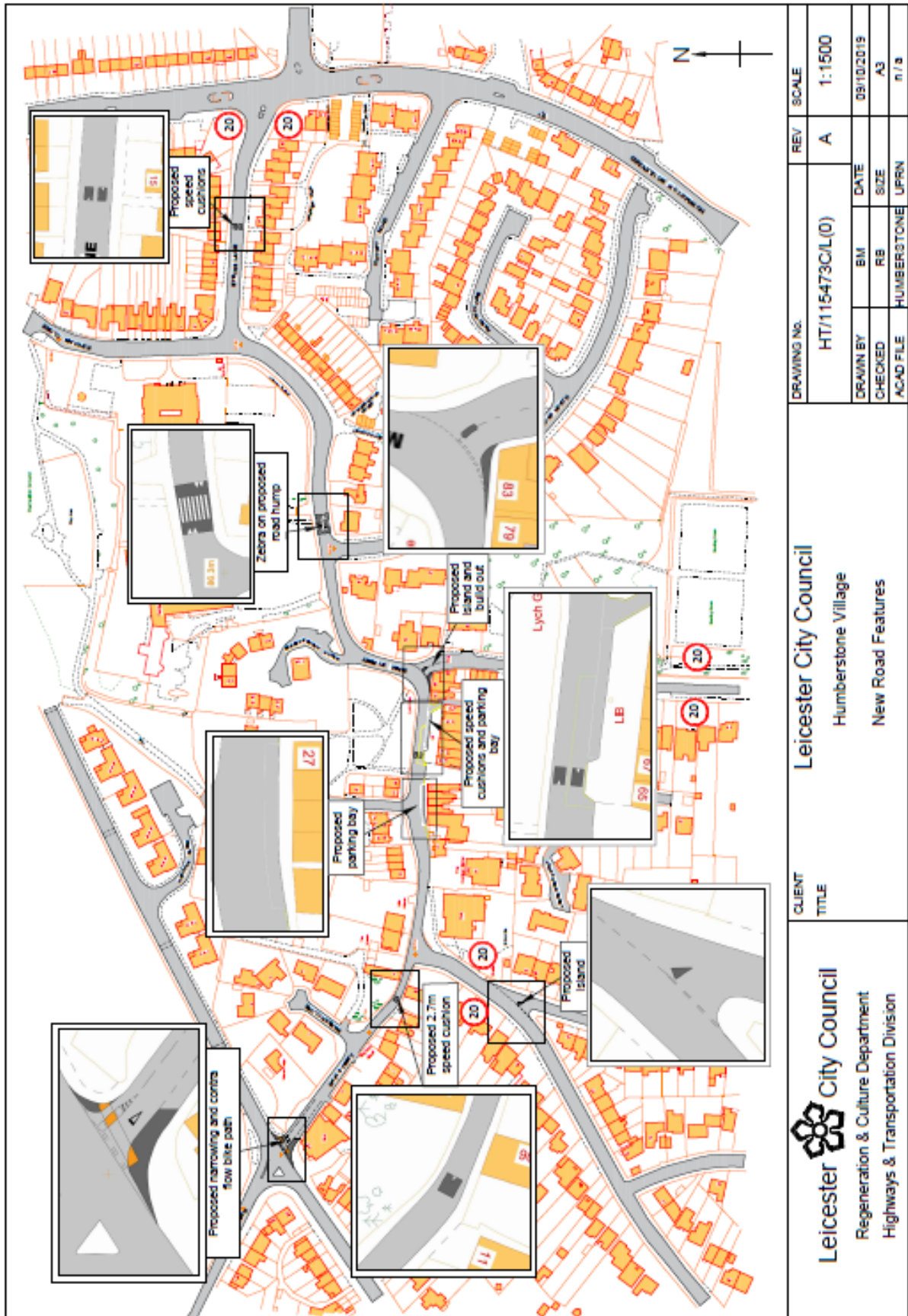
*John McIvor, Principal Lawyer, Legal Services, tel: 0116 454 1409*

**9. Powers of the Director**

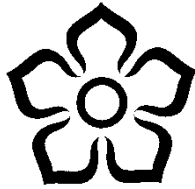
9.1 Under the constitution of Leicester City Council, delegated powers have been given to the Director of Planning, Development and Transportation to approve Traffic Orders having considered any objections that have been received and taken due regard of comments made by the Planning and Development Control 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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Leicester  
City Council

**WARDS AFFECTED:  
Western and Westcotes**

**Report for consideration by the  
Planning and Development Control Committee**

**16 September 2020**

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**LETCHWORTH ROAD NORTH & DOVELANDS AREAS –  
PROPOSED 20MPH ZONE  
OBJECTIONS TO PROPOSED SPEED CUSHIONS**

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**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 Letchworth Road & Dovelands Area is included in the current programme of 20 mph Zones for Leicester and is part of the Council's strategy to reduce accidents and encourage cycling and walking. The City Mayor gave approval to the measures including advertising the proposed speed cushions on 28<sup>th</sup> February 2020. Eight residents have objected to the speed cushions.

**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 objections to the scheme.

**4. Report**

- 4.1 The City Council introduces 20mph zones with the majority support of communities and the Police, emergency services and public transport operators. In the case of Letchworth and Dovelands the consultation showed that 62% of the respondents that expressed a preference showed support for the cushions on a response rate of 30%. This shows strong support for the cushions. The Council's approach meets the guidance on 20mph speed limits issued by the government, public health, safety and motoring organisations.

- 4.2 Letchworth Road Area is one of the current 20mph zones programmed for the City. Consultations on proposals have been undertaken and an Executive Decision Report was presented to the City Mayor on 28<sup>th</sup> February 2020. The City Mayor approved implementation of the proposed 20 mph zone and advertisement of both the Speed Limit Order and traffic calming required before the scheme can be implemented. The scheme proposals are provided in the Executive Decision Report included as Appendix A to this report.
- 4.3 The proposed road humps were duly advertised on 20<sup>th</sup> March 2020 with replies by 10<sup>th</sup> April 2020. In response 8 objections were received from 6 households within the specified time period, all relating to the proposed speed cushions within the Dovelands Area, and all but one objection relating to the southern section of Letchworth Road.
- 4.4 Officers have written to or spoken with each objector. However, none of the objectors withdrew their objections. The objections therefore stand.

## **5 Objections Received**

- 5.1 There were 8 objections within the specified timeframe. The narrative from each objector is included verbatim in Appendix A together with an officer response to each objection. All objections are from properties close to proposed cushion locations.
- 5.2 The issues raised can be summarised in 3 headings

### **1) Objections to the consultation process**

- poor consultation and feedback to responders
- no distinction between consultation on 20mph speed limits and speed cushion proposals
- lack of consideration of views

### **2) General concerns over the suitability and effectiveness of cushions:**

- expensive and not justified
- wider issues need to be addressed
- no real problem
- poorly thought-out proposals
- proposed spacings or locations are ineffective
- no improvements in safety for cyclists
- dangerous traffic manoeuvres to avoid the features
- alternatives, such as access restrictions or full-width humps would be more appropriate

### **3) Site specific issues about cushions in relation to properties**

- noise and vibration
- damage to vehicles
- driver discomfort and injury
- slow emergency vehicle response
- parking difficulties, particularly for elderly and disabled drivers & passengers

5.3 Each of the three issues is addressed below.

### **1. Objections to the consultation process**

Consultation on the proposals has been carried out in accordance with national legislation and guidance, and in line with the Council's current practice. Consultation was carried out during September 2019 by letter drop to 741 properties. 230 (31%) responses were received. Of these, 198 (86%) were in favour of the proposed 20mph speed limit, and 143 (63%) were in favour of the proposed traffic calming. The Council invited electronic responses via the website and 75 people chose to post their views in this way. It is accepted the electronic response did not allow separate responses to the 2 issues of 20mph speed limit and cushions. However, the number of paper responses far outweighed the electronic versions so the results are not distorted. The results showed overwhelming support for the scheme and have indeed been taken into account in deciding to proceed.

### **2. General concerns over the suitability and effectiveness of cushions**

The choice of speed cushions over full width road humps or other measures has been dictated by the demand for on-street parking, the need for access by residents as well as emergency vehicles and buses, and the need to allow safe use by cyclists. Speed cushions provide transverse gaps between narrower humps which are designed to allow larger vehicles, such as ambulances and buses, to pass relatively unaffected whilst ensuring that passenger cars negotiate more carefully, bringing about a reduction in traffic speeds. The transverse gaps also allow cyclists through safely and unhindered. Cushions offer a cost-effective alternative to full width road humps, which require more design input, significant road reconstruction and specific drainage design. The Transport and Climate Change Scrutiny Commission considered the effectiveness and value for money of 20mph schemes in Leicester. Scrutiny reported their findings in February 2012 and expressed support for the introduction of 20mph zones across the city and concluded that schools should be prioritised alongside accident cluster sites when implementing 20mph speed zones. Ward Members have been engaged in developing the current 20mph programme.

### **3. Site specific issues about cushions in relation to properties**

Cushion locations have been chosen to target the highest traffic speeds and ensure a consistently reduced speed throughout the treated area. Spacing in

some locations, where traffic flows, speeds and general activity is lower, is greater than in other areas. All locations have been chosen so as not to inhibit normal vehicle manoeuvres on individual driveways, and to allow normal turning movements at junctions. It is not intended that on-street parking in the vicinity of any of the cushion locations will be restricted, and habitual parking practice should be able to continue as normal. The City Council, as Highway Authority, does not accept claims that damage to buildings has been caused by ground vibrations generated by passing traffic. The Transport Research Laboratory has reported on a series of experiments on this subject and did not record accelerations or movements sufficient to cause structural damage. The proposed speed cushions are designed at a lower height and are spaced laterally to accommodate larger vehicle tracks within the transverse gaps and smaller cars, if positioned correctly, on the lower portion of the hump edge rather than the full height. This should result in a lower impact, so less noise, vibration and driver discomfort.

- 5.4 In view of the above, officers recommend that the objections do not constitute a reason to defer implementation of the scheme.

## 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 total estimated cost of the proposed scheme is £104k and is funded from the Transport Improvements works budget included in 2020-21 capital work programmes.

*Paresh Radia, Finance, tel: 0116 454 4082*

## 8 **Legal Implications**

- 8.1 The Council has the power to implement 20mph Speed Limit Orders on roads within the city. The procedure to be used by the Council in making such orders is contained in The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.
- 8.2 The Council may construct road humps 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.
- 8.3 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, tel: 0116 454 1409*

## 9 **Powers of the Director**

Under the constitution of Leicester City Council, delegated powers have been given to the Director of Planning, Development and Transportation to approve construction of road cushions having considered any objections that have been received and taken due regard of comments made by the Planning and Development Control Committee.

