



Leicester
City Council

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

DATE: WEDNESDAY, 9 DECEMBER 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.

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

Further information

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

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

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

Ayleena Thomas, tel: 0116 454 6369 (email: ayleena.thomas@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/channel/UCddTWo00_gs0cp-301XDbXA

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 18 November 2020 are a correct record.

4. THE LEICESTER (CONSOLIDATION) TRAFFIC REGULATION ORDER 2006 (AYLESTONE ROAD, COMMERCIAL SQUARE, FREEMENS COMMON ROAD, PUTNEY ROAD, PUTNEY ROAD WEST, SAFFRON LANE) (AMENDMENT) ORDER (NO. 295) 2020

Appendix A

The Director of Planning, Development and Transportation submits a report setting out objections received to proposals to implement waiting and loading restrictions along multiple roads, lift the one-way order on part of Commercial

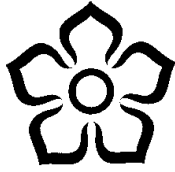
Square, and prohibit U turns at the new junction with Aylestone Road. The Committee is recommended to consider the report and pass its views to the Director of Planning, Development and Transportation to take into account when considering whether or not to make the proposed traffic regulation order.

5. PLANNING APPLICATIONS AND CONTRAVENTIONS [Appendix B](#)

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) **20181552 125-129 VAUGHAN WAY** [Appendix B1](#)
- (ii) **20200995 33 WIMBORNE ROAD, LAND ADJACENT TO** [Appendix B2](#)
- (iii) **20201157 53 MAIN STREET, HUMBERSTONE** [Appendix B3](#)
- (iv) **20201276 114 BROMPTON ROAD** [Appendix B4](#)
- (v) **20201727 11 FRANCHE ROAD** [Appendix B5](#)

6. ANY URGENT BUSINESS



Leicester
City Council

WARDS AFFECTED:
Saffron
Castle

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

9 December 2020

**THE LEICESTER (CONSOLIDATION) TRAFFIC REGULATION ORDER 2006
(AYLESTONE ROAD, COMMERCIAL SQUARE, FREEMENS COMMON ROAD,
PUTNEY ROAD, PUTNEY ROAD WEST, SAFFRON LANE) (AMENDMENT) ORDER
(No. 295) 2020**

1. Purpose of Report

- 1.1 To enable the Committee to give their views to the Director of Planning, Development and Transportation who will take them into account when considering whether or not to make the proposed Traffic Regulation Order.

2. Summary

- 2.1 The Council is undertaking work to connect Putney Road West onto the junction of Aylestone Road and Saffron Lane. Putney Road, Commercial Square, and Putney Road West will now form a two-way orbital route between Welford Road (A5199) and Aylestone Road (A426).
- 2.2 The City Council is seeking authority to implement waiting and loading restrictions along multiple roads, to lift the one-way order on part of Commercial Square, and to prohibit U turns at the new junction with Aylestone Road.
- 2.3 Part of the existing route, comprising of Commercial Square, is one-way. It is proposed to remove this restriction to make the road two-way. There are lengths of Putney Road West to which waiting and loading restrictions are proposed to be applied to help enable the flow of traffic, for safety and for preserving the amenities of the road by preventing parking on footways and cycle routes included in the scheme. Thirdly, it is proposed to prohibit U turns at the new junction. This is a standard safety feature at signal-controlled junctions.
- 2.4 When the TRO proposals were formally advertised four objections were received. Written replies were sent to objectors and meeting was held with three of the objectors. Officers explained to the objectors the reasons for

proposing the scheme and asked the objectors to reconsider their objections in light of the information given. None of the objections have been withdrawn.

3. Recommendations

3.1 It is recommended that:

- (1) the members of the Committee give their views for the Director of Planning, Development and Transportation to take into account when considering whether or not to make the proposed Traffic Regulation Order.

4. Background

4.1 The Council applied to the National Productivity Investment Fund (NPIF) in 2017 for funds to construct a new junction on Aylestone Road with Putney Road West for the purpose of linking Aylestone and Welford Road. The Leicester and Leicestershire integrated Transport Model (LLITM) showed significant benefit and the scheme was widely supported by local establishments, including the University of Leicester, Leicester City Football Club and Leicester Tigers RUFC. The Department for Transport reviewed the business case submitted to the NPIF and approved the scheme for funding.

4.2 The scheme has subsequently been designed and requires traffic regulations to assist the management of traffic, to enable traffic to flow both ways along Putney Road, to prevent parking, and for road safety.

4.3 Due to the changed nature of the roads, it is therefore proposed that a Traffic Regulation Order should be implemented on the following grounds:

- a) For facilitating the passage on the road or any other road of any class of traffic (including pedestrians);
- b) For preserving or improving the amenities of the area through which the road runs; and
- c) For avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising.

4.4 Putney Road, Commercial Square, and Putney Road West:

4.4.1 This length of road will now carry two-way traffic between Aylestone Road and Welford Road. In view of the proposed changes to the roads, several new restrictions are proposed.

4.4.2 To facilitate the passage of traffic it is proposed to revoke the one-way restriction on Commercial Square (Northern Carriageway). This will allow vehicles to pass along the road without the need to go around the circulatory one-way system.

- 4.4.3 To facilitate the passage of traffic and to preserve the amenities of the area, it is proposed to strengthen existing restrictions to prohibit waiting at any time, and loading and unloading between 7.30am and 9.30am and between 4.00pm and 6.00pm Monday to Friday along the length of Putney Road, Commercial Square (Northern Carriageway), and Putney Road West. This will ensure that parking and loading is regulated on the route to facilitate passage of traffic. These restrictions will also be to protect the new off-carriageway segregated cycle lane from obstruction.
- 4.4.4 To facilitate the passage of traffic and to avoid danger, it is proposed to prohibit waiting and loading and unloading at any time within 15 metres of the junctions along the length of the road. This will prevent waiting or loading vehicles from obstructing visibility at the junctions.
- 4.5 Aylestone Road and Saffron Lane:
- 4.5.1 The new junction will have four arms. In view of the proposed changes to the roads, several new restrictions are proposed.
- 4.5.2 To facilitate the passage of traffic and avoid danger, it is proposed to prohibit waiting and loading and unloading at any time within 15 metres of the junction. This will prevent waiting or loading vehicles from obstructing visibility at the junctions.
- 4.5.3 To facilitate the passage of traffic and avoid danger, manoeuvre restrictions are also proposed on all arms of the junction. Prohibition of U turns are proposed on all arms to prevent conflicts with other traffic, signal-controlled vehicle, or pedestrian movements. Right turn prohibitions are proposed from Saffron Lane into Putney Road West and from Putney Road West into Aylestone Road to maintain safe and efficient traffic signal control.
- 4.6 The TRO was advertised on 10 August 2020 and four objections against the proposals were received. Issues were raised around the modelling of the scheme and the interpretation of results, the nature of the new link road created by the scheme, the Council's strategic intentions, the loss of parking, loading restrictions, the design of cycle ways and footways, and the capacity of junctions.
- 4.7 The Council has tried to resolve the issues raised by the objectors. This includes written communication and a meeting with Objectors B, C and D. None of the objections have been withdrawn and therefore four unresolved objections remain. The objections are discussed below and presented in full in Appendix C.
- 4.8 The proposal showing the waiting, loading and U turn restrictions can be seen on the plan in Appendix A – PDT/C301696/TR(01).
- 4.9 The proposed TRO is to amend the existing 2006 Consolidation Order and the proposed schedule is shown in Appendix B.

- 4.10 The formal purpose of the proposed TRO is to facilitate the passage of traffic (including pedestrians and cyclists), for avoiding danger to persons or other traffic using the road and to preserve amenity.

5. Consideration of Objections

- 5.1 Each objection is summarised below and is presented in full in Appendix C, along with the reply sent.
- 5.2 Objector A is concerned about the loss of parking along Putney Road West.
- 5.3 Objector B is concerned about the case for and purposes of the scheme to be constructed and as well as loss of parking, fears additional congestion and is concerned about aspects of the design.
- 5.4 Objector C is concerned about the case for the scheme and various aspects of the design of the scheme, the impact on cyclists, as well as loss of parking.
- 5.5 Objector D queried the purpose of the scheme and thinks that conditions will deteriorate for pedestrians and cyclists and that either the scheme will attract traffic and cause congestion at nearby junctions or if the scheme does not attract traffic then it will have failed.
- 5.6 In the meeting with Objectors B, C and D, they explained that they felt that the purpose of the scheme was irrational, that the council's own modelling did not support the scheme, and that the Council's modelling of the scheme was highly unreliable.
- 5.7 In regard to the order advertised they said that they were concerned about the loss of parking on Putney Road West, and that the loading restrictions advertised could be considered too onerous or not onerous enough given that the road would have a dual purpose as a link road and a local access road. Concern too was expressed about cyclists and pedestrians being in closer proximity to vehicles.
- 5.8 It was explained to the objectors that the City Mayor's decision to approve construction of the scheme had been scrutinised by the Economic Development, Transport, and Tourism Scrutiny Commission on 25 October 2018 and approved for construction and that the process now being undertaken was for traffic orders to manage traffic associated with the scheme.
- 5.9 Officers added that the modelling and business case for the scheme – having been carried out using LLITM by the Council's consultants – had a high rate of return on investment resulting from reduced travel time, had been approved and awarded funding by the DfT, scrutinised and approved for construction by the Council and that therefore the Council intends to construct the scheme and that the Order advertised was to manage traffic movements associated with implementing the scheme.

- 5.10 With regard to the effects of the Order advertised, Officers had the following comments:
- 5.11 The loss of unregulated parking (roughly some 50 vehicles per day) is regrettable and no alternative provision can be made by the Council as waiting restrictions are considered necessary to ensure the flow of traffic, to ensure footways and cycle routes are not parked upon and for safety. Loss of parking on Putney Road West was the sole concern of Objector A and there are few similar alternatives. There are some unregulated parking spaces on Ealing Road, Euston Road and Commercial Square and the nearest public car park is on Almond Road. Most businesses in the area have their own car parking and the destination of many of those who park on Putney Road is unknown.
- 5.12 Objectors queried the nature of loading restrictions proposed, suggesting they were contradictory. Objectors B and C asked whether loading should be prohibited, at all times, to serve the purpose of a link road. Officers explained that businesses along Putney have loading facilities within their own properties and loading does not take place on Putney Road. As loading does not take place from the highway and is unlikely then there is little need to make restrictions more onerous than necessary and hence the Council does not propose to prohibit loading along the full length of Putney Road.
- 5.13 Objectors B, C and D queried the capacity of junctions surrounding the scheme as they felt additional congestion would result. Officers explained that the surrounding junctions had been modelled and no adverse effects were found. Further, the scheme redistributes existing traffic more efficiently and does not in itself generate traffic.
- 5.14 It was explained that the modelling of the adjacent junctions included data from adjacent developments in the area. The Council was satisfied that on reviewing the data the junctions would continue to operate within capacity.
- 5.15 It was explained to the objectors that safety auditors had been asked to review the narrow section of highway adjacent to the Leicester Bearing Company where no footway exists. The auditors had found no additional matters of concern. The Council's design creates a 3m cycleway and footway on the south side of Putney Road and whilst the highway is compromised by inadequate existing provision, the Council's design is better overall for cyclists.
- 5.16 Objection A has been addressed through written responses. A meeting was held with Objectors B, C and D to discuss their detailed questions on 29 October 2020. A significant aspect of submission from Objectors B, C, and D centred upon the nature of the scheme, its purpose, and the Council's case for it, which are all matters that the Council has decided. Officers stated that loss of car parking was regrettable but necessary and that the orders were proportional, considered safety and were intended to help enable the flow of traffic.

6. Conclusion

- 6.1 Four objections have been received and officers have engaged with the objectors to explain the purposes of the order and to resolve their concerns.
- 6.2 Members of the committee are requested to give their 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. Committee members should note the proposed orders are intended to manage traffic for a scheme that the Council has decided to construct and the purpose of the orders is to facilitate the flow of traffic, especially between Welford Road and Aylestone Road, to preserve amenity and to help ensure road safety.

7. Financial Implications

- 7.1 The estimated cost of the Traffic Regulation Order is £5,000 to be funded from the approved budget for the Putney Road Project. The project is partly funded by the National Productivity Investment Fund.

The Financial Implications are written and confirmed by

Paresh Radia Dated: 12.11.2020

Paresh Radia, Principal Accountant – Finance

8. Legal Implications

- 8.1 Traffic Regulation Orders are introduced under the 1984 Road Traffic Regulation Act and the Local Authorities' Traffic Orders (Procedures) (England and Wales) Regulations 1996. All aspects of that legislation will be complied with in the making of the Order.
- 8.2 The legislation requires that all objections made and not withdrawn are taken into consideration before an Order is made. All objections received have been taken into consideration in preparation of this report. The requirement for the making of the TRO arises from a planning condition contained in a valid planning permission. If the objection has not been withdrawn or fully acceded to then the objector should be notified in writing of the making of the order within 14 days of making the order and the reasons for the decision.