## 10 **Report Author**

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1.1 Objector 1 as submitted

*Background*

*About 2 weeks ago I spoke to a council officer who was marking out the road for a proposed speed cushion outside our property. Up to this point I have had no idea that this was happening or opportunity to comment on it. The officer said that we had all been kept informed and that the scheme was being coordinated with the "TAG" group. I informed him that we had not been informed at all and it was not clear who the "TAG" group were. I told him of my objection and he said his manager would be in touch. This has not happened.*

*Last summer we received a plan from the council, asking for feedback, showing proposed 20mph zones and calming measures along Lindfield Rd, the closes off it, the new section of Letchworth Rd (to Aikman Ave) and the northern section of Westfield Rd. Clearly this plan did not affect the middle section of Westfield rd. so it was not appropriate to comment.*

*The Objection*

*48 Westfield is a bungalow with the bedrooms right at the front and solid floors. The proposed cushions will be right outside our bedroom windows so we will suffer from all the airborne noise disruption of vehicles decelerating as they reach our property, the bumping as they cross the cushions and then the additional noise of every vehicle accelerating away. This will be more intrusive than for most other properties on the road because our bedroom windows are at street level and as close to the inevitable disturbance as it is possible to get on this road.*

*In addition to the airborne noise, because our property has solid floors (unlike nearly every other property on the road) we will also get vibrational disturbance from every vehicle that passes. As the soil here is a dense clay I am led to believe that the vibrations will be stronger and more localised than in an area where subsoil is lighter.*

*Proposed location of the cushions*

*Looking at a report by the Transport Research Laboratory (TRL report 312) on "Traffic calming and speed cushion schemes" prepared for the Department of the Environment by Layfield and Parry there are a number of observations on the spacing of cushions as well as materials used, height, width etc.*

*The report notes that for cushion schemes spaced 50m apart, average speed at the mid-way point is 22mph however where spacing was 105m (this was the maximum spacing seen) then the average midway speed increases to 26mph. This is significant in this situation because it appears that the majority of vehicles which travel along Westfield road too quickly, do so from Hinckley Road. They accelerate hard up the hill and keep going as the road levels out approaching our property.*

*Taking a measurement from Google mapping the gap from the proposed cushions on Westfield Rd, adjacent to St Annes Church to the proposed location outside our property 48 Westfield is approx. 150m so the midpoint speeds are likely to be around 30mph approaching our house which is reducing the schemes*

*effectiveness and will inevitably cause more disturbance as vehicles slow outside our house.*

*From the proposed cushions outside our property to the next set at the junction with Glenfield Rd the distance is only 100m so the spacing is inconsistent.*

*Please be aware that I support measures to reduce traffic speeds and volumes in our area but have concerns that the current design will not deliver the best outcomes and that for us at 48 the solution will be worse than the problem you are trying to address.*

*Based on the problems I have outlined and the reduced effectiveness of the proposed location of the speed cushions outside our property I ask you to reconsider this location and locate the cushions a little further down the road towards the church to where it will be more effective in reducing average speeds and cause less disturbance to residents. An alternative suggestion would be, instead of the single set of cushions midway along the road, construct 2 sets equidistant from the planned church and Glenfield road locations (80m spacing?) thus further reducing average vehicle speeds and hopefully volume along this road more than the current design.*

Officer comments on objection 1

### **Airborne and ground borne noise**

Some road hump configurations can cause erratic drive behaviour resulting in increased traffic noise and occasionally vibration. However, this is generally related to full width humps that are constructed to their maximum height, shortest length and steepest gradient, and where traffic encounters these humps in isolation and at a naturally higher speed than usual.

To minimise this, the proposed speed cushions are designed at a lower height and are spaced laterally to accommodate larger vehicle tracks within the transverse gaps and smaller cars, if positioned correctly, on the lower portion of the hump edge rather than the full height. This should induce more consistently low speeds and a reduced impact, so less noise, vibration and driver discomfort.

The cushions are also part of a large area, so once within the area vehicles should generally be travelling at lower speeds, so approach speeds and therefore impact at the cushions should be reduced.

### **Cushion spacing**

Cushion locations have been chosen to target the highest traffic speeds, and their spacing is critical to ensure a consistently reduced speed throughout the treated area without introducing numbers features that are perceived to be excessive. Spacing in some locations, where traffic flows, speeds and general activity is therefore lower, is greater than in some critical locations where flows, speeds and general activity are higher. All locations have been carefully chosen so as not to inhibit normal vehicle manoeuvres on individual driveways, and to allow normal turning movements at junctions, and where necessary to protect areas where pedestrian activity is high.

## 1.2 Objector 2 as submitted

*I am writing by the closing date of 10th April 2020 to respond to the consultation about the installation of speed cushions in Letchworth Road. I wish to object formally.*

*I am not against speed restrictions e.g. 20mph or some obstructions to discourage speeding, but these speed cushions are likely to prove dangerous in Letchworth Road and (since some are directly outside our house) they will undoubtedly cause noise and vibration which will reduce our quality of life.*

*The danger will come from people, particularly cyclists, but also drivers swerving to avoid these speed humps and causing a threat both to pedestrians and other drivers. This is a particular risk of this type of speed hump.*

*If there is to be a real impact on speeding there needs to be much more thought given to the speed strategy in the surrounding area, in particular Glenfield and Hinckley Roads.*

*I would ask for there to be a delay in the overall speed/highways plan to allow for further consideration and I object to the installation of these speed humps.*

Officer comments on objection 2

### **Noise and vibration**

It is true that some road hump configurations can cause driver discomfort, potential traffic noise and occasionally vibration. However, this is generally related to full width humps that are constructed to their maximum height, shortest length and steepest gradient, and where traffic encounters these humps in isolation and at a naturally higher speed than usual.

The proposed speed cushions are designed at a lower height and are spaced laterally to accommodate larger vehicle tracks within the transverse gaps and smaller cars, if positioned correctly, on the lower portion of the hump edge rather than the full height. This should result in a lower impact, so less noise, vibration and driver discomfort.

### **Surrounding area**

The cushions are also part of a large area, with 20 zone roundels spaced at intervals along the roads. So once within the area vehicles should generally be travelling at lower speeds, meaning that approach speeds and impacts at the cushions should be reduced.

### **Danger to pedestrians and swerving vehicles.**

Speed cushions, when correctly positioned, provide transverse gaps between narrower humps which are designed to allow larger vehicles, such as ambulances and buses, to pass relatively unaffected whilst ensuring that normal cars have to



negotiate more carefully, bringing about a significant reduction in traffic speeds. The transverse gaps also allow cyclists and other smaller vehicles such as mobility scooters through safely and unhindered.

### 1.3 Objector 3 as submitted

*I am concerned that you believe that this followed common practice, as the public meeting was poor, the letters to householders involved no follow up till now - when the work was already marked out on the road and a number of us had to complain, due to a lack of any follow up information. Also, having worked at the city council, and indeed across a number of local authorities, this is not the practice I would want to emulate or experience.*

*You indicate below there were 8 objections, but we all remain unclear of the level of support for what you are proposing. I repeat that residents were supportive of measures to improve this road access and traffic calming, but my understanding is that a number of residents were surprised and disappointed that this current speed cushion proposal is proffered as a solution. It was not what they had hoped.*

*I am surprised at the trigger below, there is no information here to tell me as a resident the volume of incidents over 24 miles per hour. It is hard to understand the correlation between the issue and this proposed solution.*

*I repeat my perception that I sent during the consultation and to Cllr Gary O Donnell:-*

*There does not appear to be a significant issue of speeding on the road.*

*There are rat run issues and the school drop off at the top of this part of Letchworth Road creates bottle necks and dangerous incidents of double parking and parents opening car doors out into oncoming traffic. Speed cushions will not make any difference to this issue.*

*A simple cost effective solution to any of these would be a simple no entry to the top part of this part of Letchworth road. Residents can still exit, it reduces the temptation to use as a rat run, and incidents of speeding and parents parking and blocking that part of the road would also reduce. It could be trialled, and would be vastly cheaper than speed cushions.*

*As a resident and council tax payer, and as a director in local government, I am really concerned to see a very costly proposal that does not seem to address the wider issues, when precious local government resource could be spent in better ways. The residents here are willing and capable to try to fundraise for measures that improve the wellbeing in this area. This speed cushion proposal is a blunt instrument to address this.*

*I therefore reiterate my objections to this proposal.*

Officer comments on objection 3

### **Survey methodology**

The original survey was by hand delivered letter drop to individual households with a reply-paid envelope for paper responses. Replies were also invited on the Council's website.

The results of the survey were posted on the website and in the local newspaper by way of a press release. Highways officers attended western ward meetings and debriefed residents at those meetings.

It is agreed the results of the Letchworth Road North and Dovelands survey were not hand delivered to households in the same way the original survey papers were delivered. The Council has indeed hand delivered feedback on some but not all other road improvement schemes like this. Officers accept that greater consistency is required across the Council when providing feedback in this way.

### **Speed survey results**

The results of the speed survey has now been sent to the objector personally by e-mail. This shows that speeds are indeed generally low in the area. The number of speed cushions has been reduced to a minimum commensurate with the aims of the project. 20 mph roundels have been used extensively to help reduce speeds without introducing an excessive amount of vertical features.

### **One way**

The objector suggests making a No Entry to Letchworth Road from Glenfield Road and hence introducing one way flow on Letchworth road. This has been discounted for the time being as one way streets tend to have higher vehicle speeds than 2 way streets. This scheme is a 20 mph scheme and as such does not preclude further measures at a later date if needs be.

### **Parking**

The Council is looking at speeding and inconsiderate parking in the area as a separate school run parking issue.

#### 1.4 Objector 4 as submitted

*It was very disappointing to see the detail of these proposals. This is not at all what I had anticipated. My understanding was that the concerns expressed locally and the range of potential solutions suggested, which led to this consultation are not reflected in this crude proposition to install 'speed cushions'.*

*There is a definite issue with traffic speed in this immediate area and there are wider concerns and ambitions could have been addressed. Other related issues with speeding on adjoining roads (Hinckley Road and Glenfield Road) have not been addressed and there is a case to be made for more general traffic calming. There is rarely any enforcement of speed limits on Hinckley Road or Glenfield*

*Road and no enforcement of the use of bus lanes. This general culture of driving at excess speed affects the wider area.*

*This could have used as an opportunity to optimise the use of Letchworth in particular as a walking and cycling corridor parallel with Hinckley and Glenfield Road but speed cushions are a disincentive to cyclists.*

*To be clear: I am in favour of measures to reduce traffic speed such as the very widely adopted use of 20mph zones. I know of several areas in cities, towns and villages where 20mph zones have been introduced, apparently successfully. I am also a car owner and driver although my journeys into the city centre are almost exclusively made on foot*

*I thought that Leicester was investing significantly in improving safe cycling and walking capacity in a highly congested city. The mooted proposals potentially make these roads less safe.*

*Speed Cushions: specific objections*

*Anyone cycling or using a mobility scooter or buggy in the road would be forced to evade the cushions and place themselves in the usual path of cars and vans.*

*In my experience 'speed cushions' also promote manoeuvres by car drivers that put other road users at risk. Drivers routinely seek to skirt around the 'cushions' or drive directly over them which positions their vehicles nearer to the kerbside or into the middle of roads.*

*My assumption was that any raised feature on the road surface would be in the form of ramps across the full width of the street (there are local examples Imperial Avenue and in the village of Botcheston). With accompanying road marking to indicate the ramps these reduce road speed effectively. They are also more easily navigable by motorised scooters and cycles.*

*Other considerations:*

*Measures to reduce the speed of vehicles joining the roads in question would self-evidently reduce speed overall. One example: the junction where vehicles turn into Letchworth Road from Westfield Road would benefit from a re-design to reduce the speed as drivers sweep around the corner.*

*There are also issues with cars driving to local schools and the proposals do not address any of the congestion or risky parking that ensues.*