The Legal Implications are written and confirmed by

John McIvor Dated: 12.11.2020

John McIvor, Principal Lawyer – Legal Services

9. Powers of the Director

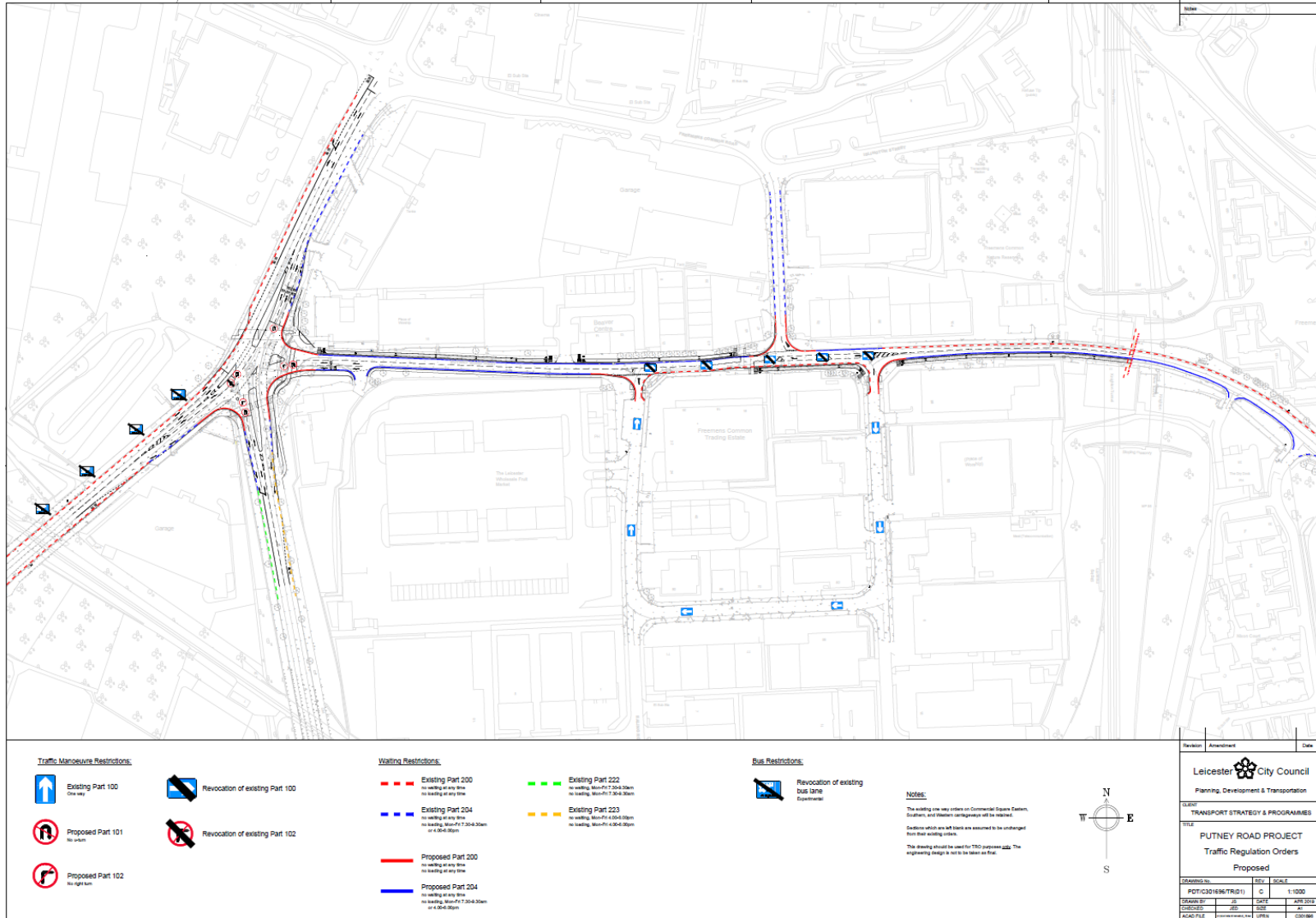
- 9.1 Under the constitution of Leicester City Council, delegated powers have been given to the Director of Planning, Development and Transportation to approve Traffic Orders having considered any objections that have been received and taken due regard of comments made by the Planning and Development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

Report Author

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Appendix A – Putney Road Scheme proposed waiting, loading and U turn restrictions - PDT/C301696/TR(01)

6



Appendix B – Schedule of Street Restriction

Roads are shown in alphabetical order

Proposed amendments are shown in **bold**

AYLESTONE ROAD

- Part 100 One Way Street from The Spur opposite a point 15 metres south of Knighton Street from its junction with Aylestone Road to its junction with Welford Road in that direction.
- Part 100 One Way Street from its junction with Raw Dykes Road to its junction with Infirmary Road in that direction
- Part 102 Prohibited Right Turn from Aylestone Road to Welford Road at the spur opposite a point 130 metres north of Knighton Street
- Part 101 Prohibited U Turn at its junction with Saffron Lane from the south bound carriageway to the north bound carriageway**
- Part 101 Prohibited U Turn at its junction with Saffron Lane from the north bound carriageway to the south bound carriageway**
- Part 111 Prohibition of driving of all vehicles at all times (except emergency service vehicles) at the footway crossing into Leicester Royal Infirmary at a point 75 metres north of its junction with Knighton Street

North-west Side

- Part 204 from its junction with Middleton Street to a point 24 metres north-east of its junction with Church Road. Excluding the lay-by between 6 metres and 32 metres north-east of Middleton Street and the lay-by between 35 metres and 9 metres south-west of its junction with Earl Russell Street and the lay-by between 4 metres and 28 metres north-east of its junction with Earl Russell Street.
- Part 224 The lay-by from a point 6 metres north-east of its junction with Middleton Street to a point 32 metres north-east of its junction with Middleton Street.
- Part 224 The lay-by from a point 35 metres south-west of its junction with Earl Russell Street to a point 9 metres south-west of its junction with Earl Russell Street.
- Part 224 The lay-by from a point 4 metres north-east of its junction with Earl Russell Street to a point 28 metres north-east of its junction with Earl Russell Street.
- Part 216 from a point 24 metres north-east of its junction with Church Road to a point opposite the north side of its junction with Hampshire Road

- Part 204 from a point opposite the north side of its junction with Hampshire Road to a point 38 metres north east of a point opposite the north side of its junction with Duncan Road
- Part 216 from a point 38 metres north-east of a point opposite the north side of its junction with Duncan Road to a point 10 metres south of a point opposite its junction with the northern arm of Park Hill Drive
- Part 204 from a point 10 metres south of a point opposite its junction with the northern arm of Park Hill Drive to its junction with Rutland Avenue. Excluding the lay-by between a point opposite the south side of Richmond Avenue and a point 27 metres south of Rutland Avenue and the lay-by between 20 metres and 2 metres south of Rutland Avenue.
- Part 216 from its junction with Rutland Avenue to its junction with Boundary Road
- Part 200 from its junction with Boundary Road to a point 28 metres north-east of its junction with Boundary Road
- Part 222 from a point 28 metres north of its junction with Boundary Road to a point adjacent to the northern building line of number 201 (To Be Revoked)
- Part 200 from a point adjacent to the northern building line of number 201 to its junction with Raw Dykes Road
- Part 200 from its junction with Raw Dykes Road to a point 35 metres south-west of its junction with Brazil Street
- Part 204 from a point 35 metres south-west of its junction with Brazil Street to its junction with Brazil Street
- Part 200 from its junction with Brazil Street to a point 5 metres north-east of its junction with Sawday Street
- Part 204 from a point 5 metres north-east of its junction with Sawday Street to a point 5 metres south-west of its junction with Filbert Street East
- Part 200 from a point 5 metres south-west of its junction with Filbert Street East to its junction with Infirmary Road

South-east Side

- Part 200 from its junction with Infirmary Road to its junction with Freeman's Common Road
- Part 204 from its junction with Freeman's Common Road to a point 15 metres north-east of its junction with Saffron Lane**

- Part 200** from a point 15 metres north-east of its junction with Saffron Lane to a point 15 metres south-west of its junction with Saffron Lane
- Part 204** from a point 15 metres south-west of its junction with Saffron Lane to a point 58 metres south-west of its junction with Saffron Lane
- Part 200 from a point 58 metres south-west of its junction with Saffron Lane to of its junction with Lothair Road
- Part 212 from its junction with Lothair Road to its junction with Cavendish Road
- Part 204 from its junction with Cavendish Road to a point 10 metres south of its junction with the northern arm of Park Hill Drive. Excluding the lay-bys between 16 metres and 47 metres north of the north side of Richmond Avenue and between 52 metres north of the north side of Richmond Avenue & 8 metres south of Cavendish Road
- Part 216 from a point 10 metres south of its junction with the northern arm of Park Hill Drive to a point 10 metres north of its junction with the southern arm of Park Hill Drive
- Part 204 from a point 10 metres north of its junction with the southern arm of Park Hill Drive to its junction with Hampshire Road
- Part 204 from its junction with Hampshire Road to its junction with Banks Road
- Part 200 from its junction with Banks Road to its junction with Belvoir Drive
- Part 204 from its junction with Belvoir Drive to its junction with Wigston Lane

COMMERCIAL SQUARE EASTERN CARRIAGEWAY

- Part 100 One Way Street from its junction with Commercial Square Northern Carriageway to its junction with Commercial Square Southern Carriageway in that direction

East Side

- Part 200** from its junction with Putney Road to a point 15 metres south of its junction with Putney Road
- Part 207 from a point 15 metres south of its junction with Putney Road to its junction with Euston Street

West Side

- Part 207 from its junction with Commercial Square Southern Carriageway to a point 40 metres north of its junction with Commercial Square Southern Carriageway

- Part 207 from a point 52 metres south of its junction with Commercial Square Northern Carriageway to a point **15 metres** south of its junction with Commercial Square Northern Carriageway
- Part 200 from a point **15 metres** south of its junction with Commercial Square Northern Carriageway to its junction with Commercial Square Northern Carriageway

COMMERCIAL SQUARE NORTHERN CARRIAGEWAY

North Side

- Part 204 from its junction with Putney Road West to a point 15 metres west of its junction with Freemens Common Road**
- Part 200 from a point 15 metres west of its junction with Freemens Common Road to a point 15 metres east of its junction with Freemens Common Road**
- Part 204 from a point 15 metres east of its junction with Freemens Common Road to its junction with Putney Road**

South Side

- Part 200 from its junction with Commercial Square Eastern Carriageway its junction with Commercial Square Eastern Carriageway

COMMERCIAL SQUARE SOUTHERN CARRIAGEWAY

- Part 100 One Way Street from its junction with Commercial Square Eastern Carriageway to its junction with Commercial Square Western Carriageway in that direction

North Side

- Part 207 from its junction with Commercial Square Eastern Carriageway to a point 15 metres west of its junction with Commercial Square Eastern Carriageway
- Part 207 from a point 31 metres west of its junction with Commercial Square Eastern Carriageway to a point 66 metres west of its junction with Commercial Square Eastern Carriageway
- Part 207 from a point 75 metres west of its junction with Commercial Square Eastern Carriageway to a point 90 metres west of its junction with Commercial Square Eastern Carriageway

Part 207 from a point 15 metres east of its junction with Commercial Square Western Carriageway to its junction with Commercial Square Western Carriageway

South Side

Part 207 from its junction with Ealing Road to its junction with Euston Street

COMMERCIAL SQUARE WESTERN CARRIAGEWAY

Part 100 One Way Street from its junction with Commercial Square Southern Carriageway to its junction with Commercial Square Northern Carriageway in that direction

East Side

Part 207 from its junction with Commercial Square Southern Carriageway to a point 39 metres north of its junction with Commercial Square Southern Carriageway

Part 207 from a point 59 metres north of its junction with Commercial Square Southern Carriageway to a point 74 metres north of its junction with Commercial Square Southern Carriageway

Part 207 from a point 84 metres north of its junction with Commercial Square Southern Carriageway to a point 99 metres north of its junction with Commercial Square Southern Carriageway

Part 200 from a point **15 metres** south of its junction with Commercial Square Northern Carriageway to its junction with Commercial Square Northern Carriageway

West Side

Part 200 from its junction with Putney Road West to a point 15 metres south of its junction with Putney Road West

Part 207 from a point **15 metres** south of its junction with Putney Road West to its junction with Ealing Road

FREEMENS COMMON ROAD

Part 100 One Way Street from its junction with Counting House Road to its junction with Aylestone Road in that direction

North & East Side

Part 204 from its junction with Aylestone Road to a point **15 metres** north of its junction with Commercial Square

Part 200 from a point 15 metres north of its junction with Commercial Square to its junction with Commercial Square

South & West Side

Part 200 from its junction with Commercial Square to a point 15 metres north of its junction with Commercial Square

Part 204 from a point **15 metres** north of its junction with Commercial Square to its junction with Aylestone Road

PUTNEY ROAD

Part 101 Prohibited U Turn at its junction with Welford Road from the east bound carriageway to the west bound carriageway

Northern Side

Part 200 from its junction with Commercial Square to a point 278 metres south-east of its junction with Commercial Square

Part 204 from a point 278 metres south-east of its junction with Commercial Square to its junction with Welford Road

Southern Side

Part 204 from its junction with Welford Road to a point 15 metres east of its junction with Commercial Square

Part 200 from a point 15 metres east of its junction with Commercial Square to its junction with Commercial Square

PUTNEY ROAD WEST

Part 101 Prohibited U Turn at its junction with Aylestone Road from the west bound carriageway to the east bound carriageway

Part 102 Prohibited right turn from Putney Road West into Aylestone Road

North Side

Part 200 from its junction with Aylestone Road to a point 15 metres east of its junction with Aylestone Road

Part 204 from a point 15 metres east of its junction with Aylestone Road to its junction with Commercial Square

South Side

Part 200 from its junction with Commercial Square to a point 15 metres west of its junction with Commercial Square

Part 204 from a point 15 metres west of its junction with Commercial Square to a point 15 metres east of its junction with Aylestone Road

Part 200 from a point 15 metres east of its junction with Aylestone Road to its junction with Aylestone Road

SAFFRON LANE

Part 101 Prohibited U Turn at its junction with Aylestone Road from the north bound carriageway to the south bound carriageway

Part 102 Prohibited right turn from Saffron Lane into Putney Road West

Part 102 Prohibited Right Turn from the southbound carriageway of Saffron Lane into Lansdowne Road

Part 103 Prohibited Left Turn from the northbound carriageway of Saffron Lane into Lansdowne Road

Part 101 Prohibited U Turn in both directions between a point 55 metres north of its junction with Lothair Road and a point 80 metres south of its junction with Grace Road

East Side

Part 200 from its junction with Aylestone Road to a point 15 metres south of its junction with Aylestone Road

Part 204 from a point 15 metres south of its junction with Aylestone Road to a point 35 metres south of its junction with Aylestone Road