*Design features such as narrowing roadways; discouraging drop-off and preventing parking immediately near to schools; increasing designated cycling space; promoting walking; changing the assumption that cars always get priority (I'm not a highways or travel expert so apologies if these are not the right technical terms) could all contribute to reducing the speed of driving overall.*

*I do think that there might be relatively inexpensive, easily reversible measures that could be trialled and if successful retained e.g. designating some roads as one-way.*

*I recognise that local government has been subject to severe cuts and that radical re-configuration of city streets may not be affordable. That said I would prefer not to have a bad 'affordable' response to the concerns that have given rise to this proposal.*

*In this immediate area simple steps such as parking restrictions at junctions to improve visibility and changing the contours of corners to make them less of a sweeping turn would deter high speed driving.*

*These proposals are deeply unsatisfactory. They represent a cheap bodge job to an issue which could and ought to have been treated in the wider context of promoting safe cycling and walking, congruent with other developments and initiatives in the city.*

*There must be better options than this. My concern is that if these piecemeal proposals are implemented that will be used as an argument against pursuing more coherent, integrated and systemic solutions to the wider issues of over-reliance on cars and the dominance of 'car culture'.*

*My preference would be that this proposed work is withdrawn and other options actively pursued. I know there is expertise within the council and better examples elsewhere in the city. I am not an expert on these issues but local expertise is available - from residents in this area and within the council's own staff. I'd prefer to have a delayed response than a bad scheme.*

Officer comments on objection 4

### **Speed in the area**

The Letchworth Road and Dovelands area is subject to significant traffic intrusion, much of that at higher than acceptable speeds. There is a wide arsenal of measures to combat such problems, ranging from physical or regulatory restrictions, such as road closures and one way streets, to physical deterrents such as road humps or simple traffic signage.

The measures are targeted at the specific problems within the Letchworth Road and Dovelands residential area, and whilst it is acknowledged that other issues exist in the wider area, they do not lend themselves to similar treatment, and would require separate investigation into the specific issues and the development of suitable solutions and appropriate funding outside of this package of measures.

### **Full width ramps or cushions**

The preferred option has therefore always been a physical deterrent that would discourage use where viable alternatives are possible, and reduce traffic impact by those vehicles still choosing to use the routes. The choice of speed cushions over full width road humps or other measures has been dictated by the demand for on-street parking, the need for access by emergency vehicles and buses, and the consideration of significant use by cyclists and other smaller vehicles. Speed cushions, when correctly positioned, provide transverse gaps between narrower humps which are designed to allow larger vehicles, such as ambulances and buses, to pass relatively unaffected whilst ensuring that normal cars have to negotiate very carefully, bringing about a significant reduction in traffic speeds. The transverse gaps also allow cyclists and other smaller vehicles such as mobility scooters through safely and unhindered.

Cushions also offer a good cost-effective alternative to full width road humps, which generally require more design input, significant road reconstruction and specific drainage re-design, and are more damaging and restrictive for cyclists and smaller vehicles.

### **One way streets**

Given the size of the affected area any physical restrictions and one way streets would have a detrimental impact on many residents and create long diversion routes for access. This would place a greater strain on the surrounding road network and increase journey times, with a likely increase in air pollution and the likelihood of traffic accidents. Vehicle speeds tend to rise in one way streets.

### **Letchworth / Westfield junction**

The junction of Letchworth Road with Westfield Road is indeed being modified to tighten the radius of the kerbs. This should help to reduce the speed of vehicles making the turn.

## 1.5 Objector 5 as submitted

*I find it very bad practice by the local council to firstly put up these notices on lampposts instead of posting these and also to put this notice outside number 60 Letchworth road when the notice should be placed outside 57 Letchworth road which is where the speed hump is being placed. Also I question the important of this work when we are currently going through an epidemic here in the UK.*

*In regards to the speed cushion I would like to make my complaint clear, I do not want any speed cushions outside my house or in my local area.*

*I do not see any positive reason to have these speed cushions only negative. If you believe the speed cushions will improve safety in the area I would like to ask you the following:*

*How many serious accidents have occurred on this road in the last ten years? The answer is zero!*

*How many serious accidents have occurred on this road in the last twenty years? The answer is zero!*

*The data I have used to research this is widely available on [crashmap.co.uk](http://crashmap.co.uk), I suggest you take a look at this.*

*If you believe the speed cushions will result in less speeding, let me inform you I have lived here for over thirty years and have only seen one or two people actually speed on this road.*

*I and many others in my local area feel the speed cushions will bring the following disadvantages once installed:*

*Distract drivers from other hazards such as children (resulting in an increase in accidents)*

*Slow response time of emergency vehicles;*

*Possible increase in noise and pollution for residents living immediately adjacent to the speed bumps.*

*Can cause damage to vehicles;  
Can increase traffic noise, especially when large goods vehicles pass by;  
Required signs, street lighting and white lines will be visually intrusive;  
Can cause discomfort for drivers and passengers;  
Increase noise by creating tire-to-bump thumping and increasing the amount of engine-revving;  
Cause spinal damage and aggravate chronic backaches  
The above points have been verified through several studies within the UK and are issues residents and drivers both face.  
I also would like to make you aware I live with two residents aged over 85 years old, the introduction of these proposed speed cushions will result in them finding it extremely difficult to find suitable parking and will also cause tremendous pain to them when they are travelling. Both are disabled badge holders.  
I therefore ask you to cancel all proposed work and investigate alternative options (if they are actually required) such as setting up an average speed zone within the area.*

Officer comments on objection 5

### **Advertising**

It is a legal requirement to advertise road humps on street as well as in the local press. The notices are posted on the closest lamp column available.

### **Accident record**

The accident record at this point on Letchworth Road is indeed very good with no accidents recorded in 20 years. This scheme is to traffic calm the whole area around Dovelands school and is the result of community request. The accident record is one criteria to consider when siting cushions and the absence of accidents does not mean no cushions can be placed

Emergency services have been consulted on these proposals without adverse comment.

### **Disruption**

This is a 20 mph zone with traffic calming features. We expect the number of through vehicles to reduce as well as their speed. Disruption from noise and pollution in the area is expected to go down overall. It is accepted that vehicles passing over a cushion will be momentarily more noisy to a degree than it would be without the cushion at a similar speed. However, on balance the noise levels will be lower with cushions than without.

### **Discomfort**

The cushion proposed are 75 mm high and hence lower than the maximum allowed height of 100mm. This will minimise the noise generated by passing vehicles. It will also allow minimum discomfort to elderly or disabled people as they park vehicles over the cushions.

The location of the cushions is away from the access to the property driveway allowing unchanged access to the garage.

1.6 Objector 6 as submitted

*I am writing to object to the proposed speed cushions planned for construction on Letchworth Road and Westfield Road (Western Park).*

*The first thing I object to is the fact that I (and many other neighbours of mine) had previously objected to this proposal by means of a Public Consultation but have received no notification of its outcome! The marking (with spray paint) of where the speed cushions are destined to be built was the only notification we had!!!*

*The main thing I would like to object to is that the speed cushions will not improve the situation for us in terms of traffic issues. We know that some people drive too fast down the road, but surely a 20mph speed limit, radar speed signs or a speed camera would be more effective and less detrimental to the local residents. I feel that speed cushions would mean excessive use of low gears and frequent acceleration and deceleration which would increase noise levels immediately outside our property, day and night. In addition, I feel that those determined to drive fast will continue to drive fast - speed cushions or not!*

*In summary we would reject this proposal as a wholly inappropriate solution and would continue to oppose it. It shows no understanding of the impact on the residents immediately affected nor will it solve the problem.*

*Please respond to my email and please do not go ahead with this measure until another residents meeting has taken place. I have been in touch with our local councillor, Gary O Donnell, and he has reassured me that a residents meeting will be arranged as soon as possible.*

Officer comments on objection 6

**Notification of results**

The Council has given a commitment to install 20 mph zones around schools in the City where the residents request it. In the case of Dovelands 20 mph zone there was community support and 3 primary school sites that supported the proposal subject to consultation.

The results of the consultation exercise were published in the press once the results had been analysed. Results were also posted on the Council's website and reported to the Western Ward Community meeting on 15th January 2020

It is agreed the results of the Letchworth Road North and Dovelands survey were not hand delivered to households in the same way the original survey papers were delivered. The Council has indeed hand delivered feedback on some but not all other road improvement schemes like this. Officers accept that greater consistency is required across the Council when providing feedback in this way.

### **Low gears noise**

This is a 20 mph zone with traffic calming features. We expect the number of through vehicles to reduce as well as their speed. Therefore disruption from noise and pollution in the area is expected to go down overall. There is evidence to show that vehicles vehicle speeds overall will slow down in a 20 zone with speed cushions. It is not the case that vehicles accelerate and decelerate sharply as they encounter speed cushions. Indeed the spacing of the cushions is carefully calculated to discourage this behaviour.

An officer will give feedback on progress with the Letchworth and Dovelands 20 mph zone to the next available Western Ward Community meeting.

#### 1.7 Objector 7 as submitted

*I write with reference to the City Councils proposal to fit 'speed cushions' to Letchworth and Westfield Road. The notice requires objections to state the grounds on which they are made, though I can find no reasons that would justify the installation of these expensive and pointless items.*

*If they are an attempt to reduce speeds and poor driving in a residential area, they will not achieve it. Surely there must be enough data from other areas where these have been used to suggest that those that persistently drive in a reckless manner are unaffected by these 75mm high cushions?*

*If the aim is truly to reduce through traffic and lower speeds then this will not achieve it. Better to separate the streets and block them to vehicles as elsewhere in the city (Clarendon Park?) or make streets one way. These are simple, reversible methods that are low cost and allow for non-motorised traffic to pass through, encouraging the use of the bicycle as a form of transport.*

*I would also suggest that use of these cushions is extremely hazardous to pedestrians and cyclists, as drivers move into the middle of the road to avoid the point of the speed bump. I would particularly draw your attention to the set proposed at the bottom of Westfield road. Cyclists already come round this corner to find their view blocked by parked vehicles and cars travelling downhill to the junction in the middle of the road. In placing this cushion here you are inviting drivers down the centre of the road and actively encouraging them to cross the dividing line. Someone will be killed or seriously injured as a result of these ill thought-out proposals.*

*It is clear to me that the views of residents have not been taken into account and the Transport Department seems to be proposing these merely to show some action and stop the (justified) complaints from residents. I fully support a 20mph limit, especially if enforced. It is also the case that the online consultation form did not allow for the support of a 20 mph zone independent of speed bumps- something that was possible in the written form. In responding on line, you had to support both, no distinction was made. Clearly this is poor quality consultation and bad methodology.*

*If the Council wish to properly address the valid concerns of residents and show they are willing to listen and consider solutions that are proven to work in their own*



*city and across the UK and Europe, they will not pepper the road with futile 'speed cushions' and instead think beyond this simplistic response and create a traffic filtered neighbourhood that permits access for residents and denies convenience to through traffic.*

Officer comments on objection 7

### **Reasons to make 20 mph zone**

The Council has given a commitment to install 20 mph zones around schools in the City where the residents request it. In the case of Dovelands 20 mph zone there are 3 primary school sites in the area that will benefit from lower vehicle speeds. There has been community requests to address issues such as speeding, rat running by private cars and heavy vehicle shortcuts from Hinckley Road to Glenfield Road and vice versa. A public consultation exercise showed strong support for the proposals, which are intended to address these issues.

### **One way streets**

Our experience is that one way streets tend to increase vehicle speeds and speed cushions are needed to lower vehicle speeds. They tend to be used in streets that are so heavily parked as to prevent 2 way traffic. This is not the case in the Dovelands area. Furthermore, no through roads need hammerheads at the end for heavy vehicles to turn around including refuse vehicles and emergency services. These can involve land take which can be difficult to find. So, we have tended to discount this as an option for this area right now.

### **Sight line Westfield Road**

The point about the sight line for cyclists entering Westfield Road from Hinckley Road is well made. The Council will look at this more closely It may be that we need to lengthen the no parking restriction lines here.

#### 1.8 Objector 8 as submitted

*As it happens I personally have an issue with the position of the speed bumps, as I run a music studio from my house and concerned about extra noise, the bumps are outside next doors house, so the position is an issue for me.*

*I didn't vote for them but accept that's what residents voted for. Are the locations of the speed bumps fixed or can they be moved 20 metres either way??*

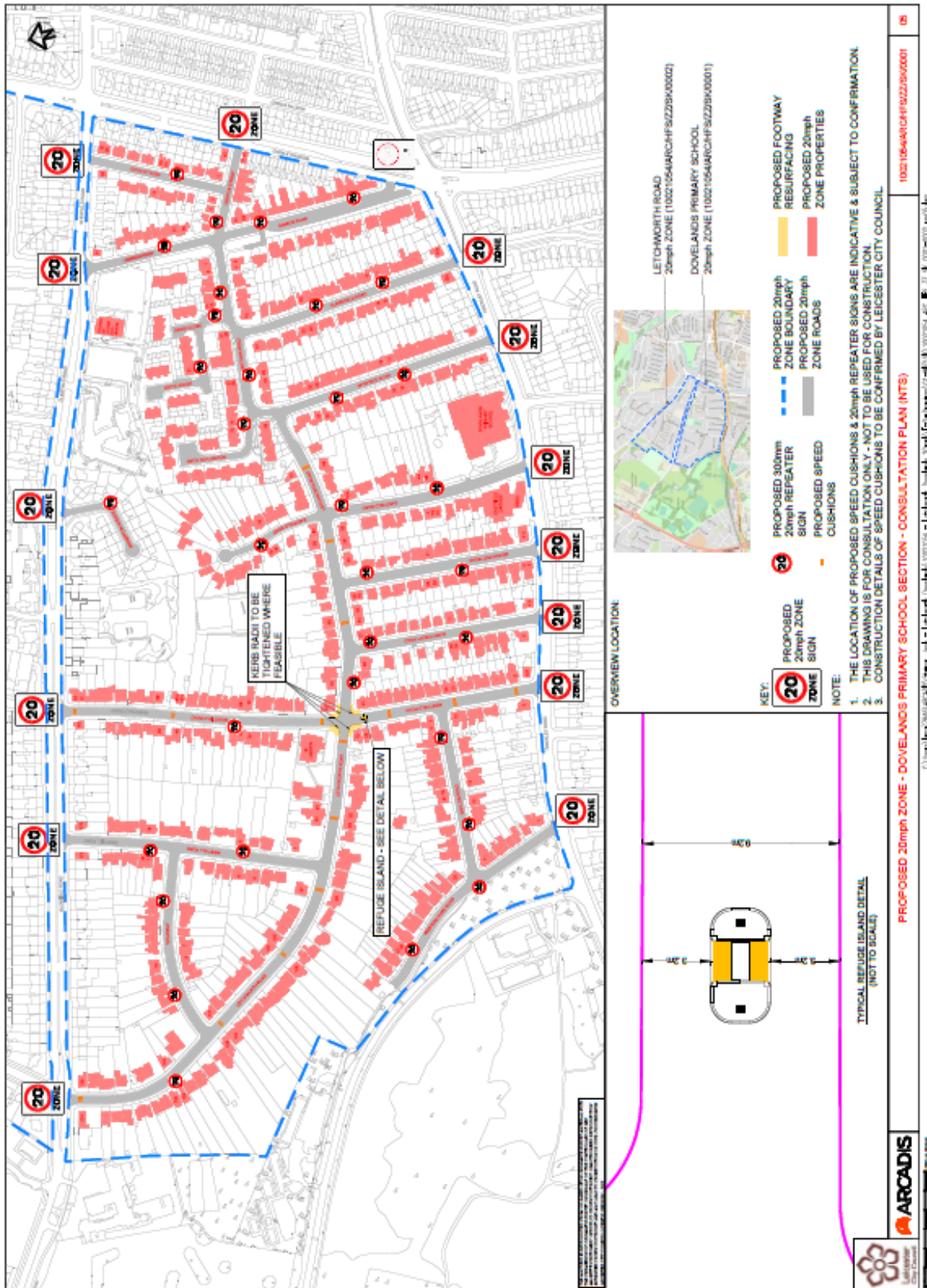
Officer comments on objection 8

### **Moving cushions**

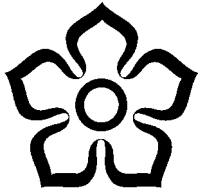
We are bound by the locations described in the advertisement. However it is possible to move cushions slightly here and there to avoid private driveways but 20 metres would be too far.

The properties on Letchworth Road are set back from the highway and we generally say this helps noise from the cushions to dissipate more than in a terraced street with housing abutting the highway. Furthermore this particular location is outside the resident's neighbour and hence is further remote from the cushion.

The cushions will tend to reduce the overall traffic flow in the area as well as the speed of the vehicles. The noise encountered inside the property may well reduce overall as a result







Leicester  
City Council

**Wards:  
See individual reports.**

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Planning & Development Control Committee

Date: 16<sup>th</sup> September 2020

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## REPORTS ON APPLICATIONS AND CONTRAVENTIONS

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### 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 on line at [www.leicester.gov.uk/planning](http://www.leicester.gov.uk/planning). Comments and representations on individual

applications are kept on application files, which can be inspected on line 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).



# Appendix C1

<b>Recommendation: Conditional approval</b>	
<b>20190494</b>	<b>87-95 HINCKLEY ROAD, POLICE STATION</b>
Proposal:	CHANGE OF USE FROM POLICE STATION (SUI GENERIS) TO 30 RESIDENTIAL APARTMENTS (11X STUDIO, 19X 1BED) (CLASS C3)ALTERATIONS (AMENDED PLANS REC 25/10/19)
Applicant:	K ENTERPRISE LIMITED
View application and responses:	<a href="https://planning.leicester.gov.uk/Planning/Display/20190494">https://planning.leicester.gov.uk/Planning/Display/20190494</a>
Expiry Date:	31 March 2020
PK	WARD: Westcotes



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## Summary

- Brought to committee as more than 6 objections received;
- 9 letters of objection received on the grounds of 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 relates to a three-storey building constructed in the 1990s as a police station but currently vacant. The building fronts Hinckley Road and maintains the line of terrace properties to either side. The land levels fall away from the site down towards Narborough Road. To the rear of the site is a car park beyond which there is a footpath and houses.

The site is located on the northern side of Hinckley Road close to its junction with Norman Street. Whilst the site is located on Hinckley Road which forms the Narborough Road/Hinckley Road district centre, the site itself was previously allocated as community, education and leisure. This designation is not saved. The area immediately to the north and north-east (immediately rear of the local centre) comprises of schools, day nursery, church and neighbourhood centre hence the previous allocation and why the site does not form part of the district centre. The east, west and south are in the district centre and comprise a mix of retail and some community use.

The site is in a Critical Drainage Area and the archaeology alert area. The West End Conservation Area is located 20 metres away from the site.

## **Background**

The site appears to have originally contained a retail building from the 1950s. The site seems to have been cleared in the late 1970s / early 1980s and the first applications for a police station submitted in 1982. The first applications were for a temporary station and then in 1986 the first application for a permanent station was approved.

In 1996 (19960172) planning permission was granted for a three-storey building, garages and car park for new police station. This permission was implemented.

Planning application 20172585 for a variation of condition 4 (garages to be provided and retained) attached to application 19960172 to form offices to police station; alterations was approved in February 2018. This permission was not implemented.

## **The Proposal**

The applicant proposes a change of use of the building from a police station to thirty flats. The proposal would comprise the following:

### Ground floor

Studio x 5

One bed x 5

Total = 10 flats

### First floor

Studio x 1

One bed x 8

Total = 9 flats

### Second floor

Studio x 4

One bed x 3

Total = 7 flats

### Third floor

Studio x 1

One bed x 3

Total = 4 flats

Total = 30 flats comprising 11 studios and 19 one beds

The flat sizes vary with the studios ranging from 28 square metres to 40 square metres. The one bedroom flats range from 38 – 65 square metres.

The parking area to the rear proposes 10 spaces (including 2 disabled spaces) which would be accessed from a shared access off Norman Street. The site plan illustrates the parking to be along the rear of the building. Alongside the parking area is an area for cycle storage. On the boundary closest to 97 Hinckley Road an area for bin storage is shown.

The flats would be accessed from the existing main entrance on Hinckley Road and the upper floor occupiers would utilise the existing internal staircases. One of the ground floor flats would have door openings which would open onto the parking area. This is an existing door. Two other pairs of doors on the rear elevation of the ground floor would be removed and replaced with windows.

The application is accompanied by:

Design and Access Statement.

Affordable Housing Statement

Category M4(2) compliance checklist

The applicant submitted a draft heads of terms for a Section 106 Agreement to cover all possible contributions including affordable housing, open space and education.

An amended plan has been submitted showing a different location for the bin storage and larger cycle storage.

An amended layout plan has been submitted that shows a change to flat 5 on the ground floor to remove patio doors and replace it with a window and a change to flat 9 to remove one of the patio doors and replace it with a window.

The applicant has submitted a viability assessment during the course of the application.

## **Policy Considerations**

### National Planning Policy Framework - 2019

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced.

The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental), 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).

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 approving development proposals that accord with the development plan without delay.

The NPPF also states:

Paragraph 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 59 - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraph 105 - If setting local parking standards for residential and non-residential development, policies should take into account:

- a) the accessibility of the development;
- b) the type, mix and use of development;
- c) the availability of and opportunities for public transport;
- d) local car ownership levels; and
- e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

Paragraph 106 - Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport. In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.

Paragraph 109 states that development should only be prevented or refused on highway 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 - 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.

Paragraph 117 - 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 is concerned with achieving appropriate densities. It states that planning 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 and attractive healthy places

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 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 126 of the NPPF suggests that to provide maximum clarity about design expectation at an early stage, plans or supplementary planning documents should use visual tools such as design guides and codes. These provide a framework for creating distinctive places, with a consistent and high quality of design. However their level of detail and degree of prescription should be tailored to the circumstances in each place, and should allow a suitable degree of variety where this would be justified.

Paragraph 127 - 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 128 states that design quality should be considered throughout the evolution and assessment of individual proposals. Early discussions between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by the proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

Paragraph 130 states planning 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 the 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 a permitted scheme.

Paragraph 150 states that new development should be planned in ways that:

- a) Avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and
- b) Can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.

Section 16 places and emphasis on the desirability to sustain and enhance significance of Heritage Assets.

Paragraph 185 states that plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:

the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;

the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;

the desirability of new development making a positive contribution to local character and distinctiveness; and

opportunities to draw on the contribution made by the historic environment to the character of the place.