Part 223 from a point 35 metres south of its junction with Aylestone Road to a point 55 metres north of its junction with Shakespeare Street

Part 204 from a point 55 metres north of its junction with Shakespeare Street to its junction with Shakespeare Street excluding the lay-by between 26 metres & 2 metres north of its junction with Shakespeare Street

Part 204 from its junction with Shakespeare Street to its junction with Sheridan Street excluding the lay-by between 9 metres south of its junction with

- Shakespeare Street and 2 metres north of its junction with Sheridan Street
- Part 204 from its junction with Sheridan Street to its junction with Knighton Fields Road West excluding the lay-by between 2 metres & 21 metres south of its junction with Sheridan Street
- Part 204 from its junction with Knighton Fields Road West to its junction with Knighton Lane East excluding the parking bay between 1 metre & 54 metres south of its junction with Knighton Fields Road West
- Part 224 the parking bay between a point 1 metre south of its junction with Knighton Fields Road West and a point 54 metres south of its junction with Knighton Fields Road West
- Part 204 from its junction with Knighton Lane East to its junction with Copinger Road
- Part 204 from its junction with Copinger Road to a point 33 metres south of its junction with Copinger Road provided that this restriction applies only to the carriageway and footway
- Part 204 from a point 67 metres north of its junction with Heathcott Road to a point 7 metres south of its junction with The Fairway provided that this restriction applies only to the carriageway and footway
- Part 204 from a point opposite the property boundary between nos 550 and 552 Saffron Lane to its junction with Attlee Way, provided that this restriction applies only to the carriageway and footway
- Part 204 from its junction with Stonesby Avenue to a point 1 metre south of a point opposite the property boundary between nos 602 and 604 Saffron Lane

West Side

- Part 204 from a point 29 metres north of a point opposite the centre line of Lydall Road to its junction with Glenhills Way
- Part 204 from its junction with Wigston Lane to a point opposite the property boundary between nos 591 and 593 Saffron Lane, provided that this restriction applies only to the carriageway and footway
- Part 204 from a point 27 metres south of its junction with Burnaston Road to a point 10 metres north of its junction with Burnaston Road provided that this restriction applies only to the carriageway and footway
- Part 204 from a point 23 metres south of its junction with Saffron Way to a point 5 metres north of its junction with Saffron Way provided that this restriction applies only to the carriageway and footway

- Part 309 between the edge of the footway and the edge of the carriageway, from the boundary of Nos. 499/499a Saffron Lane to a point 3 metres south of the boundary of Nos. 499/499a Saffron Lane
- Part 204 from a point 10 metres south of its junction with Burgess Road to a point 10 metres north of its junction with Burgess Road provided that this restriction applies only to the carriageway and footway
- Part 204 from a point 10 metres south of its junction with Cyprus Road to a point 10 metres north of its junction with Cyprus Road provided that this restriction applies only to the carriageway and footway
- Part 204 from a point 10 metres south of its junction with St Andrews Road to a point 55 metres north of its junction with Duncan Road provided that this restriction applies only to the carriageway and footway
- Part 204 from a point 80 metres south of its junction with Grace Road to its junction with Grace Road provided that this restriction applies only to the carriageway and the footway
- Part 204 from its junction with Grace Road to its junction with Lansdowne Road excluding the lay-bys between 45 metres & 81 metres north of its junction with Grace Road and 130 metres & 21 metres south of junction with Knighton Lane
- Part 204 from its junction with Lansdowne Road to its junction with Clifton Road excluding the lay-by between 21 metres & 3 metres south of its junction with Clifton Road
- Part 204 from its junction with Clifton Road to its junction with Cavendish Road excluding the lay-by between 2 metres north of its junction with Clifton Road and 3 metres south of its junction with Cavendish Road
- Part 204 from its junction with Cavendish Road to its junction with Lothair Road excluding the lay-by between 33 metres north of its junction with Cavendish Road and the south side of its junction with Lothair Road
- Part 222 from its junction with Lothair Road to a point 52 metres south of its junction with Aylestone Road
- Part 204 from a point 52 metres south of its junction with Aylestone Road to a point **15 metres** south of its junction with Aylestone Road
- Part 200 from a point 15 metres south of its junction with Aylestone Road to its junction with Aylestone Road**

SAFFRON LANE SERVICE ROAD FRONTING NOS 683-785

North & West Side

Part 204 from a point 8 metres north of a point opposite the property boundary between nos 685 and 687 Saffron Lane to its junction with Saffron Lane main carriageway

South & East Side

Part 204 from its junction with Saffron Lane main carriageway to a point opposite the property boundary between nos 685 and 687 Saffron Lane

Appendix C – Unresolved Objections

Objections Received by Email or Letter

| | |
|-------------------|-----|
| OBJECTOR 'A' | 1.1 |
| Officers Response | 1.2 |
| OBJECTOR 'B' | 2.1 |
| Officers Response | 2.2 |
| OBJECTOR 'C' | 3.1 |
| Officer Response | 3.2 |
| OBJECTOR 'D' | 4.1 |
| Officer Response | 4.2 |

The unresolved objection received by email and officer's response are as follows: -

OBJECTION FROM OBJECTOR 'A' – DATED 31.08.20

1.1 Objector 'A' sent in these comments:

This is regarding Putney road parking ban which is not fair on people like us who trying park cars for few hours regarding our work if you guys gona ban that's facilities then we will be struggling to keep job because our company don't provide staff parking that's reason we park our car on putney road and walk from there to work you guys have to consider people with low income they can't afford to pay monthly parking fees

1.2 Officer's Response

Thank you for your email of 31 August 2020 expressing your objection to the loss of parking.

The Council intends to construct a new road junction with Putney Road West and Aylestone Road to enable traffic to travel directly between Aylestone Road and Welford Road and you have an objection to the proposal to implement no waiting at any time.

The purpose of the proposed prohibition of waiting is to enable the safe passage of traffic along this new link. If traffic were to park on this section of road once it is opened, it would impede the flow of traffic and could cause a danger to arise.

I am sorry that this means that you would not be able to park where you currently do and hope that you can find a suitable alternative.

I hope that this has answered your concerns. If you are satisfied and you would like to withdraw your objection, could you please let me know, either at

the email address listed at the top of the letter or the Council's postal address shown at the bottom of the letter.

If I do not hear from you by 21 October 2020, I will assume that you would like your objection to stand. Should this be the case, it is our intention to present an Objectors Report to the Planning and Development Control Committee on 18 November 2020, before being sent to the Director of Planning, Development and Transportation for his final decision.

OBJECTION FROM OBJECTOR 'B' – DATED 31.08.20

2.1 Objector 'B' sent in these comments:

1. Procedural objection about the advertising and consultation of the TRO

a) the consultation letter does not have a closing date on it for enquiries/objections. This is a serious omission and could lead to potential objectors failing to respond in time and therefore losing the opportunity to have their views taken into account.

b) All businesses in the industrial area including all those on Freeman's Common Road are affected by this scheme and should be included in the consultation. If this has not happened then the TRO procedure will be significantly compromised and the consultation will fail to meet statutory requirements.

c) The plan which is part of the TRO process is out of date and does not include important changes to Putney Road which are directly relevant to the TRO. It omits the new pedestrian crossing linking the university development across Putney Road, and it omits the new car park entrances and exits on to Putney Road. All of these have been approved and they will have significant implications for traffic flows, delays and congestion. With these features omitted it is not possible for those involved in the consultation to assess the likely impact of the TRO changes. The plan needs to be corrected to include these features, all of which will be operational when the TRO is implemented.

This procedural objection is that these three concerns taken together represent serious errors and shortcomings in the application of this TRO. These can only be corrected by issuing an corrected letter to all businesses affected by the proposals, making updated and corrected plans available, with a new extended date for enquiries and objections which meets statutory requirements.

2. Objections related to the highway development and policy context of the TRO

The claimed purpose of the TRO is the creation of an orbital road linking Welford Road and Aylestone Road. This is both incorrect and misleading . The purpose of the TRO is to facilitate and make operational the planned Putney Road link road scheme which although previously approved remains

fundamentally flawed and highly controversial. The bid for this scheme clearly envisaged a connection to another scheme to link Aylestone Road to Narborough Road. It also was never simply a link to Welford Road – it was intended to create a new route along Victoria Park Road to the A6 London Road, eventually creating a middle ring road between the A5460 and the A6 and beyond, Evidence for this can be found in the original bid for the scheme, and also in an earlier TRO plan which showed lane markings on Aylestone Road directing traffic through Putney Road to the B568, not the A5199. This is a clear intention to route traffic to the A6 and not simply to link Aylestone Road and Welford Road. The bid document claimed the link road was strategically important, which a simple link from Aylestone Road to Welford road would not be.

This is the second successive time that the purpose of a TRO has been incorrectly described. The Council should not make incorrect statements in order to conceal the real purpose of a TRO and the road scheme it is intended to facilitate. It does not provide a true basis for consultation, and it brings the council into disrepute.

The decision to approve the Putney Road link road scheme was itself far from rational. The Authority's own evidence, such as it was, did not support the link road scheme. All the claimed benefits in terms of reduced journey times and costs saved occurred when there was no link road traffic. The benefit came solely from improved local access to the business area from Aylestone Road. When there was link road traffic journey times increased and the benefits were negative. Under these circumstances it is difficult to understand why the council approved the scheme and officers and politicians have spoken in support of it.

The traffic modelling itself fell far below the professional standard required to give confidence in the results. Other professional modellers have commented that the results are often 'counter-intuitive and difficult to explain'. It follows that the evidence base is extremely weak and the Authority has no informed understanding of traffic likely to use this road and therefore does not know what the impact of the scheme will be. This is extremely important in assessing the TRO intended to make the scheme operational. The scheme itself is flawed, and the TRO to enable it will be similarly flawed.

There are also aspects of the current design of the scheme, enabled by the TRO, which now eliminate some of the originally claimed benefits for the link road. These will be detailed below but they include claims of shorter quicker journeys to various parts of the city, diverting traffic from the inner ring road, and contentious claims about reducing rat-running through Clarendon Park – claims which were subsequently deleted from the official record of the consultation so it now appears they were never made.

Finally there are clear conflicts between the link road scheme and other council policies and priorities. A bus lane is to be removed which will increase bus journey times, it will encourage car use rather than other forms of transport, it creates a cycleway which is below current recommended design standards (shared space for pedestrians and cyclists is longer considered to be an

acceptable design standard), the cycleway will be less functional and attractive than that which currently exists, and it runs counter to transport priorities emerging from the Covid epidemic.

All of the above identify areas of objection to the TRO. Specific objections are detailed below.

3. Specific points of objection to the TRO

a) Junction designs:

i) The Aylestone Road/Putney Road and Saffron Lane junction.

The originally planned and modelled right turn from Saffron Lane into Putney Road has been removed from the final design. This is the only route which could support the claims made for reducing rat-running in Clarendon Park for eastbound traffic from the Saffron Lane area. The claim that it could be removed because very little traffic made that right turn raises a question about the validity of the original claims for reduced rat-running.

There is no right turn from Putney Road westbound to Aylestone Road inbound. All traffic wishing to take this route will have to turn right into Freemens Common Road. Claims made for reduced journey times to LRI and other places will not be supported by having to use this route.

The complexity of this new junction with a new right turn from Aylestone Road inbound into Putney Road introduces a new intersecting traffic flow across Aylestone Road outbound. There are already significant delays and congestion at this point, especially at peak times, and this will create further delays on this important radial route. The inability of the Welford Road/Victoria Park Road junction to handle all the extra traffic has already been seen in the need to remove an existing right turn. To then introduce a new and major right turn across another radial route appears to defy common sense. This new junction has not been modelled to assess the degree to which it can function with the new design. It is imperative that detailed junction modelling is carried out as the Authority currently will no informed knowledge of the traffic impact at this junction.

ii) The Putney Road/Freemens Common junction

The new right turn at this junction will intersect eastbound link road traffic as well as local access traffic. The junction design has very limited stacking space for the various turns and there will be a considerable increase in traffic passing through this junction including all traffic diverted this way to access the new university car park. When questioned about the adequacy of this junction and the likely congestion and delays the Authority can only offer its opinion that there will not be any problems. This is unacceptable as a response. This junction also should be subjected to detailed junction modelling which should include an assessment of the traffic signals which were added after the original design.

b) Impact on businesses

There will be a number of impacts on local businesses, of which only one is positive. The new access from Aylestone Road will improve access to the business area for both business staff and their customers. However, this is not a benefit provided by the link road. The link road has only detrimental impacts on local businesses.

i) Loss of 50 parking spaces on Putney Road

In order to facilitate the link road, space for around 50 cars will be lost to staff working in local businesses. There is no other nearby parking and the authority appears to have no interest in mitigating this loss. Their response when asked was to say roads are not meant for parking on. In other words, not our problem. This is a remarkably negative attitude to take to local businesses when elsewhere in the council great efforts are being made to promote business development. This will be a significant handicap to those staff needing to park there, also to their employers, and making other parking space available should be a priority.

ii) Loading restrictions

Along the length of Putney Road loading is to be either banned entirely or only allowed outside of peak traffic hours. This will be a constraint on those businesses which have to load or unload directly on to Putney Road. However, there is a clear dilemma here. On the one hand, Putney Road is a single carriageway road, not particularly wide, and for it to function effectively as a link road then arguably there should be no parking or unloading anywhere along its length. This would severely handicap businesses adjacent to the road. On the other hand if loading is allowed, all it needs is one vehicle loading and half the road is blocked, possibly for an extended period and safety may also be compromised. With any loading Putney Road can no longer function as an effective link road. If the traffic flow is low enough for this not to be a problem, there is no need for the link road. If it is high enough to be a problem, all loading and waiting should be prohibited, which would render business activity impossible. This conflict illustrates the unsuitability of Putney Road to serve as a link road.

iii) Volume of additional traffic, congestion and delay

The link road, the improved local access from Aylestone Road, and the routing of traffic to the new university car park, together will create very significant additional delays on Putney Road and the surrounding highways. Business costs will increase and trading activity will be damaged. The existing road and junctions were never created to accommodate the likely volume traffic, and space is compressed to the extent that certain junctions will become unworkable. The stacking and turning lanes at the Freemans Common/Putney Road junction are so short that one large goods vehicle will fill them and then the through lanes are blocked causing further delay, and further damage to trading activity.

c) Design of the cycleway

Much has been made of improved cycle and pedestrian facilities yet these are not realised in design and TRO specifications. The cycleway cannot be built to the latest design standards as there is insufficient space to segregate pedestrians and cyclists – shared space is no longer acceptable. In at least one section, where Putney Road goes over the railways line, there is no scope for any widening of either road or pavement. The road itself would have difficulty with two large goods vehicles passing each other, and a 2m wide pavement is expected to carry two way cycle lanes and pedestrians alongside this road with no safety clearance whatsoever. Here, and elsewhere, the cycleway/pavement crosses business entrances and access roads with highly restricted sight lines, and loading and unloading will also be taking place across the cycleway/pavement. Finally, to cycle the length of Putney Road will require three road crossings as the cycleway shifts from one side of the road to the other according to the available space.