Paragraph 180 states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) Mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- b) Identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

### **Development Plan Policies**

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

### **Supplementary Planning Documents**

Supplementary Planning Document – Residential Amenity

Supplementary Planning Document – Green Space

Supplementary Planning Document – Affordable Housing

Leicester Local Heritage Asset Register (2016)

City of Leicester Local Plan - Appendix One – Vehicle Parking Standards

Achieving Well Designed Homes – LCC Corporate Guidance

### **Consultations**

#### **Local Highway Authority (LHA)**

No objection subject to conditions for vehicle tracking, parking layout and cycle storage

#### **NHS(CCG)**

Request a financial contribution of £7,104 towards the gap in the funding created by each potential patient from this development in respect of A &E and planned care.

#### **Waste Management**

Comment that inadequate details have been provided to demonstrate sufficient bin storage would be provided. They recommend a number of management and security recommendations.

### Pollution – Noise

Have concerns about the potential impact upon future residents in terms of noise from traffic and the district centre. If recommended for approval they require conditions to secure an acoustic survey and a sound insulation scheme.

### Lead Local Flooding Authority (LLFA)

No objection subject to condition for drainage and sustainable drainage details in the current drainage system is to change.

### Private Sector Housing

Comment there needs to be some amendments to the layout to provide means of escape. The two ground floor units with doors need windows in order to have secure ventilation during the night if needed. One flat needs its cooking facilities moved away from the entrance. These amendments were incorporated in the amended plans.

### Affordable Housing

Comment that affordable housing is required as part of the development and the following mix of flats is required:

A) Affordable housing mix to include intermediate affordable housing – 6 units

Rented affordable housing: Rented affordable housing – 5 units, intermediate housing 1 unit

B) all affordable rent 6 units (not studios)

### Parks and Green spaces

Open space contribution required from this development is £27,825.

This sum will be used to fund the quality enhancements to existing green space in the form of improved seating, additional tree planting, and improved sports facilities at Bede Park.

## **Representations**

Nine objections have been received from eight city addresses, on the following grounds:

- Insufficient parking on site and in the area
- Too many studios, inadequate size of accommodation representing an overdevelopment
- Should be more two and three bedroom units, family accommodation
- Something similar refused across the road
- Inaccurate information submitted and quality of plans

## **Consideration**

### Principle of development

The site is in an area that currently does not have a local plan allocation. The application has therefore not been advertised as a departure.



The site is a large building adjacent to the designated district centre and its design does not lend itself to subdivision into retail units. It could be used for some D class uses such as doctors surgery, community hall or dance studio. However, given that the site does not form part of the district centre I consider a residential use would not have an adverse impact on the viability/vitality of the district centre. It may provide new customers for the centre. I consider the principle of the change of use is acceptable subject to amenity, design, archaeology, trees, conservation, highways, energy, contributions, affordable housing and surface water.

#### Level of accommodation

Saved Policy H07 of the Local Plan sets out a number of criteria which need to be met in terms of providing an acceptable level of development and provide a useful tool for assessing the acceptability of the standard of accommodation being provided. These are:

- a) the location of the site or property and the nature of nearby uses;
- b) the unacceptable loss of an alternative use;
- c) the loss of family accommodation,
- d) the creation of satisfactory living environment,
- e) the arrangements for waste bin storage and car or cycle parking,
- f) the provision where practicable, of a garden or communal open space,
- g) the effect of the development on the general character of the surrounding area and
- h) the proposed or potential changes to the appearance of the buildings, and their settings.

In response to the criteria above, I have the following comments:

#### A) The location of the site or property and the nature of nearby uses;

The suitability of the site for residential development has been assessed in the principle of development section. The area does contain a mix of uses due to it being adjacent to a local centre and within a mile of the city centre. Residential use of the site would be appropriate and compatible with the terraced dwellings to either side of the site and opposite. Measures such as sound insulation would ensure existing neighbouring uses do not result in significant detriment in terms of noise and disturbance. A noise insulation condition has been recommended by Environmental Health Officers and I consider such a condition would be reasonable and necessary.

#### B) The unacceptable loss of an alternative use;

The building is vacant and it is unlikely to re-open as a Police Station. The area can be characterised as mixed and residential uses are common in the immediate vicinity. I therefore consider the proposal will not result in the unacceptable loss of an alternative use.

#### C) The loss of family accommodation,

The proposal would not result in the loss of family accommodation.

#### D) The creation of satisfactory living environment,

The individual flats would have a reasonable floor area and each principal room would be served by a window. Although it's not ideal that the flats would be single aspect, this in itself would not result in a poor living environment. The flats provide an adequate source of daylight and outlook which would be either north or south facing. The outlooks from each unit would be comparable to the terraced houses to either side and therefore I consider this to be acceptable. A noise and ventilation scheme is considered reasonable and appropriate to secure an adequate living environment for future occupiers.

The applicant has submitted a Lifetime Homes statement outlining how the building would provide accessible accommodation. Lifetime Homes standards are now obsolete and the closest equivalent standards are set out in Category M4(2) of the Building Regulations. This includes the provision of an accessible sized car parking space, appropriate approach to all entrances, appropriate doorways and communal areas, a lift and sufficient space within each unit. I consider it reasonable and necessary to secure this by way of condition.

E) The arrangements for waste bin storage and car or cycle parking,

The layout does include bin and cycle storage on the ground floor. Waste management have recommended conditions which I consider appropriate.

Parking is proposed to the rear of the building which is acceptable for flatted accommodation.

Cycle parking is provided to the rear, as per amended plans. Conditions to secure further details are recommended and discussed further in the relevant Highways section below.

F) the provision where practicable, of a garden or communal open space,

No private or communal space is provided for the flatted accommodation. Whilst not ideal, the site is close to Bede Park (beyond Narborough Road) and other parks and open spaces around the city centre and to the south when travelling out of the city. The provision of amenity space within the site would be difficult to accommodate due to the siting of the building along the footpath and limited scope to the rear.

On balance, the lack of amenity space is considered acceptable.

G) The effect of the development on the general character of the surrounding area and

H) The proposed or potential changes to the appearance of the buildings, and their settings.

The proposal includes no external changes other than a few windows to the rear and therefore I consider the proposed change of use itself would not result in significant detriment to the visual appearance of the site or wider character. The building currently vacant and bringing the site into use would ensure the building is maintained, which in turn would improve the quality of the street scene and local character.

#### Impact on neighbouring amenity

Policy PS10 of the Local Plan states that in terms of residential amenity any new development proposals should have regard to existing neighbouring and proposed residents in terms of noise, light, vibrations, smell and air pollution, visual quality of

the area, additional parking and vehicle manoeuvring, privacy and overshadowing, safety and security, the ability of the area to assimilate development and access to key facilities by walking, cycling or public transport.

The site is adjoined by retail units with some residential. There are no physical alterations to the building, apart from some windows to the rear elevation. The character of the building will change as it will become residential, however, the police station could have been in 24-hour use. The Pollution team have requested an acoustic survey and insulation scheme, predominantly to ensure future residents have an acceptable living environment. An insulation scheme could also minimise impact upon neighbouring amenity in terms of noise transference.

There will be a change in the use of the car park to the rear, however, this is likely to be a betterment as the car park could have been used by emergency vehicles which may have caused disturbance to neighbouring amenity.

Overall the proposed development would not result in significant detriment to the amenity of nearby and adjacent residential occupiers in accordance with saved policy PS10 of the Local Plan.

### Archaeology

Whilst the site is located in the archaeological alert area the nature of the proposal is unlikely to result in any impact on archaeological remains given that no groundworks are proposed.

### Conservation

The site is located approximately 20 metres from the West End Conservation Area. The building under consideration is a modern development in visual contrast to the adjacent historic property. There are no conservation objections to the change of use, as it will have no impact on the setting and character of the adjacent West End Conservation Area.

Although no external changes are currently proposed, if any services are to be installed as part of the development, they would need to be indicated on a plan before any approval is granted. This can be secured by way of a note to applicant.

### Sustainable Energy

#### *Building Fabric and Airtightness*

The proposed thermal performance of elements in the development meets or exceeds the values set out in the relevant Building Regulations and represents a good level of performance.

#### *Heating, Cooling, Ventilation and Lighting Energy Efficiency*

Heating for the development is to be provided via individual energy-efficient electric panel heaters with programmer controls. The proposed lighting for the development is 100% low energy fittings. Ventilation is proposed to be natural.

#### *Renewable / Low Carbon Energy Supply*

It is proposed to fit a 1.25kWp solar PV system to the roof of the development, which will provide renewable energy to the building.

In light of the above assessment, the proposed measures for this development represent an appropriate approach to energy efficiency and carbon reduction,

achieving a 10% carbon emission saving compared to the Target Emissions Rate. As such, the proposal would meet the criteria set out in Core Strategy policy CS02 in terms of energy efficiency subject to a condition requiring the submission of details for on-site renewable energy measures.

#### Highways and parking

The site is on Hinckley Road and close to Narborough Road and therefore the site is considered sustainable and within a short walking distance of bus stops that have very frequent bus services. In addition, the City Centre is within a mile of the site, and therefore walking and cycling would offer a good sustainable choice of travelling along with public transport for future residents.

Whilst car parking provision is below the maximum standards for such a development, it would be difficult to demonstrate that the car parking demand from the proposed use would be significantly greater than that generated by the existing use. There is car parking provided on-street on Hinckley Road and there are reasonable on-street parking controls on the surrounding roads, including residents parking. To encourage sustainable travel, travel packs and cycle parking should be provided for residents, both of which should be secured by way of standard conditions. In addition, a parking management strategy should be submitted explaining how the limited car parking will be managed. A revised parking layout should be submitted that seeks to maximise the available car parking provision whilst retaining sufficient space for refuse bins and cycle parking.

Subject to conditions the proposal is considered to accord with policies AM02 and AM12 of the Local Plan and Core Strategy policy CS15 in terms of highways matters.

#### Flood Risk

The application site is within Flood Zone 1, the fluvial flood risk in this zone is less than 1 in 1000 year (<0.1%) annual chance event. Therefore, the site is considered low risk to fluvial flooding. The site is within a critical drainage area and therefore measures in the form of sustainable drainage systems are required to limit surface water volumes and discharge rates.

There is no net increase in impermeable surfaces associated with this development and therefore, no additional runoff will be generated. All developments are encouraged to achieve betterment in current runoff rate to comply with *Leicester City Council's Core Strategy, 2014 - Policy CS2*. With the aim to achieve Greenfield runoff rate of 5l/s/ha, where practically possible.

The application has not been submitted with a supporting drainage or sustainable drainage scheme and therefore it is unclear whether there are any proposed alterations to the current drainage system on site. In the absence of this, a condition requiring the submission of drainage details is recommended to be attached to planning permission. A drainage strategy should include confirmation of correspondence with Severn Trent Water as the applicant has outlined that surface water runoff will be managed through discharge into the public sewer. A drainage layout plan would be required if there are alterations proposed to the drainage layout.

A condition for the submission of sustainable drainage details (SuDS) is also recommended by the Lead Local Flood Authority to accord with Core Strategy policy CS02. I consider these conditions are reasonable and necessary for the proposal to be in accordance with local plan policies.

#### Developer Contributions

NHS(CCG) requested a financial contribution towards the gap in the funding created by each potential patient from this development in respect of A &E and planned care. However, there is no policy basis for this.