The existing pedestrian and cycle facilities, in the context of reduced traffic volumes, are safer and better than the proposals in the current plans.

d) Removal of bus lane

In order to make the new Aylestone Road junction work, to some degree, it is proposed to remove a bus lane. This is counter to the main policy direction of recent years where bus lanes have been introduced to create faster more reliable bus journeys and encourage a modal shift from cars to public transport. The TRO proposals reverse this policy by creating a road system intended to facilitate the use of private cars. If the bus lane serves a useful purpose, why is it being removed? If it served no useful purpose, why was it there? There appeared to be no proposal to remove the bus lane prior to the appearance of the link road scheme.

e) Implications of Covid-19 for longer term transport development

All over the city pavements have been widened and temporary cycle lanes introduced to create safety and encourage the increased use of alternative modes of transport. These are initially short term initiatives but with considerable longer term implications for transport priorities within the city. This scheme and the associated TRO make no positive contribution whatsoever to these developments. They do the reverse.

f) Consistency with university development

Does it make sense to create a student village and then run a major orbital road through the middle of it? If anything, the emphasis should be on constraining and calming traffic through the student village, not deliberately increasing it. A sensible TRO would be one which facilitated this rather than the opposite.

These are my objections to the TRO as the instrument facilitating the road scheme.

2.2 Officer's Response

Thank you for your email dated 31 August 2020. You have raised an objection to the proposed Traffic Regulation Order that looks to amend some of the waiting, loading, and manoeuvre restrictions on the following roads: Aylestone Road, Commercial Square, Freemens Common Road, Putney Road, Putney Road West, and Saffron Lane.

Having read through your comments, it would seem that most of your concerns are about the nature of the Putney Road scheme itself. As the scheme is approved for construction, I do not intend to discuss this aspect of your comments. When reviewing objections, consideration can only be given to the proposed restriction as advertised in the Order.

Specific to the TRO proposals, you have made comments on the loss of parking, loading restrictions, and bus lane and I would like to take this opportunity to try and resolve your concerns.

The loss of parking is regrettable, but if parked vehicles were to remain along the road then they would likely impede the flow of vehicles and therefore no waiting at any time is proposed. Regarding loading restrictions these have been deployed where most needed at peak traffic periods to ensure the flow of traffic.

With regard to the removal of the inbound bus lane on Aylestone Road south of the junction, this is not included in the Order. This amendment will be advertised at a later date before commencement of the works as it is an amendment to a separate Traffic Regulation Order.

You also made comments regarding procedural aspects of these proposals. We are satisfied that the statutory processes are correct. The Notice of Intention clearly gave the date which consultation ended and local businesses were leafleted to inform them of the Notice and Notices were posted on street. It would be improper to include the adjacent Order at the eastern end of Putney Road as this is not part of this consultation process.

You will be aware that the scheme was approved by the City Mayor in 2018 – and that this decision was subject to detailed scrutiny at the Economic Development, Transport, and Tourism Scrutiny Commission on 25 October 2018 – and is approved for construction. The proposed TRO is designed to support the implementation of the scheme by creating the means of allowing the passage of traffic and for safety considerations.

I hope that this has answered your concerns. If you are satisfied and you would like to withdraw your objection, could you please let me know, either at the email address listed at the top of the letter or the Council's postal address shown at the bottom of the letter.

If I do not hear from you by 21 October 2020, I will assume that you would like your objection to stand. Should this be the case, it is our intention to present an Objectors Report to the Planning and Development Control Committee on 18 November 2020, before being sent to the Director of Planning, Development and Transportation for his final decision.

If you would like to meet relevant officers to discuss this matter further prior to the committee meeting noted above, we will hold an Objectors Meeting with an independent chair, the minutes of which will be presented at the committee meeting alongside the Objectors Report. Please contact John Dowson, Major Transport Projects Manager, on 0116 454 2826 or john.dowson@leicester.gov.uk to arrange a meeting if this is the case.

OBJECTION FROM OBJECTOR 'C' – DATED 31.08.20

3.1 Objector 'C' sent in these comments:

The plan provided as part of the TRO omits important changes to Putney Road that, while part of UoL's Freeman's Common development, are directly relevant to this TRO, namely the pedestrian / cycle crossing at the site of the old Dry Dock and the entrance and exit to UoL's new MSCP.

Putney Road / Commercial Square North / Putney Road West is currently a low traffic route that is easily accessible to pedestrians and cyclists, with pedestrians having sole use of the footway and cyclists having marked cycleways on-road. As shown in the plan, to accommodate the increased vehicle traffic, the cycleway and footway are becoming shared space all the way from Welford Road to Aylestone Road, which goes against current guidance to avoid the use of shared space. Also, there is a particularly narrow pinch point above Knighton Tunnel that will make it difficult for two bikes to pass each other even when there are no pedestrians present. In addition, travelling from Aylestone Road to Welford Road (or vice versa) will become a much more convoluted route involving using toucan crossings to get from one side of the road to the other and back again.

The short queuing space for right turns from Commercial Square North into Freemens Common Road and Commercial Square East is likely to lead to turning traffic blocking the passage of through traffic.

The original consultation permitted traffic exiting from Freemens Common Road to turn either right or left onto Commercial Square North and at one of the consultation events traders requested installation of traffic lights at this junction to support the right turn. The traffic lights do not appear in the plan and the junction layout suggests only a left turn is now permitted but there is no mention of the prohibition of a right turn at that junction.

Google Maps and Google Street View show that since 2010 that have consistently been 50 to 50 cars parked on Putney Road West most days. All of these will be displaced if this TRO is implemented but there appears to have

been no consideration given to where these vehicles will park in future, what the impact of displacing these vehicles will be or how that might be mitigated.

Removal of the bus lane on Aylestone Road seems to be contradictory to LCC policy of introducing more bus lanes elsewhere, will encourage the use of private cars rather than public transport and discourage the use of bikes on this radial route if there is no alternative cycleway provision made.

3.2 Officer's Response

Thank you for your email dated 31 August 2020. You have raised an objection to the proposed Traffic Regulation Order that looks to amend some of the waiting, loading, and manoeuvre restrictions on the following roads: Aylestone Road, Commercial Square, Freemans Common Road, Putney Road, Putney Road West, and Saffron Lane.

Having read through your comments it would seem that some of your concerns are about the nature of the Putney Road scheme itself such as the design of cycleways and junction design. As the scheme is approved for construction, I do not intend to discuss this aspect of your comments. When reviewing objections, consideration can only be given to the proposed restriction as advertised.

The loss of parking is regrettable, but if parked vehicles were to remain along the road then they would likely impede the flow of vehicles and therefore no waiting at any time is proposed. Regarding loading restrictions these have been deployed where most needed at peak traffic periods to ensure the flow of traffic.

With regard to the removal of the inbound bus lane on Aylestone Road south of the junction, this is not included in the Order. This amendment will be advertised at a later date before commencement of the works as it is an amendment to a separate Traffic Regulation Order.

You will be aware that the scheme was approved by the City Mayor in 2018 – and that this decision was subject to detailed scrutiny at the Economic Development, Transport, and Tourism Scrutiny Commission on 25 October 2018 – and is approved for construction. The proposed TRO is designed to support the implementation of the scheme, taking into account existing conditions, to create means of allowing the passage of traffic and for safety considerations.

I hope that this has answered your concerns. If you are satisfied and you would like to withdraw your objection, could you please let me know, either at the email address listed at the top of the letter or the Council's postal address shown at the bottom of the letter.

If I do not hear from you by 21 October 2020, I will assume that you would like your objection to stand. Should this be the case, it is our intention to present an Objectors Report to the Planning and Development Control Committee on 18

November 2020, before being sent to the Director of Planning, Development and Transportation for his final decision.

If you would like to meet relevant officers to discuss this matter further prior to the committee meeting noted above, we will hold an Objectors Meeting with an independent chair, the minutes of which will be presented at the committee meeting alongside the Objectors Report. Please contact John Dowson, Major Transport Projects Manager, on 0116 454 2826 or john.dowson@leicester.gov.uk to arrange a meeting if this is the case.

OBJECTION FROM OBJECTOR 'D' – DATED 29.08.20

4.1 Objector 'D' sent in these comments:

Objection to TRO for Putney Road

I wish to object to the proposed TRO for Putney Road for the following reasons.

Overall aims of the project.

It is not clear what the overall benefits of the project are. If it is to improve access to the Freemans Common Estate that can be achieved with much fewer problems by opening up the western end of Putney Road but for access only, rather than as a through road. If the through route attracts traffic it will cause problems at all the junctions mentioned later on in my objection. If it doesn't attract through traffic then it appears to have failed and does not merit the amount of expenditure on this proposal

Deterioration in conditions for bus passengers, pedestrians and cyclists.

The scheme has inadequate width at points for pedestrians and cyclists. These pinch points will be potentially very dangerous with the increase of traffic on the road. At the moment these widths are not as problematic as Putney Road is not heavily trafficked so the dangers are reduced. The introduction of much larger volumes of traffic onto Putney Road exposes these inadequate widths increasing dangers for pedestrians and cyclists.

The scheme also suggests the removal of sections of bus lane which will increase journey times for bus passengers. It appears very strange to spend so much money on a scheme which disadvantages pedestrians, bus passengers and cyclists.

Impact on different junctions

Mayfield Roundabout & Victoria Park Road

If the vision of drawing more traffic from the east side of Leicester through Victoria Park Road and onto Putney Road it will place greater strain on Mayfield

Roundabout which already has issues coping with current volumes of traffic. This proposal will also lead to greater congestion and pollution on Victoria Park Road

Welford Road/Victoria Park Road/Putney Road

Again, if the scheme is to succeed on its own terms the sequence changes at this junction will cause extra congestion at this junction which as well as being problematic at the site of the congestion could lead to rat running across the area in order to avoid this congestion hotspot.

Putney Road/Freemens Common Road (with knock on for Counting House Road and Aylestone Road)

The TRO process hugely underestimates the impact on this group of junctions. With the prohibition of right hand turning at the western end of Putney Road, traffic travelling west will end up turning right at the Freemens Common Road/Putney Road junction instead then they can then go in all directions at the Freemens Common Road/Aylestone Road/Raw Dyke Road junction. This funnelling of traffic will have the biggest impact at the right hand turn off Putney Road into Freemens Common Road but could also have undesirable effects across this whole stretch of Freemens Common Road and its junctions.

Putney Road/Aylestone Road/Saffron Lane

The introduction of right-hand turn prohibitions at this junction recognises that the overall effect of this proposal will make this junction far more complex and with that complexity we will see more congestion at this junction; with delayed journey times in the vicinity and potential rat running as a result.

4.2 Officer's comments:

Thank you for your email dated 29 August 2020. You have raised an objection to the proposed Traffic Regulation Order that looks to amend some of the waiting, loading, and manoeuvre restrictions on the following roads: Aylestone Road, Commercial Square, Freemens Common Road, Putney Road, Putney Road West, and Saffron Lane.

Having read through your comments, it would seem that most of your concerns are about the nature of the Putney Road scheme itself, the aims of scheme and what you see as adverse effects on the surrounding highway network. As the scheme is approved for construction, I do not intend to discuss this aspect of your comments. When reviewing objections, consideration can only be given to the proposed restriction as advertised.

You have said that you are concerned about effects on pedestrians and cyclist due increased to increased flows alongside narrower section and the shortening of the bus lane on Aylestone Road.

Regarding the narrower sections of highway, principally that adjacent to the Leicester Bearing Company where no footway exists, the design has placed

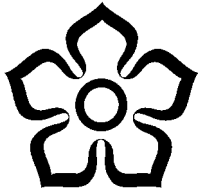
available width on the southern side to create a 3m wide footway/cycleway. Whilst we would like to have a better standard this point, no adverse comments were noted by the road safety auditor team tasked to review this.

With regard to the removal of the inbound bus lane on Aylestone Road south of the junction, this is not included in the Order. This amendment will be advertised at a later date before commencement of the works as it is an amendment to a separate Traffic Regulation Order.

I hope that this has answered your concerns. If you are satisfied and you would like to withdraw your objection, could you please let me know, either at the email address listed at the top of the letter or the Council's postal address shown at the bottom of the letter.

If I do not hear from you by 21 October 2020, I will assume that you would like your objection to stand. Should this be the case, it is our intention to present an Objectors Report to the Planning and Development Control Committee on 18 November 2020, before being sent to the Director of Planning, Development and Transportation for his final decision.

If you would like to meet relevant officers to discuss this matter further prior to the committee meeting noted above, we will hold an Objectors Meeting with an independent chair, the minutes of which will be presented at the committee meeting alongside the Objectors Report. Please contact John Dowson, Major Transport Projects Manager, on 0116 454 2826 or john.dowson@leicester.gov.uk to arrange a meeting if this is the case.



Leicester
City Council

Wards:
See individual reports.