The applicant has submitted a viability assessment as part of the application. Based on the figures in the assessment, build cost and analysis of the recent and current market, the proposal would not be able to support financial contributions.

The development could therefore not support the requests on or off-site in respect of affordable housing and open space.

The Affordable Housing Statement submits that the applicant has contacted registered providers to see if they would take on units; however there has been no interest in such a scheme.

Financial and affordable housing contributions cannot be made as it would make the scheme unviable.

The proposal would bring a vacant building into residential use which would contribute to the City's housing supply. I consider that the proposal is acceptable despite the lack of contributions or alternative provision.

#### Conclusion

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

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

I recommend APPROVAL subject to conditions:

#### CONDITIONS

1. START WITHIN THREE YEARS
2. Prior to the commencement of development full design details of on-site renewable energy generation and energy efficiency measures shall be submitted to and approved in writing by the City Council as local planning authority. No flat shall be occupied until evidence demonstrating satisfactory operation of the details, 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 in accordance with Policy CS02 of the Core Strategy. This is a PRE-COMMENCEMENT condition).

3. Prior to the commencement of development an acoustic survey shall be undertaken and details of a noise insulation scheme (including mechanical ventilation arrangements) to prevent the transmission of noise into the development and to prevent the transmission of noise to adjacent properties shall be submitted to the City Council as local planning authority and agreed in writing. The scheme shall be implemented in accordance with the approved details prior to occupation of any flat. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan, this is a PRE-COMMENCEMENT condition).

4. Prior to the commencement of development details of drainage, shall be submitted to and approved in writing by the local planning authority. No flat shall be occupied until the drainage has been installed in full 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. This is a PRE-COMMENCEMENT condition).

5. 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. No flat shall 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).

6. No part of the development shall be occupied until secure and covered cycle parking has been provided in accordance with written details previously approved in writing by City Council as local planning authority. The cycle parking provision shall be retained thereafter. (In the interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan).

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

8. Notwithstanding any details shown on the submitted plans, prior to the occupation of any part of the development, all parking areas shall be surfaced and marked out in accordance with details which shall first have been submitted to and approved in writing by the City Council as local planning authority. These areas shall be retained for parking thereafter and not used for any other purpose. (To ensure

that parking can take place in a satisfactory manner, and in accordance with policy AM12 of the City of Leicester Local Plan and Core Strategy policy CS03.)

9. Prior to the occupation of any part of the development the refuse bin storage and refuse collection provision shall be provided and available for use in accordance with details which shall be first submitted to and approved in writing by the City Council as local planning authority. The areas shall be retained and kept available for that use thereafter. (In the interests of the amenities of the surrounding area, and in accordance with policies H07 and PS10 of the City of Leicester Local Plan and Core Strategy policy CS03)

10. Prior to the occupation of any part of the development, a parking management plan shall have been submitted to and approved in writing by the City Council as local planning authority. The development shall then be managed in accordance with the approved parking management plan. (To ensure that parking can take place in a satisfactory manner, and in accordance with policies AM01 and AM12 of the City of Leicester Local Plan and Core Strategy policy CS3.)

11. The external elevations on the rear elevation shall be constructed in facing bricks to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03.)

12. The flats and their associated parking and approach shall be constructed in accordance with 'Category 2: Accessible and adaptable dwellings M4 (2) Optional Requirement. On completion of the scheme and prior to the occupation of the 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 CS6)

13. This consent shall relate solely to the amended plans ref. no. RPD/JAN/2019/006/06 and RPD/OCT/2019/006/WM received by the City Council as local planning authority on 25/10/2019, and plan no. RPD/JAN/2019/006/01 received by the City Council as local planning authority on 03/05/2019. (For the avoidance of doubt)

#### NOTES FOR APPLICANT

1. As the existing building abuts the highway boundary, and barriers, scaffolding, hoarding, footway closures, etc. required in connection with the change of use works to be undertaken will require a license. This should be applied for by emailing [Licensing@leicester.gov.uk](mailto:Licensing@leicester.gov.uk).

2. With regards to the Travel Pack the contents of the pack are intended to raise the awareness and promote sustainable travel, in particularly for trips covering local amenities. The applicant should seek advice from Leicester City Council's Travel Plan Officer.

3. No permission is granted or implied for alterations to the external appearance of the property other than those shown on the approved plans, for which a separate planning permission may be required.

4. In respect of condition 9, the applicant is advised to contact Waste Management on [Waste.management@leicester.gov.uk](mailto:Waste.management@leicester.gov.uk) to discuss the specific requirements for this development.

5. To meet condition 12 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.

6. 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.

### **Policies relating to this recommendation**

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

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

2006\_H07 Criteria for the development of new flats and the conversion of existing buildings to self-contained flats.

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

2006\_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\_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\_CS19 New development must be supported by the required infrastructure at the appropriate stage. Developer contributions will be sought where needs arise as a result of the development either individually or collectively.



# Appendix C2

<b>Recommendation: Conditional approval</b>	
<b>20200178</b>	<b>19 De Montfort Street</b>
Proposal:	Construction of single storey and first storey extensions at rear to create single storey flat (1 x 1 bed) at rear of office; part change of use from offices (Class B1(a)) to two flats (2 x studios) (Class C3)
Applicant:	Mr Holt
View application and responses:	<a href="https://planning.leicester.gov.uk/Planning/Display/20200178">https://planning.leicester.gov.uk/Planning/Display/20200178</a>
Expiry Date:	11 May 2020
TEI	WARD: Castle



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## Summary

- the application is before committee as more than five objections have been received
- 6 objections on grounds of character and appearance, design, parking, highway safety, privacy, standard of accommodation and lack of amenity space.
- the main issues are the impact of the proposal on the residential amenity of future occupiers and neighbouring properties, the design of the proposal and its impact on the special significance of the New Walk Conservation Area and adjacent South Highfields Conservation Area.

## **Introduction**

The application relates to a three storey property with loft space on De Montfort Street in the New Walk Conservation Area. The site is adjacent to the South Highfields Conservation Area and is in a Critical Drainage Area.

## **Background**

Planning records indicate that the property has been in use as offices since the late 1970s. Prior approval for the change of use of the property from offices to seven flats was granted in 2019 subject to a condition that secure and covered storage for seven cycles be provided.

## **The Proposal**

The proposal is for three extensions at the rear, two to the ground floor and one to the first floor. The purpose of the extensions is to enable two of the flats allowed under prior approval 20191556 (Flat 2 and Flat 6) to be extended and to create one additional ground floor flat.

The existing ground floor flat 2 will be extended 3 metres in depth to create a living room. The extension will have a pitched roof and will measure 3.9 metres in height (2.5 metres to the eaves). Access to the flat will continue to be via De Montfort Street and a window will be added at the rear.

The first floor flat 6 will be extended 2.6 metres in depth to create a kitchen living area. It will be 6.6 metres in height (5.4 metres to the eaves). It will have two slender windows to the rear and one window to the side facing south.

The extension at the ground floor will accommodate an additional flat with a floorspace of 37 metres<sup>2</sup>. It will be accessed via De Montfort Mews and will be 7.5 metres deep taking it to 3.6 metres to the rear of the site and 4.3 metres in width, the same width as the existing single storey projection. As with the extension to Flat 2, it will have a pitched roof and will be 3.9 metres in height (2.5 metres to the eaves). It will have a bedroom at the part closer to the main building and kitchen and living facilities at the rear. There will be two new windows to the south facing elevation and a door to the north elevation. It will occupy some of the space taken up by Flat 3 (granted prior approval under application ref 20192556).

The plans note that brickwork, render, roof tiles and windows will all be to match the existing. An area for bin storage and for cycles has been shown on the plans.

The proposal has been amended to make the additional flat at the rear larger whilst still set 3.6 metres away from the rear boundary to allow for visibility for turning cars. The amendments have also resulted in the loss of the parking space that was part of the original submission.

## **Representations**

Six objections were received prior to the submission of amended plans. The objections raise the following concerns:

- that the size of the flats are too small (particularly assuming dual occupancy),
- that the proposal would have a detrimental impact on the privacy of neighbouring properties,
- that future occupiers would have no useable amenity space,
- that the outlook for future occupiers would be poor,

- that there would be safety and security concerns for future occupiers,
- that the single parking space would be insufficient and that the proposed parking spot is in any case dangerous,
- that there does not appear to be sufficient space for manoeuvring of bikes into the proposed bike storage area,
- that the proposal would result in a pinch point and reduced sight lines on an already narrow road resulting in a risk to highway safety particularly with the high pedestrian footfall at the rear (similar to the pinch point created by the existing building at the north end of the terrace)
- that the proposal would be out of keeping with the existing building and the character and appearance of the area and would obstruct views of the new Zone building at the rear from De Montfort Street and as you enter the Mews and the loss of the gable end will disrupt its complementarity with the Belmont Hotel
- and that there is no confirmation of brick type and roof tiles to be used and that the proposal is aesthetically disappointing with no windows on the north elevation.

## **Policy Considerations**

### National Planning Policy Framework (NPPF) 2019:

#### Chapter 2 'Achieving sustainable development'

- Paragraph 11 (presumption in favour of sustainable development and 5 year housing land supply)

#### Chapter 9 'Promoting sustainable transport'

- Paragraph 109 (severe impact on road network)

#### Chapter 12 'Achieving well designed places:

- Paragraph 127 (high standard of amenity)
- Paragraph 30 (good design)

#### Chapter 16 'Conserving and enhancing the historic environment'

- Paragraph 192 (sustaining and enhancing significance of heritage assets)

### Development Plan policies:

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

### Additional documents:

Residential Amenity (Supplementary Planning Document)

New Walk Conservation Area Character Statement

City of Leicester Local Plan Appendix 1 – Parking Standards

Corporate Guidance – 'Achieving Well designed Homes'

## **Consideration**

### Principle of Development:

Saved policy H07 states that planning permission will be granted for new flats provided the proposal is satisfactory in a number of respects including the nature of nearby uses, the creation of a satisfactory living environment, arrangements for waste bin storage and car or cycle parking and the provision, where practicable, of a garden or communal open space. Core Strategy policy CS06 notes that detailed housing issues (for example residential amenity) will be considered separately within a supplementary planning document. Consideration is given to the Residential Amenity SPD. Core Strategy policy CS18 notes the role that character appraisals and statements play in the protection and enhancement of the city's historic environment.

The proposal is for the extension of two of the existing flats that recently received prior approval and for the creation of an additional flat. It will not result in the loss of a residential property to non-residential uses.

The proposal is also consistent with the objectives of Core Strategy CS10 in supporting residential uses in the Professional Office Area where the buildings are unsuitable for office use (or in this instance when the building has recent permission for residential use).

The proposal is in keeping with the broad objectives of saved City of Leicester Local Plan policy H07 and of Core Strategy policies CS06, CS08 and CS10. The proposal would also comply with the saved policy H05 of the City of Leicester Local Plan.

### Residential amenity for occupiers:

The proposal will result in greater space for Flats 2 and 6 over that already given prior approval.

Although the additional flat will have a limited outlook towards the south De Montfort Mews is a densely built city centre environment and the level of outlook is not unreasonable. This flat will have a floorspace of 37 square metres.

The outdoor space is mostly dedicated to bin and cycle storage; however, the property is close to De Montfort Square and I consider the limited amenity space acceptable.