Planning & Development Control Committee

Date: 9th December 2020

REPORTS ON APPLICATIONS AND CONTRAVENTIONS

Report of the Director, Planning and Transportation

1 Introduction

- 1.1 This is a regulatory committee with a specific responsibility to make decisions on planning applications that have not been delegated to officers and decide whether enforcement action should be taken against breaches of planning control. The reports include the relevant information needed for committee members to reach a decision.
- 1.2 There are a number of standard considerations that must be covered in reports requiring a decision. To assist committee members and to avoid duplication these are listed below, together with some general advice on planning considerations that can relate to recommendations in this report. Where specific considerations are material planning considerations they are included in the individual agenda items.

2 Planning policy and guidance

- 2.1 Planning applications must be decided in accordance with National Planning Policy, the Development Plan, principally the Core Strategy, saved policies of the City of Leicester Local Plan and any future Development Plan Documents, unless these are outweighed by other material considerations. Individual reports refer to the policies relevant to that application.

3 Sustainability and environmental impact

- 3.1 The policies of the Local Plan and the LDF Core Strategy were the subject of a Sustainability Appraisal that contained the requirements of the Strategic Environmental Assessment (SEA) Directive 2001. Other Local Development Documents will be screened for their environmental impact at the start of preparation to determine whether an SEA is required. The sustainability implications material to each recommendation, including any Environmental Statement submitted with a planning application are examined in each report.
- 3.2 All applications for development falling within the remit of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 are screened to determine whether an environmental impact assessment is required.

- 3.3 The sustainability and environmental implications material to each recommendation, including any Environmental Statement submitted with a planning application are examined and detailed within each report.
- 3.4 Core Strategy Policy 2, addressing climate change and flood risk, sets out the planning approach to dealing with climate change. Saved Local Plan policies and adopted supplementary planning documents address specific aspects of climate change. These are included in individual reports where relevant.

4 Equalities and personal circumstances

- 4.1 Whilst there is a degree of information gathered and monitored regarding the ethnicity of applicants it is established policy not to identify individual applicants by ethnic origin, as this would be a breach of data protection and also it is not a planning consideration. Section 149 of the Equality Act 2010 provides that local authorities must, in exercising their functions, have regard to the need to:
- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 4.2 The identity or characteristics, or economic circumstances of an applicant or intended users of a development are not normally material considerations. Where there are relevant issues, such as the provision of specialist accommodation or employment opportunities these are addressed in the individual report.

5 Crime and disorder

- 5.1 Issues of crime prevention and personal safety are material considerations in determining planning applications. Where relevant these are dealt with in individual reports.

6 Finance

- 6.1 The cost of operating the development management service, including processing applications and pursuing enforcement action, is met from the Planning service budget which includes the income expected to be generated by planning application fees.
- 6.2 Development management decisions can result in appeals to the Secretary of State or in some circumstances legal challenges that can have cost implications for the City Council. These implications can be minimised by ensuring decisions taken are always based on material and supportable planning considerations. Where there are special costs directly relevant to a recommendation these are discussed in the individual reports.
- 6.3 Under the Localism Act 2011 local finance considerations may be a material planning consideration. When this is relevant it will be discussed in the individual report.

7 Planning Obligations

- 7.1 Where impacts arise from proposed development the City Council can require developers to meet the cost of dealing with those impacts, such as increased demand for school places, through planning obligations. These must arise from the council's adopted planning policies, fairly and reasonably relate to the development and its impact and cannot be used to remedy existing inadequacies in services or facilities. The council must be able to produce evidence to justify the need for the contribution and its plans to invest them in the relevant infrastructure or service, and must have regard to the Community Infrastructure Levy Regulations 2010.
- 7.2 Planning obligations cannot make an otherwise unacceptable planning application acceptable.
- 7.3 Recommendations to secure planning obligations are included in relevant individual reports, however it should be noted however that the viability of a development can lead to obligations being waived. This will be reported upon within the report where relevant.

8 Legal

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

9 Background Papers

Individual planning applications are available for inspection on line at 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.

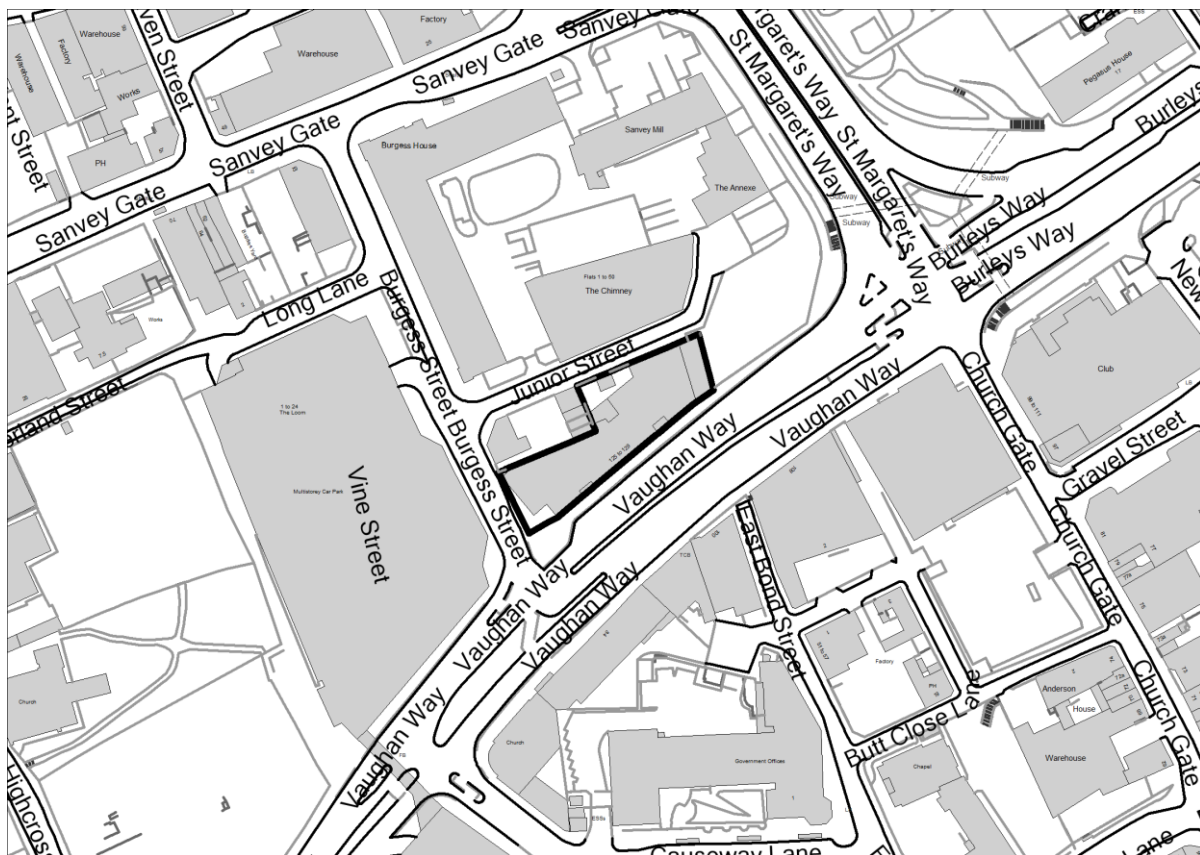
10 Consultations

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

11 Report Author

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

| Recommendation: | |
|---------------------------------|---|
| 20181552 | 125 - 129 VAUGHAN WAY |
| Proposal: | CONSTRUCTION OF EXTENSION TO EXISTING FOURTH FLOOR; TWO STOREY ROOFTOP EXTENSION TO EXISTING BUILDING TO PROVIDE 33 FLATS (2 X STUDIO, 28 X 1 BED, 3 X 2 BED) (AMENDED PLANS)(S106 Agreement) |
| Applicant: | SHF PROPERTY INVESTMENTS LLP |
| View application and responses: | https://planning.leicester.gov.uk/Planning/Display/20181552 |
| Expiry Date: | 31 December 2020 |
| AP | WARD: Abbey |



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Summary

- The application is brought to committee as objections have been received from six addresses
- Nine objections in total have been received from six addresses. Five to the original proposals and four to the amended proposals. The grounds of objection are loss of light, no parking, existing litter and anti-social behaviour problems and peregrine falcons nest on the existing roof.
- The main issues under consideration are design, effect on nearby heritage assets, effects on residential amenity, lack of on-site parking provision and affordable housing provision.

- The application is recommended for approval subject to conditions and a s106 agreement to secure the provision of affordable build to rent units and a green space contribution.

The Site

The application site is located on the north side of Vaughan Way with Burgess Street to the west and Junior Street to the north. Also to the west is the multi storey car park for the Highcross Shopping Centre. The site to the east is currently vacant.

The site consists of an existing five storey building which has been converted from offices to flats. Replacement windows have been installed and the building has been clad with a render finish. To the rear of the building off Junior Street there is an existing small open yard area with what appears to be a substation in the middle.

Under the east end of the building going from Vaughan Way through to Junior Street is Vaughan Walk which is adopted highway.

The site is within the Strategic regeneration Area (SRA) and the Central Commercial Zone (CCZ). The site is also within an Air Quality Management Area (AQMA), a Critical Drainage Area (CDA), a Laapc 250m buffer zone and the Archaeological Alert Area.

To the rear of the site, on the north side of Junior Street, is the Chimneys a Grade II Listed Building. To the north east is St Margaret's Church, a Grade I Listed Building. To the west, on the other side of the Highcross car park, is All Saints Church a Grade I Listed building.

Background

20152022 - Notification of change of use of ground, first, second, third and fourth floors from office (Class B1a) to 120 flats (Class C3). Approved December 2015. The cycle parking required by this permission does not appear to have been provided.

20160924 - Installation of replacement windows and alterations to front, side and rear of apartment building (Class C3) (amended plans received 28/07/2016). Approved July 2016.

20161863 - Discharge of conditions attached to planning permission 20160924: condition 1 (start within three years), condition 2 (windows /opening, cladding design and materials), condition 3 (window openings) and condition 4 (insulation scheme). Approved December 2016.

20184544C – breach of condition attached to 20160924 – cladding installed not as approved.

201692289P and 201790773P – Pre-application enquiry for *Construction of four additional floors to existing building and rooftop extension apartments to existing building.*

The Proposal

The applicant proposes to build 33 additional residential units on top of the existing building of 125-129 Vaughan Way.

The proposal includes an extension to the existing fourth floor going out towards Vaughan Way and Burgess Street.

The original submission included extensions to the roof providing two and three storey additions. These were formed in three blocks and were positioned more towards the Burgess Street end of the building. The proposal provided 39 units in the form of 13 x 1 beds and 26 2 beds.

Access to the extended and new upper floors is proposed through the existing building.

The design of the blocks were completely different to that of the building below with a high solid ratio to the amount of glazing. The main proposed material was larch board rainscreen. The existing building was clad in rendered panels as part of its conversion to residential from offices.

Following a detailed consultation process discussions took place particularly in relation to the comments received relating to the design, residential amenity and the impact of the proposal on neighbouring heritage assets. The applicant was advised there were significant issues that required a substantial amendment to the proposal. The applicant agreed to amend the proposals and amended plans were submitted.

The amended proposal changed the scale, massing and design of the proposal. Along with the extension to the existing fourth floor it is now proposed to build two additional floors that extend across the whole rooftop with the exception of a small area on the top floor where the proposal is opposite the Grade II listed former Richard Roberts Factory which has been converted into residential accommodation.

The amended proposal provides 33 units in the form of 2 x studios, 28 x 1 beds and 3 x 2 beds.

The applicant has confirmed that the accommodation is 'build to rent'.

No car parking is proposed.

The application was supported by the following documents:

- Flood risk assessment
- Residential Noise assessment
- Affordable Housing Statement
- Daylight, sunlight and overshadowing assessment
- Air Quality Assessment
- Building for life assessment
- Transport assessment

Sustainability assessment
Archaeological assessment
Design and Access Statement
CGI's
AVR's

Policy Considerations

National Planning Policy Framework (NPPF)

Paragraph 2. - Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Section 2. Achieving sustainable development

Paragraph 7 - The purpose of the planning system is to contribute to the achievement of sustainable development.

Paragraph 8 - Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways:

- a) An economic objective
- b) A social objective
- c) An environmental objective.

Paragraph 9 - These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

Paragraph 10 - So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development

Paragraph 11 - Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

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

Paragraph 12 - The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Section 4 Decision-Making

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

Paragraph 39 - Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality preapplication discussion enables better coordination between public and private resources and improved outcomes for the community.

Paragraph 40 - Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they offer. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications.

Paragraph 41 - The more issues that can be resolved at pre-application stage, including the need to deliver improvements in infrastructure and affordable housing, the greater the benefits. For their role in the planning system to be effective and positive, statutory planning consultees will need to take the same early, pro-active approach, and provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs.

Paragraph 42 - The participation of other consenting bodies in pre-application discussions should enable early consideration of all the fundamental issues relating to whether a particular development will be acceptable in principle, even where other consents relating to how a development is built or operated are needed at a later

stage. Wherever possible, parallel processing of other consents should be encouraged to help speed up the process and resolve any issues as early as possible.

Paragraph 43 - The right information is crucial to good decision-making, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitats Regulations assessment and flood risk assessment). To avoid delay, applicants should discuss what information is needed with the local planning authority and expert bodies as early as possible.

Paragraph 47 - Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Paragraph 54 - Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Section 5. Delivering a sufficient supply of homes

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 60 - To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.

Paragraph 61 - Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).

Paragraph 64 - Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:

- a) provides solely for Build to Rent homes;
- b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);

Paragraph 65 - Strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period. Within this overall requirement, strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations. Once the strategic policies have been adopted, these figures should not need retesting at the neighbourhood plan examination, unless there has been a significant change in circumstances that affects the requirement.

Paragraph 67 - Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:

- a) specific, deliverable sites for years one to five of the plan period; and
- b) specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan.

Paragraph 74 - A five-year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:

- a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and
- b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.

Section 8. Promoting healthy and safe communities

Paragraph 91 - Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
- b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high-quality public space, which encourage the active and continual use of public areas; and
- c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Section 9. Promoting sustainable transport

Paragraph 102 - Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed;
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

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 108 - In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

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

Paragraph 110 - Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Section 11. Making effective use of land

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.

Achieving appropriate densities

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

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

Section 12. Achieving well-designed places

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

Paragraph 127 - 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 - Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion 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 their 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 - Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

Section 14. Meeting the challenge of climate change, flooding and coastal change

Paragraph 148 - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Paragraph 153 - In determining planning applications, local planning authorities should expect new development to:

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Paragraph 163 - When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where,

in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

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

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

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

Section 15. Conserving and enhancing the natural environment

Paragraph 170 - Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 175 - When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately

mitigated, or, as a last resort, compensated for, then planning permission should be refused;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁵⁸ and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Section 16. Conserving and enhancing the historic environment

Paragraph 184 - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value⁶¹. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 186 - When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.

Paragraph 188 - Local planning authorities should make information about the historic environment, gathered as part of policymaking or development management, publicly accessible.

Proposals affecting heritage assets

Paragraph 189 - In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 190 - Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 192 - In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Considering potential impacts

Paragraph 193 - When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 194 - Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 196 - Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 200 - Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Development Plan policies

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

Supplementary Planning Documents (SPD)

Affordable Housing PD
Climate Change SPD
Green Space SPD
Residential Amenity SPD

National Planning Practice Guidance (NPPG)

Build to Rent (2018)

Consultations

Air Quality (AQ)

The AQ Team have reviewed the Air Quality Assessment for the proposed development at Vaughan Way - 20181552.

Approved methodology was followed by the consultants who carried out the assessment and local data was used, as required.

The conclusions of the assessment included the use of mitigating measures both for the construction phase and for the operational phase.

In most parts the AQ Team agree with the conclusions of the assessment which are as follow:

Construction Phase

A table of suitable mitigation measures have been supplied. The report advises that if the relevant mitigation measures from the table will be implemented during the construction phase the effects of dust generating activities are predicted to be not significant.

Operational Phase

The report concluded that there is a potential risk of NO₂ levels exceeding the annual mean concentrations at the first floor and mitigating measures will need to be implemented by the developer to address it. The assessment did not take under the consideration a canyon effect that might develop in the area of the proposed development.

Therefore, the mitigation measures to be implemented for the operational phase of this building are as follows:

- Un-openable windows for all of the units and mechanical ventilation for all the units, the air inlet for the mechanical ventilation to be located at an optimised distance from any area exceedances of the air quality objectives. A Travel Plan in the form of travel pack to be provided to the occupants.

- Openable windows are also an option, but the information pack will need to be supplied to the occupants regarding the potential impacts associated with the prolonged exposure to high pollution levels along with the Travel Plan in the form of the information pack. The mechanical ventilation will also need to be provided with the air inlet for the mechanical ventilation to be located at an optimised distance from any area exceedances of the air quality objectives

Housing Development Team (HDT)

In line with CS Policy 6, applicants are required to provide an appropriate mix of housing types, sizes and tenures to meet the needs of existing and future households within the City.

HDT note that the proposal is to develop 2 x studio flats, 24 x one bed/ one-person flats, 4 x one bed/ two-person flats and 3 x two bed/ three-person flats. These proposed flats will meet some of the current identified priority housing needs within the City.

Policy CS06 states that all new housing units should, where feasible, be designed to Lifetime Homes Standards with an appropriate proportion to wheelchair access standard.

Lifetime Homes standards are now obsolete but given the introduction of the Building Regs 2010 – access to and use of dwellings – Approved Document M Volume 1: 2015 edition; all new homes, where feasible, should now meet the national accessible and adaptable standard M4(2) and an appropriate proportion should be to the national wheelchair accessible standard M4 (3)(2)(b).

The location of the proposed development (being at 4th and 5th storey level) is not ideally suited for wheelchair accessible dwellings.

Affordable Housing:

In terms of affordable housing needs, in line with Core Strategy Policy CS07 and its supporting text, there is a requirement for provision of 15% affordable housing which should be delivered on site without public subsidy. Based on the current proposal to provide a total of 33 newbuild flats, the policy required affordable housing is therefore 5 units.

In line with the Core Strategy Policy 7 and the SPD on Affordable Housing, the mix of affordable required at the above site based on an overall development of 33 new dwellings is as follows:

Either:

Affordable Housing Mix to include Intermediate Affordable Housing: total 5 units:

A. HEDNA Mix (with Intermediate Affordable Housing): total 5 units (100%)
Rent Affordable Housing units: 4 units (81%)
2 x 1 bed/2 person flat to National Accessible and Adaptable Standard M4(2).
2 x 2 bed/4 person flat to National Accessible and Adaptable Standard M4(2)(b).

Intermediate Affordable Housing units: 1 unit (19%)
1 x 1 bed/2 person flat to National Accessible and Adaptable Standard M4(2).

Or:

Affordable Rent (without Intermediate Affordable Housing): total 5 units:

B. All Affordable Rent (without Intermediate Affordable Housing): total 5 units.

3 x 1 bed/2 person flat to National Accessible and Adaptable Standard M4(2).

2 x 2 bed/4 person flat to National Accessible and Adaptable Standard M4(2).

HDT note that the applicant had attached an Affordable Housing statement which proposes a minimum of 5 affordable units. HDT welcome the applicant's willingness to build affordable homes in the city. If the applicant could also ensure that the two-bedroom flats are designed and built to accommodate four people as The Council's view point is that two bed flats for Affordable Housing should be built to fit four people, as this suits more of the evidenced needs of the people in Leicester.

The above affordable housing is required to:

- a. be in locations agreed in advance with the Council's Housing Development Team;
- b. be indistinguishable from the market units in terms of appearance, design and quality; and
- c. benefit from proportionate provision of amenities such as car parking spaces, etc.

The Core Strategy expects the Affordable Housing requirements to be met and any proposal below the percentages indicated will need to be fully justified through clear evidence set out in a viability assessment and will need to demonstrate that grant funding sources have been fully explored.

Comments received January 2020

HDT are disappointed that the Applicant are unable to provide the 2 bed/ 4 person flats, but understand why it was not made available.

The plans show that we will not be getting 1 bed/2-person flats, rather they would be 1 bed/ 1-person flats. HDT would like to make sure that 2 x 1 bed/2-person flats are provided as part of this development.

HDT are disappointed that another 1 bed/2-person flat has not been designed as this would be their preference, however if it is not viable we will accept the 1 bed/ 1-person flat as a replacement.

So in total the affordable housing accommodation would be

2 x 2 bed/ 3-person flats

2 x 1 bed/ 2-person flats

1 x 1 bed/ 1-person flat

Comments received April 2020

HDT are happy that applicant is providing 5 flats for affordable rent and that they are trying to meet the conditions that HDT set in their previous comments.

Following on from the updated plans, HDT understand that flats U11, U13, L15, L16 and L18 have been allocated for affordable rent and are M4(2) compliant.

HDT are happy to see that flats L16, U11 and U13 are compliant with NDSS.

The 1 bed/ 2 person flat L18 does not appear to be compliant with NDSS. Looking at the plans, it appears that another 1 bed/ 2 person flat L12 is compliant. HDT asks that the applicant swap L18 with L12 for affordable rent to ensure that all affordable rent flats are compliant with NDSS.

HDT note that the applicant mentioned that they were unable to make L15 a 2 bed/ 4 person flat which would be compliant with NDSS due to the constraints of the site. In this case HDT would allow L15 to remain a 2 bed/ 3 person flat as in its current state, it is compliant with the Nationally Described Space Standards (NDSS).

The Affordable Housing should be secured via a Section 106 Agreement and the applicant should contact a Registered Provider (RP) regarding the affordable units.

The 1 bed/ 2 person flat L18 does not appear to be compliant with NDSS. Looking at the plans, it appears that another 1 bed/ 2 person flat L12 is compliant. HDT would ask that the applicant swap L18 with L12 for affordable rent to ensure that all affordable rent flats are compliant with NDSS.

HDT note that the applicant mentioned that they were unable to make L15 a 2 bed/ 4 person flat which would be compliant with NDSS due to the constraints of the site. In this case HDT would allow L15 to remain a 2 bed/ 3 person flat as in its current state, it is compliant with NDSS.

Comments received July 2020

HDT acknowledge that the applicant has stated that this development is for Build to Rent accommodation. Government guidance states that affordable housing on build

to rent schemes should be provided in the form of 20% of the dwellings being for Affordable Private Rent and that the Affordable Private Rent and Private Market Rent units within a development should be managed collectively by a single build to rent landlord. Based on the current proposal to provide a total of 33 newbuild flats, the policy required affordable housing is therefore 7 units.

In line with the Core Strategy Policy 7 and the SPD on Affordable Housing, the mix of affordable required at the above site based on an overall development of 33 new dwellings is as follows:

All Affordable Private Rent: total 7 units.

4 x 1 bed/2 person flats to National Accessible and Adaptable Standard M4(2).

2 x 2 bed/3-person flat to National Accessible and Adaptable Standard M4(2).

1 x 2 bed/4 person flat to National Accessible and Adaptable Standard M4(2).

All Affordable Private rented units should be both M4(2) and NDSS compliant.

In line with government guidance HDT would wish to see the Affordable Private Rent housing secured via a Section 106 Agreement.

The NPPF states that Affordable Housing is for those whose needs are not met by the market, and that Affordable Private Rent must meet the following conditions:

1. The rent is set at least 20% below local market rents (including service charges where applicable);
2. Provision must be made to ensure that it remains at an affordable price for future eligible households, or that the subsidy is recycled for alternative affordable housing provision
3. The Affordable Private Rent units should be distributed throughout the development and be physically indistinguishable from the market rent homes in terms of quality and size.

Parks and Standards

The proposed residential development, within the Abbey ward, will result in a net increase in the number of residents within an area which already exhibits a deficiency in green space. Opportunities to create new open space to address the needs of the new residents are severely limited and therefore we will be looking to make quality improvements to existing green space provision to minimise the impact of this development.

Based on the revised proposals the amended green space contribution is:

£14,940 for replanting of shrub beds in the miniature railway area of Abbey Park
£15,957 towards the development of an adult obstacle course at Abbey Park or towards the conversion of an existing tennis court into a multi-use games area (MUGA).

Total = £30,897

Local Lead Flood Authority (LLFA)

The development is located with Flood Zone 1, and does not reside within a known flooding Hotspot and subsequently considered at low risk from fluvial flooding. However, the site is within a Critical Drainage Area (CDA), meaning measures such as Sustainable Drainage Systems (SuDS) will be required to limit surface water volumes and discharge rates.

There is minimal or no net increase in impermeable surfaces associated with this development and therefore, it is unlikely that additional runoff will be generated because of the proposed development.

All developments are encouraged to achieve betterment in current runoff rate to comply with Leicester City Council's Local Plan, 2006 - Policy BE20 (LP-BE20). With the aim to achieve Greenfield runoff rate of 5l/s/ha, where practically possible. A series of sedum roofs SuDS will be installed to reduce existing surface water runoff rates.

Flood risk assessment

1A comprehensive Flood Risk Assessment (FRA) has been provided as part of this application. It adequately reviews the risk of flooding from all sources and present appropriate recommendations to minimise flood risk.

This application is for vertical extensions to the existing building only. Therefore, no alteration to the footprint of the building is proposed and the existing level of exceedance associated with this development, will not increase. The integration of multiple sedum roofs will reduce the surface water runoff rate from the development and offer some attenuation, reducing exceedance flows associated with this development. As a result, no further exceedance details will be required.

Drainage Strategy

The applicant has outlined that surface water runoff will be managed through discharge into the public sewer, via an existing connection into the Severn Trent Water (STW) surface water sewer. Sedum roofs will be installed on the top of second and third floor vertical extensions to reduce surface water runoff rates and provide attenuation.

A comprehensive assessment of SuDS and their suitability within the proposed development has been presented in the FRA complying with the National Planning Policy Guidance: Flood risk and coastal change (2014). It concludes that only a green roof type solution is suitable given the constraints of associated with the development. A series of sedum roofs have been integrated into the development proposals. Therefore, no further SuDs considerations will be required.

However, it is unclear from the proposals what the total area of the sedum roofing to be installed on this development is and this should be clarified.

Furthermore, no roof plan has been provided for the fourth floor vertical extension and therefore, it is unclear whether a sedum roof will be installed on this extension. A roof plan is required.

For each of the proposed sedum roofs, it is expected that a product specification or design drawing be provided.

A maintenance plan for the sedum roofs will be required. It should include the proposed maintenance activities, the associated timescales and the responsible persons/organisations. See the CIRIA C753 the SuDS manual for further information.

Water Quality Control Assessment

Water quality will be maintained onsite by filtration through the proposed sedum roofs.

No objection, as long as the requirements are satisfied and the recommended condition is put on any planning permission

City Archaeologist

The City Archaeologist concurs with the submitted desk based assessment that as the proposed works are non-intrusive that no further direct archaeological investigations are required.

Pollution Control (Noise)(PC)

This development is situated on a busy city centre dual carriageway and therefore traffic noise is likely to be detrimental to future residents at peak times. PC therefore recommend that the applicant installs a scheme of acoustic glazing to noise sensitive rooms sufficient to achieve a good standard for resting sleeping conditions as recommended by the World Health Organisation (WHO) Guidelines for Community Noise (1999), and the guidance levels given in British Standard BS 8233 (1999) "Sound insulation and noise reduction for buildings". Additional means of purged fresh air ventilation may be necessary in noise sensitive rooms to allow residents to keep opening windows closed at peak noise times.

The applicant's consultant has submitted a noise survey in respect of the proposed additional floors. Provided that the recommendations made within the report are adopted as a minimum and that mechanical ventilation is provided for noise sensitive rooms overlooking Vaughan Way (to allow occupiers to enjoy a source of whole room, purge ventilation whilst choosing to keep windows closed) there are no objections with respect to noise.