I consider that given the location of the site, the proposed flats will provide an acceptable level of amenity for future residents and consider the proposal to be consistent with the objectives of saved policies PS10 and PS11 in this respect.

### Impact on neighbours

The outrigger at the adjacent property at number 17 has a single window at first floor level and there is a single south facing window to the single storey extension at the rear of this property. The proposed extensions will affect the outlook from the latter but, given the high density character of this part of De Montfort Street I consider this to be acceptable. The single storey extension will mean that the building will extend closer to the new Zone building. However, the projection will be towards the entrance and office part of this building and will not affect residential amenity.

I consider that the proposed flats will not have an unacceptable impact on the amenity of neighbouring properties and consider them to be consistent with the objectives of saved policies PS10 and PS11 in this respect.

#### Design and Impact on New Walk Conservation Area:

The character statement describes how many of the buildings along New Walk have been converted for office use but also that recently housing uses have begun to return to New Walk through conversions from offices and through new build. However, many front and back gardens have been given over to parking. The addition of another flat is in keeping with the primarily mixed residential and office use of the conservation area. The statement describes the materials characteristic of the conservation area, such as red brick, slate and timber for the windows, and how the introduction of other materials are alien to the character of the area and should be avoided in any new development.

The building itself is of a mid-nineteenth century character with all the operational development located at the rear. The design, materials and finishes are generally in keeping with the existing building. The extension will project considerably into the rear car park. However, there is precedent for projecting rear extensions including a deep extension at the north end of the terrace and I do not consider the scale of the proposal to be out of keeping with the more service like rear elevations of the De Montfort Street properties.

The proposal will not be visible from principal views within the conservation area. Nevertheless, in order to ensure that the proposal is constructed sensitive to the special character of the conservation area I consider it appropriate to attach a condition requiring a sample of the materials to be used and for joinery details of the windows and doors to be submitted and agreed.

I consider that with conditions attached the proposal will preserve the character and appearance of the New Walk Conservation Area and will satisfy the objectives of Core Strategy policy CS18.

#### Waste storage and collection:

There is some room at the rear of the property for the storage of bins. However, to store bins at the front would appear cluttered and would have an unacceptable impact on the character and appearance of the area and the character and appearance of the New Walk Conservation Area. Although bin space has been indicated at the rear there are limited details in the application on waste storage. These details can be secured by condition.

#### Highways and Parking:

The site is well placed for access to amenities and also for public transport. The proposal will result in one additional flat to those already granted prior approval and will be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. The proposal is consistent with the aims of the National Planning Policy Framework in this respect and consistent with the policies in the local plan.

Cycle storage has been indicated on the plans. I consider that details of storage for four cycles can be secured by condition.

The proposal will not result in the loss of any useable highway and will still provide sufficient visibility beyond the rear of the single storey extension for drivers to turn safely.

I consider that with conditions attached the proposal will not conflict with the objectives of Core Strategy policy CS14 and will be consistent with the objectives of saved policy AM12 and AM02.

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 Core Strategy policy CS02 and is acceptable in terms of sustainable drainage.

Other matters:

The principle of residential use at this property has already been established.

I do not consider that the proposal will have an unacceptable impact on the safety and security of future occupiers.

The proposal will part screen and reduce the visibility of the Zone building from De Montfort Street. However, the frontage of this building will still be viewable from De Montfort Mews where it is best appreciated.

Conclusion:

I recommend APPROVAL subject to the following conditions:

CONDITIONS

1. START WITHIN THREE YEARS
2. Before the commencement of the development a 1 metres<sup>2</sup> brick sample (showing brick type, bonding and mortar) shall be submitted to and agreed by the City Council as local planning authority. The works shall be carried out in accordance with these agreed details. (To preserve the character and appearance of the New Walk Conservation Area and in the interests of good design and the visual amenity of the area and in accordance with Core Strategy policies CS03 and CS18.) (To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)
3. Before the commencement of the development a sample of the materials to be used for the roof shall be submitted to and agreed by the City Council as local planning authority. The works shall be carried out in accordance with these agreed details. (To preserve the character and appearance of the New Walk Conservation Area and in the interests of good design and the visual amenity of the area and in accordance with Core Strategy policies CS03 and CS18.) (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 section details at a scale of 1:10 of the windows and doors shall be submitted to and agreed by the City Council as



local planning authority. The works shall be carried out in accordance with these agreed details and retained as such. (To preserve the character and appearance of the New Walk Conservation Area, 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.)

5. No waste bins shall be stored in front of the property on De Montfort Street. (In the interests of the visual amenity of the conservation area and in accordance with policy PS10 of the City of Leicester Local Plan and Core Strategy Policies CS03 and CS18.)

6. No part of the development shall be occupied until secure and covered cycle parking for four cycles has been provided and retained thereafter. (In the interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan).

7. This consent shall relate solely to the amended plans received by the City Council as local planning authority on 17.08.20. (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 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\_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.

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

2006\_H07 Criteria for the development of new flats and the conversion of existing buildings to self-contained flats.

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

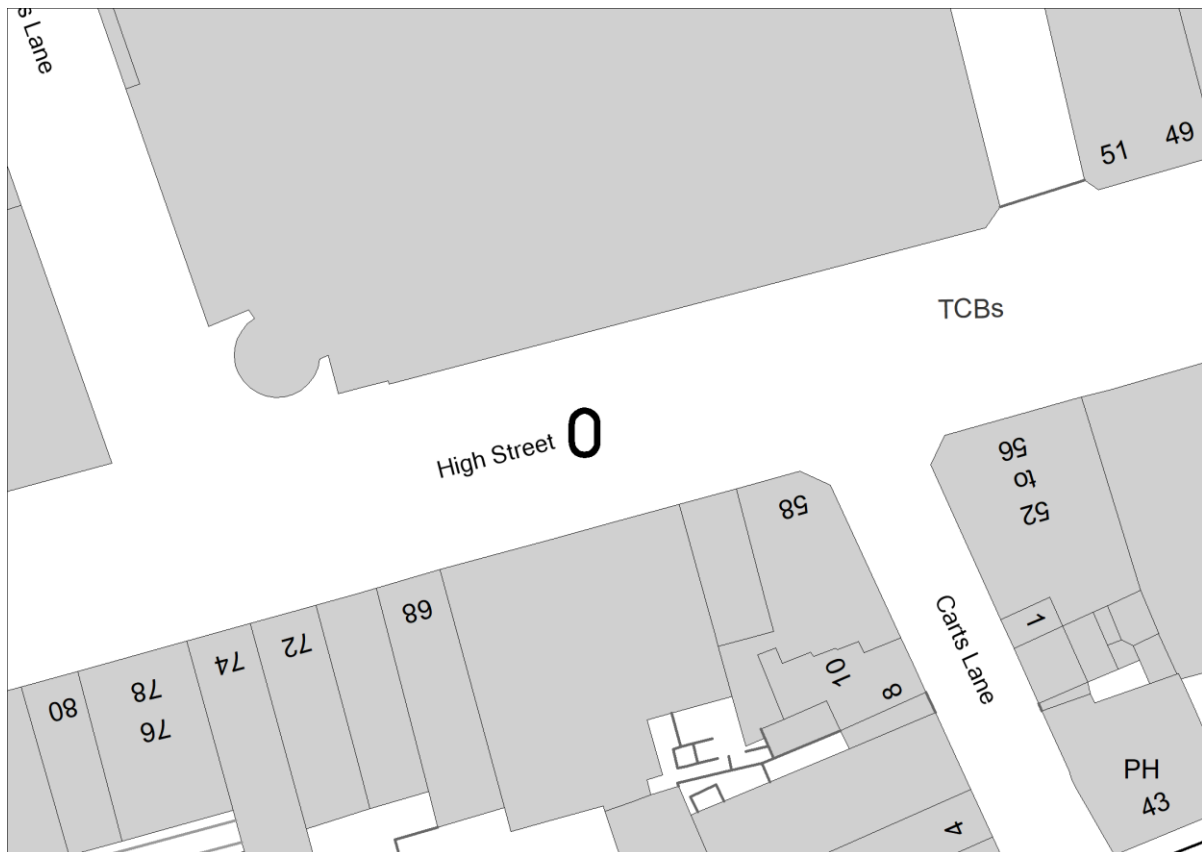
2014\_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.

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\_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\_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
- 2014\_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.

# Appendix C3

<b>Recommendation: Conditional approval</b>	
<b>20201329</b>	<b>62-66 High Street, outside</b>
Proposal:	Double sided free standing digital sign
Applicant:	Clear Channel UK Ltd
View application and responses:	<a href="https://planning.leicester.gov.uk/Planning/Display/20201329">https://planning.leicester.gov.uk/Planning/Display/20201329</a>
Expiry Date:	11 September 2020
TEI	WARD: Castle



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## Summary

- Reported to Committee at request of Councillor Kitterick
- One of a number of panels proposed in City Centre
- Objection from shop opposite on grounds of clutter and visual amenity
- Issues are amenity particularly for the conservation area and highway safety

## **The Site**

The application relates to a site towards the centre of High Street in the High Street Conservation Area. A free standing double sided advertisement unit on the site has recently been removed.

## **Background**

The application is one of 20 applications for advertisement consent. All applications constitute parts of a scheme for the removal of 39 existing internally illuminated free standing double sided advertisement units and the installation of 20 free standing double sided digital advertisements. The proposal is therefore part of a plan to reduce number of such signs by almost half

## **The Proposal**

The proposal is for a free standing double sided digital advertisement measuring 2.6 metres in height, 1.3 metres in width (a face of 3.5 metres<sup>2</sup> in area) and 0.3 metres in depth. The digitalised part of the advertisement will measure 1.6 metres in height and 0.9 metres in width (a face of 1.5 metres<sup>2</sup> in area).

This would display static advertising images in sequence, changing via smooth fade and no more frequently than every 10 seconds. During periods of darkness the displays illumination would not exceed 280 cd/m<sup>2</sup>.

## **Policy Considerations**

National Planning Policy Framework:

Para 32: (advertisements subject to control only in the interests of amenity and public safety, taking account of cumulative impacts)

Under the Advertisement Regulations the only matters that can be considered are amenity (including on the character and appearance of the High Street Conservation Area) and public safety.

High Street Conservation Area Character Appraisal

Institute of Lighting Professionals (ILP) Professional Lighting Guide 05 the Brightness of Illuminated Advertisements (2015)

## **Representations**

An objection has been received from a neighbouring business. The objection raises concerns that the proposed advertisement is unnecessary, that it will have a detrimental impact on the visual amenity of the area and the character and appearance of the High Street Conservation Area including the recently planted row of trees that provides a natural progression from Jubilee Square.

There are also concerns that the structure will result in antisocial behaviour and public safety concerns.

The objection also notes that the applicant is from a Birmingham based company and there are concerns that the display may include advertisements for out of town shopping.

Councillor Kitterick has asked that the Committee consider the issue of the impact on the Highstreet Conservation Area and a proliferation of signs.

### **Consideration**

The sign is part of a series of similar proposals to replace existing free standing panels in various city centre locations.

These proposals are in the context of the City Council's continuing actions to reduce clutter.

The sign is of a clean and simple design and is replacing an existing panel. As such the appearance of the sign would not be visually harmful.

This part of the conservation area is characterised by commercial uses and shop fronts and signs. I consider that the proposal would preserve the character and appearance of the conservation area.