Local Highway Authority (LHA)

LHA comments on original proposals

The proposal does not include any additional car parking facilities and is intended as a car free development. Whilst the site is located outside the City Centre, it is in a very sustainable location with public transport, walking and cycling being a viable alternative to the use of a private car.

Given the parking restrictions in place on the surrounding roads, the development is perhaps unlikely to be suitable for residents with cars and any visitors parking could be accommodated at the nearby 'John Lewis' car park. As such the development is unlikely to lead to an unacceptable level of on street car parking that would lead to harm to highway safety.

However the Transport Statement refers to a separate car parking management plan and travel packs for residents, however there does not appear to be such documents submitted and it would be helpful if these were submitted before the Highway Authority makes formal comments on the application.

Therefore in light of the comments above, the Highway Authority cannot support the proposal in its current form until the issues raised are addressed.

Further comments from Travel Plan Officer (TPO) – LHA

The TPO has seen a draft Parking Management Plan to complement the Travel Pack.

Specific information will be provided, as part of a final Parking Management Plan, with regards to what information will be put out to occupants and visitors in relation to parking. This will cover the type of information which will be provided on a site website, including what is encouraged/discouraged with regards to all users travelling to and from the site. All future occupiers will be aware that this development will be a car free development.

Environment Team (ET) - Better Buildings

Passive Solar Design

The form, massing and orientation of the proposed development are acceptable in terms of passive solar considerations given the constraints of the site, and the nature of the proposed development.

Building Fabric and Airtightness

The Sustainability Design and Construction Statement highlights the importance of achieving a high level of fabric energy efficiency and airtightness in creating a low carbon development, and highlights potential U-values and airtightness which it states can be achieved using construction products and methods of the type intended for the project. However, the Statement doesn't set out a firm commitment to the specific products to be used, or a firm target level of efficiency or airtightness. As a result, the ET cannot yet assess the proposals. However, the proposed

construction method is acceptable in principle in energy efficiency terms, so this is an area which could be handled through a pre-construction condition.

Heating, Cooling, Ventilation and Lighting

The Statement proposes connection of the development to a communal gas-fired central heating and hot water system to be installed for the flats below in the refurbished part of the building. Each apartment will have a heat interface unit with the system, with individual heat metering and billing. This is a relatively energy-efficient and low carbon solution, with adequate heating control, and is acceptable.

An additional benefit is that the proposed heating solution could allow for connection to district heating if a network were to develop serving the area in the future.

No air conditioning is proposed, and ventilation will be achieved mainly through passive measures. These proposals are acceptable. Where mechanical ventilation is proposed, the ET would like the applicant to consider heat recovery.

The Statement states that lighting will be “energy efficient” and that white goods, where installed, will meet the best achievable energy label rating. This is welcomed, although at this stage “energy efficient” has not been defined, and it is not clear what, if any, white goods will be installed.

Renewable and Low Carbon Energy

An assessment of decentralised renewable/low carbon energy supply options is normally expected as part of the sustainable energy statement submitted with a planning application, but the ET note that this hasn't been addressed within the Sustainability Design and Construction Statement. In the case of this application however, the options are limited. Given the thermal efficiency potential of the proposed materials/construction method and the lack of renewables or low carbon energy supply the ET would expect to see ambitious standards of energy efficient thermal performance being targeted in the project.

The application is acceptable subject to a suggested condition.

Representations

Nine objections in total have been received from six properties. Five objections were received to the original proposal and four have been received following reconsulting neighbours on the amended plans. The grounds of objection are as follows:

- Light to properties in Burgess House and other adjacent properties will be adversely affected.
- Peregrine falcon's nest on the existing roof.
- No parking is proposed in an already congested area. Contractor vehicles will cause parking problems as no on site parking for construction period.
- The litter from the existing bin store is a health hazard.
- Existing antisocial behaviour problem with existing residents and hotel users.

Consideration

Principle of development

The application site is located within the Strategic Regeneration Area (SRA) and Core Strategy policy CS04 states that the SRA will be the focus of major residential development and physical change. It also states new development must be comprehensive and co-ordinated.

The application to provide additional residential units on top of the existing residential block is therefore acceptable in principle subject to other considerations such as design, impact on nearby heritage assets, residential amenity for existing residents and future residents, sustainability and provision of affordable housing.

Design

Core Strategy policy CS03 states that 'Good quality design is central to the creation of attractive, successful and sustainable places. We expect high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. Development must respond positively to the surroundings, be appropriate to the local setting and context and take into account Leicester's history and heritage'.

It goes on further to say that new development should achieve the following urban design objectives:

1. Urban Form and Character:
 - Contribute positively to an areas character and appearance in terms of scale, height, density, layout, urban form, high quality architecture, massing and materials;
4. Protect and where appropriate enhance the historic environment, recognising its value as a place shaping tool.

There were 2 or 3 pre-application meetings that took place to discuss a proposal. The main focus during pre-application was on scale and massing. The 3D model was used to assist this process and to discuss key parameters.

It should be noted that during pre-application discussions that some key principles were agreed but officers were never sighted on final elevational details or indeed the visuals that have now been provided as part of the submitted planning information.

Height / Scale:

The maximum height parameters were agreed at pre-application. The starting point for this pre-application discussion with the architects had been 5 additional storeys across the whole Vaughan Way frontage which was not appropriate. It was considered that a taller element adjacent to the Leicester Square development and John Lewis Car park, given their height, was appropriate with 2 storeys maximum (including the intermediate floor) nearest to the Richard Roberts Factory.

Regarding scale, the pre-application process had considered height in relation to the immediate context with a view to establishing a maximum limit. Officers did not

discuss in detail the relationship of a variable height on the existing building and the effect this would have.

What is clear from the original visuals supplied, and in particular now that 125-129 Vaughan Way has been renovated is the horizontal emphasis of the existing building and the new façade treatment. The principle of a varied height across the extension was considered, however, I was not convinced that this works with the existing building as shown in the proposal and visuals submitted.

Materials and Façade:

It was agreed at pre-application discussion that the principle of a distinction between old and new should be clear although it should be noted that the precedent presented of a rooftop extension to a listed Victorian factory was more to do with the rooftop gardens discussions than massing and elevation treatment.

The principle was agreed that the new building could have its own character however, officers were never presented with any more detailed elevations, material precedence etc.

It was clear that from the unconvincing visuals supplied with the original proposals that further consideration of the design was needed to achieve this and still respect the context of the existing building, and indeed be subservient to it.

Again, the changes to the elevation of the existing building which emphasises more the horizontality of the façade is to be considered.

The principle was accepted of the intermediate floor acting to break the old from the new and role as 'structural spreader'. This floor is however very dominant in the visuals presented.

Proposed elevations were not discussed in detail at pre-application stage and had always officers had seen massing diagrams as indicative. Conversations were around lightweight timber architecture and assumed the result would be lightweight and look as a lightweight extension to the existing building. This would provide more void than solid.

As a consequence, the original visuals as supplied were surprising as the extension did not feel lightweight at all and indeed felt very heavy given the choice of materials and there being more solid than void.

The applicant originally proposed stained larch board. Officers were not convinced by the choice of material in this location and for this scheme.

A new extension can have a different character but it still needs to respect and respond in some way to the building from which it extends and as agreed, be subservient. The original proposal was considered too contrasting and took no reference from the existing building. Again, it should be noted that with the renovation of the existing building the horizontal emphasis has been reinforced.

A lightweight extension was the description used by the applicant during pre-application. A timber frame can be visually lightweight but the original proposal was not.

Amended proposal

Generally, the change to height is welcomed. The additional 2 storeys in terms of its massing and scale is a lot more comfortable in height in relation to the surrounding building heights.

Materials and Appearance:

Elevations – details on the elevations were requested prior to the production of the AVR's but this information was not provided. The level of information provided on the proposed materials is not to the detail we would normally require therefore I have proposed a condition requiring full details to be agreed before any development is begun including a full sample panel to be provided on site for inspection.

Vaughan Way elevation:

Primarily the existing is of a horizontal emphasis with bands of glazing and panels set back from solid horizontal bands. The panels are on one plane with the glazing set back, with a depth of approximately 200mm. The rhythm and proportions are clear. There are narrow vertical elements which are also on the same plane as the solid horizontal elements.

The proposal attempts to reflect some of the principles of the existing building but how these are articulated (in terms of what projects and what is set back) is not a representation of the existing building.

The proposal extends upwards the narrow vertical elements, which is welcomed and respects the solid horizontal banding of the existing building. However, the band of glazing and panels do not sit back within their own plane (as with the existing building) as the panels project to meet the line of the solid horizontal panels. This does not reflect the articulation and composition of the existing building. A preferred approach in line with the existing building would be to retain the solid horizontal elements as the projecting elements with the glazed and panelled band all recessed. The panels could be the same approach as for the existing building and the 5th floor which is more successful.

I am also concerned by the lack of depth provided between the horizontal elements. The extension therefore lacks articulation and appears very flat. We have not been provided with 1:20 sections for the full elevation which have been previously requested and this information is required to outline the depth of the glazing and panel recesses on the existing building and for the proposal.

In addition, there are panels proposed in locations which do not resemble the rhythm and proportions of the existing building, to the Vaughan way elevation and to the corners in particular. The corners of the existing building are generally lightweight with narrow vertical sections separating the glazing. The corners for the proposal are more solid.

The elevations need to provide more detail, showing what is glazing on the existing building and what is panelling and similarly for the proposal. One bay section, as supplied, is not sufficient.

The colour scheme is generally acceptable but much more detail is needed on materials.

Junior Street elevation:

Again, the elevation of the existing building has been largely ignored in forming the elevation for the proposal. Whilst, not as important as addressing the concerns to the Vaughan Way frontage it still remains a concern.

The lack of windows to the gable end on Junior street is apparent and perhaps there are amenity issues.

Materials:

In conjunction with the 1:20 sections also required are full specification details of the materials proposed. These have been requested on several occasions. The materials are important to assessing the quality of the proposal and establishing a quality benchmark in line with para 130 of the NPPF to avoid later changes to the materials proposed for inferior quality. I would expect materials to be proposed to complement the existing building.

During the processing of this application it has proved difficult to obtain the level of detail from the applicant normally required however, the scale, massing and general principles of the design of the amended extension are considered acceptable and in line with the requirements of Core Strategy policy CS03. To obtain the further detail that has previously been requested and ensure the required quality I have proposed conditions requiring that detail before any development is begun.

Heritage Assets

Core Strategy policy CS18 states – ‘The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets. We will support the sensitive reuse of high quality historic ‘buildings and spaces, promote the integration of heritage assets and new development to create attractive spaces and places, encourage contemporary design rather than pastiche replicas, and seek the retention and re-instatement of historic shop fronts and the protection and where appropriate, enhancement of historic public realm.

The site is adjacent to a Grade II Listed building and is close to the Grade I Listed Church of St Margaret and the Church Gate Conservation Area. The application has been subject to extensive design revisions and the latest iteration partly reflects comments made previously by heritage consultees and the Conservation Advisory Panel.

The proposed roof extension is clearly read as being a contemporary addition and the scale has been reduced, both in terms of height and depth. The previous design made some effort to remove the bulk from the eastern end of the building, which is

closer to the Grade I Listed church and nearby Conservation Area. Although that had some positives in relation to the setting of those heritage assets, it created an unbalanced form of development that read poorly in terms of the wider townscape.

The simplification of the form and overall reduction in bulk is therefore a positive development in terms of the setting of all the relevant heritage assets. Although the extension will create further bulk around the Grade II Listed Building and will result in the heritage asset becoming less dominant within the wider block, the relative harm to its setting has to be balanced against the other development in the block, which is of a comparable scale. As such, the harm is clearly less than substantial in terms of the Grade II Listed Building and not material to the setting of the Grade I Listed Church or nearby Conservation Area.

The details and materiality of the extension have improved, with the replacement of the formerly proposed dark coloured materials palette allowing for a roof extension that is read as less dominant and oppressive. Nevertheless, while the set-back and lighter coloured cladding do help ensure the extension is read as subservient, the level of glazing remains sufficiently low to result in an appearance that could be lighter weight.

Although aspects of the detailing could be improved as per the urban design comments above, the broad impact on the setting of relevant heritage assets is now sufficiently modest to ensure no objections to the development from a built conservation perspective. I therefore consider the proposal to be acceptable in terms of the requirements of Core Strategy policy CS18.

Housing Provision

Core Strategy policy CS06 proposes measures to ensure that new housing meets the needs of the City's residents including issues such as housing types, sizes and tenures and meeting M4(2) standards which replaced 'Lifetime Homes'.

Core Strategy policy CS07 deals with the requirements for the provision of affordable housing on all sites of 15 dwelling or more. Within the SRA the requirement is for a provision of 15% of units being affordable. The type and mix of affordable housing sought will reflect the housing needs.

As the proposal is for an extension on top of an existing building that has been converted to flats the type of development and accommodation was going to be limited to further flats rather than family type accommodation. The mix of units does however include two bedroomed three and four person units which could allow families to occupy those flats.

Following detailed discussions with the Housing Development Team the applicant approached several recommended Registered Providers (RP's) to ascertain their interest in the proposed affordable units. Unfortunately, all RP's stated that they were not interested in taking on the small number of flats proposed. This has meant that the more normal type of affordable housing provision could not be pursued and secured.

The applicant has confirmed however that the development is for build to rent units that will be managed by a single management company. This has led to discussion and agreement to providing affordable private rented units in accordance with the requirements of the NPPF and NPPG on 'Build to Rent' accommodation. The number of units and type of accommodation requested by the Housing Development Team is as follows:

7 units.

4 x 1 bed/2 person flats to National Accessible and Adaptable Standard M4(2).

2 x 2 bed/3-person flat to National Accessible and Adaptable Standard M4(2).

1 x 2 bed/4 person flat to National Accessible and Adaptable Standard M4(2).

These units will be let at a rent a minimum of 20% below the market rent level. This provision has been agreed by the applicant and this will be secured within a s106 legal agreement.

The majority of the proposed units meet the requirements of the Nationally Described Space Standards and are M4(2) compliant. I consider that the mix and tenure of the proposed accommodation meets the requirements of Core Strategy policies CS06 and CS07.