The signs are designed and located to minimise the risk of obstruction and inconvenience for pedestrians including those with disabilities.

I recommend Express Consent subject to the following conditions

#### **CONDITIONS**

1. The proposed advertisement spaces shall display static images only and not animated, scrolling, intermittent or flashing images, or directions to drivers at any time. The rate of change between successive images shall be no greater than 1 second with no swiping or other animated transition methods between successive images. The minimum display time each successive advertising image shall be no less than 10 seconds per image. (In the interests of visual amenity and the character and appearance of the High Street Conservation Area and in the interests of highway safety and in accordance with Core Strategy policies CS03, CS14 and CS18.)
2. The maximum luminance signs displayed on the advertisement spaces shall not exceed 600cd/m<sup>2</sup>. (In the interests of visual amenity and the character and appearance of the High Street Conservation Area and in the interests of highway safety and in accordance with Core Strategy policies CS03, CS14 and CS18.)
3. The functionality of the advertisement spaces shall have a default mechanism to switch it off in the event of a malfunction or during periods of maintenance. (In the interests of highway safety and in accordance with Core Strategy policy CS14.)

4. This consent shall relate solely to the submitted plans received by the City Council as local planning authority on 17.07.20 (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 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.

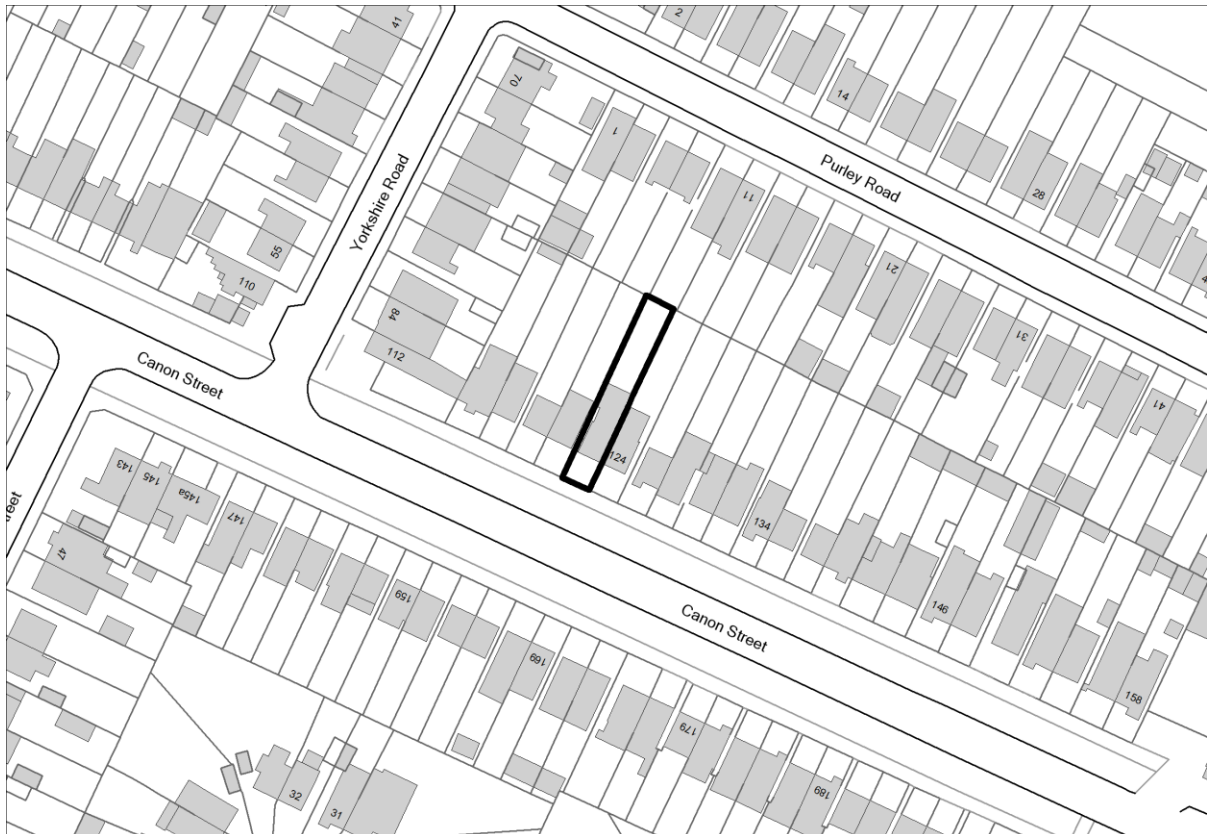
#### **Policies relating to this recommendation**

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\_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.

2014\_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.

<b>Recommendation: Refusal</b>	
<b>20201461</b>	<b>122 Canon Street</b>
Proposal:	Construction of single storey temporary building at front of surgery (Class D1)
Applicant:	Dr B Modi
View application and responses:	<a href="https://planning.leicester.gov.uk/Planning/Display/20201461">https://planning.leicester.gov.uk/Planning/Display/20201461</a>
Expiry Date:	28 September 2020
AVB	WARD: Rushey Mead



The site is surrounded by the residential properties and the adjoining semi is in family occupation.

## **Background**

19870005: Change of use from house to doctors surgery was approved and implemented.

19871072: Alterations including the erection of a single storey rear extension to provide accommodation for doctor's surgery was approved.

20150665: Single storey outbuilding at rear of surgery (Class D1) was approved.

## **The Proposal**

The proposal is for an installation of a single storey relocatable building on the forecourt of the surgery. The building would be installed at the front adjacent to the common boundary with the neighbouring property No. 124 Canon Street.

The proposed single storey relocatable building would be 3.6m long and 3m wide which forms a waiting area for the existing surgery. The height of the relocatable building would be 3m. The proposed building would be a plastisol unit finished in light grey with blue trims.

The application seeks a temporary permission and says that the facility is needed in the context of the COVID outbreak and will be used specifically to facilitate winter influenza vaccinations; no period of time has been specified.

The applicant has submitted correspondence suggesting support from the NHS Clinical Commissioning Group and from the surgery's Patient Participant Group.

## **Policy Considerations**

### National Planning Policy Framework (NPPF) 2019

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

Paragraphs 108 and 109 (Highways)

Paragraphs 124, 127 and 130 (Good Design)

### Development Plan policies

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

*Appendix 1 of the Local Plan – Vehicle Parking Standards*

### Supplementary Planning Documents (SPD)

Residential Amenity

## **Consultations**

Pollution Control (Noise) Team – No objections to the temporary structure.



## Representations

None received from neighbours; however, the applicant has submitted letters apparently signed by the neighbours to say that they do not object.

Councillor Wilmott in asking for the application to be considered has commented:

*I believe there are special circumstances in this case that mean a temporary permission should be granted, these are inextricably linked to the Covid 19 pandemic and the requirements of social distancing to undertake flu vaccinations of the local population. The current space in Dr Modi's surgery does not allow for the numbers of people that will attend and to maintain social distancing. Clearly the health impact as we approach winter of people not having their flu vaccinations could be serious. We know from the the DPH that winter death rates rise and this could be compounded by a second and anticipated Covid outbreak. Making the need for vaccinations even more important. Ironically whilst Dr Modi's premises are not ideal, they are located at the heart of the communities of Rushey Mead and Belgrave which is a perfect location.*

*In normal circumstances I would not support such an application, however in the circumstances of the wider health issues and the fact that it is a temporary application I would like the Committee to consider it.*

## Consideration

### Principle of development

The site is located within an area which is predominantly residential in nature; however, the use as a surgery is long established and reasonable extension or adaptation of the surgery would be acceptable in principle.

The main considerations are the impact of the proposed development on the residential amenity of the neighbouring properties and the character and appearance of the surrounding area.

### Residential Amenity

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

The proposed relocatable building would be installed adjacent to an existing low boundary fence on common boundary with the adjoining semi at 124 Canon Street.

124 Canon Street has an existing bay window to the front of the house. The proposed building would be 3.6m long and 3m high and it would intersect 45 degree

line taken from the principal room window at No. 124. I consider that the proposed building due to its size, height and location will have a significantly detrimental impact on the residential amenity of No. 124 in terms of loss of light and outlook.

I therefore consider that the proposal will have unacceptable impact on the residential amenity of neighbouring property and is contrary to policy PS10 of the City of Leicester Local Plan and CS03 of the Core Strategy.

### Design/Character and Appearance

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 urban form and high quality architecture.

Saved Policy PS10 of the Local Plan (2006) sets out a number of amenity factors to be taken into account when determining planning applications including the visual quality of the area and the ability of the area to assimilate development.

The site is within a residential area where there are row of semi-detached houses with small forecourts or front gardens. The proposed container would be sited to the front of the property which would readily visible from the street scene. The proposed building due to its size would dominate the front of the property. Furthermore the proposed materials i.e. plastisol would not be keeping with the existing property and surrounding red bricks neighbouring properties.

I acknowledge that the proposed building would be used for an additional patient waiting area in order to adhere with the social distancing and that the intention is that it would only be needed for a temporary period.

Notwithstanding that I do not consider that the proposed unit in this position presents an appropriate design and materials – whether on a temporary or permanent basis

I consider that the proposal due to its size, design, materials and location would be an obtrusive feature within the street scene resulting in significant detrimental impact on the visual amenity and quality of the area.

The proposal is therefore contrary to policy CS3 of the Leicester Core Strategy and paragraph 124, 127 and 130 of the National Planning Policy Framework 2019.

### Parking

There is an existing driveway at the front of the site. However it appears that there is no off-street parking provision on the site. The proposal would not alter the existing arrangement on site. Furthermore, the proposed building would be used for additional waiting space rather than an increased number of patients or staff.

I therefore consider that the proposal will not have an adverse impact on highway safety and parking.

### Conclusion

Although the proposal would provide additional medical and community benefits it would have an immediate detrimental impact on the residential amenity of the neighbouring property and on the appearance and character of the surrounding area contrary to Policy PS10 of Local Plan and CS03 of the Core Strategy.

On balance, I recommend REFUSAL for the following reasons:

#### REASONS FOR REFUSAL

1. The proposal, by reason of its size, siting, design, location and materials will have a significantly detrimental impact on the principal room window at the front of 124 Canon Street in terms of loss of light and outlook contrary to the City of Leicester Local Plan policy PS10, Core Strategy policy CS03 and the Residential Amenity SPD.
2. The proposed building due to its size, design, materials and location would be an obtrusive feature in the street scene and will not contribute positively to the character and appearance of the local built environment and would be detrimental to the visual quality of the area. As such, it would conflict with Policy CS03 of the Core Strategy (2014), saved Policy PS10 of the Local Plan (2006), and is contrary to paragraphs 124, 127 and 130 of NPPF 2019.

#### NOTES FOR APPLICANT

1. For the avoidance of doubt this application is refused on the basis of application form and plan nos. 2020/07/191 page 1 and 2020/07/191 page 2 and supporting information received by the City Council as local planning authority on 3rd August 2020.
2. The City Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application no pre-application advice was sought before the application was submitted and no negotiations have taken place during the course of the application. The City Council has determined this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. As the proposal is clearly unacceptable, it was considered that further discussions would be unnecessary and costly for all parties.

#### **Policies relating to this recommendation**

- 2006\_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2014\_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local

natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.

2006\_AM11 Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01.

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.