Living conditions (*The proposal*)

Saved City of Leicester policy H07 states - Planning permission will be granted for new flats and the conversion of existing buildings to self-contained flats, provided the proposal is satisfactory in respect of the location of the property and the nature of nearby uses, the creation of a satisfactory living environment, the arrangements for waste bin storage and car or cycle parking, the provision, where practicable, of a garden or communal open space and the proposed or potential changes to the appearance of the buildings, and their settings.

Saved policy PS10 states the factors that will be taken into account concerning the amenities of existing and proposed residents when considering planning applications. These factors include things such as noise, light, smell and air pollution, the visual quality of the area, additional parking and vehicle movements, privacy and overshadowing, safety and security, access to key facilities.

The proposed unit sizes are acceptable and provide an acceptable standard of living with a variety of unit types and sizes providing choice for future residents. The flats range from one person studio's to two bed/four person flats. The majority of the proposed flats meet the Nationally Described Space Standards (NDSS).

All flats will have a reasonable outlook either over Vaughan Way, Burgess Street or Junior Street.

Access to the flats will be from a main secure entrance on Vaughan Way used currently by the existing flats. The access will lead through to two lifts and two

stairwells. The site is located within easy walking distance of all the city centre facilities and amenities. It is also within walking distance of Abbey Park as the nearest green space.

The accommodation would appear to be adaptable to other residential uses and combining smaller flats together to provide larger flats if required in the future.

No car parking is proposed for the additional flats but I do not consider this to be unacceptable as the site is in a sustainable location within easy walking distance of all forms of sustainable transport and is immediately adjacent to a public car park. Cycle parking is not shown on the floor plans for the additional floors but there is a yard area to the rear of the property where it would be possible to provide cycle parking therefore I have proposed a condition to secure this.

I consider the standard of accommodation for future residents to be acceptable and in accordance with Saved policies H07 and PS10.

Residential amenity (*neighbouring properties*)

There will be noise during the construction phase for the proposed development, this cannot be avoided but can be mitigated against by controlling the hours and days work is allowed to happen.

As the proposal is for Class C3 self-contained flats I would not expect future residents of the proposed development to cause an unacceptable level of noise such that would disturb existing residents of neighbouring properties. The majority of the proposed flats face Vaughan Way, away from the closest existing residential properties.

The existing building, which consists of five floors, was converted to residential in 2016/2017. The relationship between this building and the neighbouring residential buildings is therefore existing. The proposed flats, in the two additional floors, will be approximately 37m away from the flats on the other side of Vaughan Way, 32m from Burgess House and 25m from The Chimney both to the rear of the application site. I consider these distances sufficient to prevent any loss of privacy. The Residential Amenity SPD recommends a minimum of 21m between facing principle room windows. These distances exceed that recommendation.

The issue of loss of light has been raised in some of the objections to both the original and amended proposal. The applicant submitted a daylight, sunlight and overshadowing assessment with the application. This shows some possible loss of light to some of the flats in The Chimney building facing Junior Street during winter months in the afternoons. It is likely that these flats have existing limited light during those months because of the existing relationship with the application building. I do not consider that the effect of the proposal will be substantial enough to consider this a reason to refuse the application.

The outlook from the neighbouring properties is limited due to the existing building on the application site and I do not consider that the addition of two additional floors

will impact significantly enough on that outlook to consider this a reason to refuse the application.

I consider the proposal to be acceptable in relation to the existing neighbouring properties and in accordance with Saved Policy PS10.

Waste storage and collection

The location of and amount of additional bin storage for the additional flats has not been clarified by the applicant. I have therefore proposed a condition requiring the details to be submitted before any development is begun to ensure adequate provision is made.

Highways and Parking

Appendix 1 of the City of Leicester Local Plan locates the site within the Central Commercial Zone (CCZ) where the car parking standard is a maximum of 1 space per dwelling.

Core Strategy policy CS14 states that development should be easily accessible to all future users, including those with limited mobility, both from within the City and the wider sub region. It should be accessible by alternative means of travel to the car, promoting sustainable modes of transport such as public transport, cycling and walking and be located to minimise the need to travel.

The proposal includes no on-site car parking but in this highly sustainable location, within walking distance of all forms of public transport and with good existing walking and cycling routes, this is considered acceptable. The site is also close to a number of public car parks including Highcross which is immediately adjacent to the site. The Local Highway Authority have raised no objection to the proposal on this point but have asked the applicant to submit a parking strategy along with a travel pack, that will be issued to each new resident, to show how they will advise future tenants that there is no on-site parking available and the advice they will provide residents with on all forms of sustainable transport.

As with the bin storage the applicant has not provided information on the proposed cycle parking for the additional residents. However

I have proposed conditions to provide the details of the required parking strategy, travel packs and cycle parking and secure their provision for the future residents. Subject to the agreement of this information the proposal is in accordance with Core Strategy policy CS14.

Sustainable Energy

Core Strategy policy CS02 states that all development must mitigate and adapt to climate change and reduce greenhouse gas emissions. Best practice energy

efficiency and sustainable construction methods should be incorporated in all aspects of the development.

The proposed development is considered acceptable in terms of passive solar design, heating, cooling, ventilation and lighting. Further details are required however in relation to the specific products to be used, target level of energy efficient thermal performance and airtightness in relation to the buildings fabric. I have therefore proposed a condition requiring this information before the development is begun.

Drainage

Core Strategy policy CS02 states that development should be directed to locations with the least impact on flooding or water resources. Both greenfield and brownfield sites should be assessed for their contribution to overall flood risk, taking into account climate change. All development should aim to limit surface water run off by attenuation within the site as a means to reduce overall flood risk and protect the quality of the receiving watercourse by giving priority to the use of sustainable drainage techniques in developments.

The information submitted in terms of the site details, flood risk assessment, flood protection and resilience and water quality control is considered acceptable. Further information is required however on the drainage strategy. I have therefore proposed a condition requiring the submission of this information before the development is begun.

Nature conservation/Trees/landscaping

The Bat Scoping Survey/Report (Udall-Martin Associates Ltd, July 2018) submitted in support of this planning application is satisfactory. I agree that no further surveys are required. If a bat (or bats) is found, the procedure in Appendix 3 of the report should be followed. Recommendations regarding lighting and bats provided in the report should be adhered to.

The building does provide potential bird nesting habitat, therefore work should be carried out outside of bird nesting season (March to September), if this is not possible then a suitably qualified ecologist should carry out a nesting bird check before any work commences.

Additional enhancements that should be included in the development are bat roosting boxes, section 6.3.1 of the report provides recommendations of how/where these should be positioned.

I have proposed a condition to ensure the development is carried out in accordance with the recommendations of the bat scoping survey/report. With these measures the application is in accordance with Core Strategy policy CS17.

Developer Contributions

A contribution of £14,940 is required for replanting of shrub beds in the miniature railway area of Abbey Park and £15,957 towards the development of an adult obstacle course at Abbey Park or towards the conversion of an existing tennis court into a multi-use games area (MUGA). A total = £30,897. This to be secured through a s106 agreement.

Section 106 agreement

The s106 agreement will secure the provision of 7 affordable build to rent units as follows:

4 x 1 bed/2 person flats to National Accessible and Adaptable Standard M4(2).

2 x 2 bed/3-person flat to National Accessible and Adaptable Standard M4(2).

1 x 2 bed/4 person flat to National Accessible and Adaptable Standard M4(2).

All Affordable Private rented units should be both M4(2) and NDSS compliant.

The affordable build to rent units shall have a rent set at a minimum of 20% less than the market rented units; and

The required Green Space contribution of £30,897 to be paid prior to occupation of any residential units.

Other matters

An objector raised the issue of peregrine falcons using the existing roof of the building however no evidence of this is available and the City Council's Nature Conservation Officer is not aware of this building as a nesting site.

The issue raised of the litter from the existing bin store being a health hazard is not a planning matter, it is a matter for environmental health. Under the prior notification process applications to change the use of a building from offices to residential, as is the case here in 2016, the Local Planning Authority had very limited matters that could be considered or controlled and information relating to bin storage was not a requirement of the application process. I have however proposed a condition to ensure that adequate bin storage is available for the residents of the additional flats.

An objector states that there are existing antisocial behaviour problems with existing residents and hotel users. Antisocial behaviour in an existing building is not a planning matter and should be reported to the police.

Conclusion

The application has been amended substantially in terms of scale, massing and design. There remain some outstanding matters over the finer details of the design and what the exact materials will be however I consider that these matters can be resolved through the submission of further details to satisfy proposed conditions.

Other detailed information on matters such as sustainable drainage and energy efficiency are also the subject of proposed conditions as the information has not been provided during the processing of the application.

The proposals will provide additional residential units in a highly sustainable location including some flats that will be large enough for family occupation. The applicant did make efforts to provide affordable accommodation however the Registered Providers active in Leicester were not interested in the type of accommodation on offer. The applicant has subsequently agreed to the provision of seven affordable build to rent units that will be let at a lower rent level. This will be secured through a legal agreement.

Although I would prefer to have more details resolved as part of the application process I consider that on this occasion on balance that the information can be submitted as part of a condition requirement.

I recommend that this application is APPROVED subject to conditions and a SECTION 106 AGREEMENT to cover the provision of affordable build to rent units and a green space contribution

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990)
2. Before the development is begun, the materials to be used for all the external surfaces including but not limited to the cladding including colour, windows, doors, shall be submitted to and approved by the City Council as Local Planning Authority. The submission for this condition shall include the building of a full size sample panel of all materials on site for inspection and approval. The development shall only be carried out in accordance with the approved details. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
3. Before the development is begun 1:20 scale sections and elevations showing the construction detailing between the proposed materials and aspects of the elevational design shall be submitted to and approved in writing by the City Council as Local planning Authority. The development shall only be carried out in accordance with the approved details. (In the interests of design quality and visual amenity and in accordance with Core Strategy policy CS03. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
4. Before the development is begun full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system shall be submitted to and approved in writing by the City Council as Local Planning Authority. No flat shall be occupied until the system has been implemented. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall include: (i) full design details, (ii) a timetable for its implementation, and (iii) a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by

any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

5. The development shall be carried out only in accordance with the recommendations within the Udall-Martin Associates Ltd Bat Scoping Survey/Report including those relating to lighting, works outside of bird nesting season and the additional enhancement in the form of bat rooting boxes. (In the interests of providing a biodiversity net gain and increase connectivity for wildlife to the wider natural environment in accordance with Core Strategy policy CS17)

6. The development shall be constructed only in accordance with the agreed UK Building Compliance Residential Noise Assessment and its recommendations received 16th August 2019. (In the interests of residential amenity and in accordance with Saved City of Leicester policy PS10).

7. No part of the development shall be occupied until secure and covered cycle parking has been provided in accordance with written details previously submitted to and approved in writing by City Council as Local Planning Authority and it shall be retained thereafter. (In the interests of the satisfactory development of the site and in accordance with Saved policies AM02 and H07 of the City of Leicester Local Plan).

8. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved in writing by the City Council as Local Planning Authority. These arrangements shall be provided on site and maintained thereafter. (In the interests of the amenities of the surrounding area, and in accordance with Saved policies UD06, H07 and PS10 of the City of Leicester Local Plan and Core Strategy policy CS03.)

9. Before the development is begun full details of energy efficiency measures to be incorporated into the development shall be submitted to and agreed in writing by the City Council as Local Planning Authority. The approved measures shall be implemented prior to occupation of the development and shall be retained and maintained thereafter. (In the interests of securing energy efficiency and reduced greenhouse gas emissions in accordance with Policy CS02 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

10. Prior to the first occupation of each unit, the occupiers of each of the dwellings shall be provided with a 'Residents Travel Pack' details of which shall be submitted to and approved in writing in advance by the City Council, as the Local Planning Authority. 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, the parking strategy and bus fare discount information. (In the interest of promoting sustainable development, and in accordance with Saved policies AM01 and AM02 of the City of Leicester Local Plan and policy CS14 of the Core Strategy)

11. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the City Council as Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: (i) the parking of vehicles of site operatives and visitors; (ii) the loading and unloading of plant and materials; (iii) the storage of plant and materials used in constructing the development; (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) wheel washing facilities; (vi) measures to control the emission of dust and dirt during construction; (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works. (To ensure the satisfactory development of the site, and in accordance with Saved policies AM01, PS10 of the City of Leicester Local Plan and Core Strategy policy CS03. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

12. No construction including groundworks, enabling and site set-up works, other than unforeseen emergency work on the site shall be undertaken outside of the hours of 0730 to 1800 Monday to Friday, 0730 to 1300 Saturday, or at any time on Sundays or Bank Holidays, unless the details and methodology have previously been submitted to and approved in writing by the City Council as Local Planning Authority. (In the interests of the amenities of nearby occupiers, and in accordance with Saved policies PS10 and PS11 of the City of Leicester Local Plan.)

13. Space shall be kept available within the curtilage of the site to allow for loading and unloading always to take place within the site. (In the interests in highway safety, and in accordance with Saved policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)

14. Before the development is begun details of foul drainage, shall be submitted to and approved in writing by the City Council as Local Planning Authority. No flat shall be occupied until the foul drainage has been installed in accordance with the approved details. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

15. This consent shall relate solely to the submitted plans ref. no. VW PA/P1 Rev C, PA/P2 Rev C, PA/P5, PA/P6, PA/P7, PA/P8, PA/P9, PA/10 Rev A, PA/12, D1 Rev B, D2 and PA/P0 received by the City Council as Local Planning Authority on 6th April 2020 and 24th June 2020. (For the avoidance of doubt.)

NOTES FOR APPLICANT

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

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

2. Further to condition 12, it is unlikely that any construction or demolition work will be agreed outside of the hours detailed above unless the City Council Noise and Pollution Control Team is satisfied that the work will not be detrimental to occupiers of neighbouring properties or the developer is able to demonstrate that there is no practicable alternative to the proposed work taking place outside of these hours.

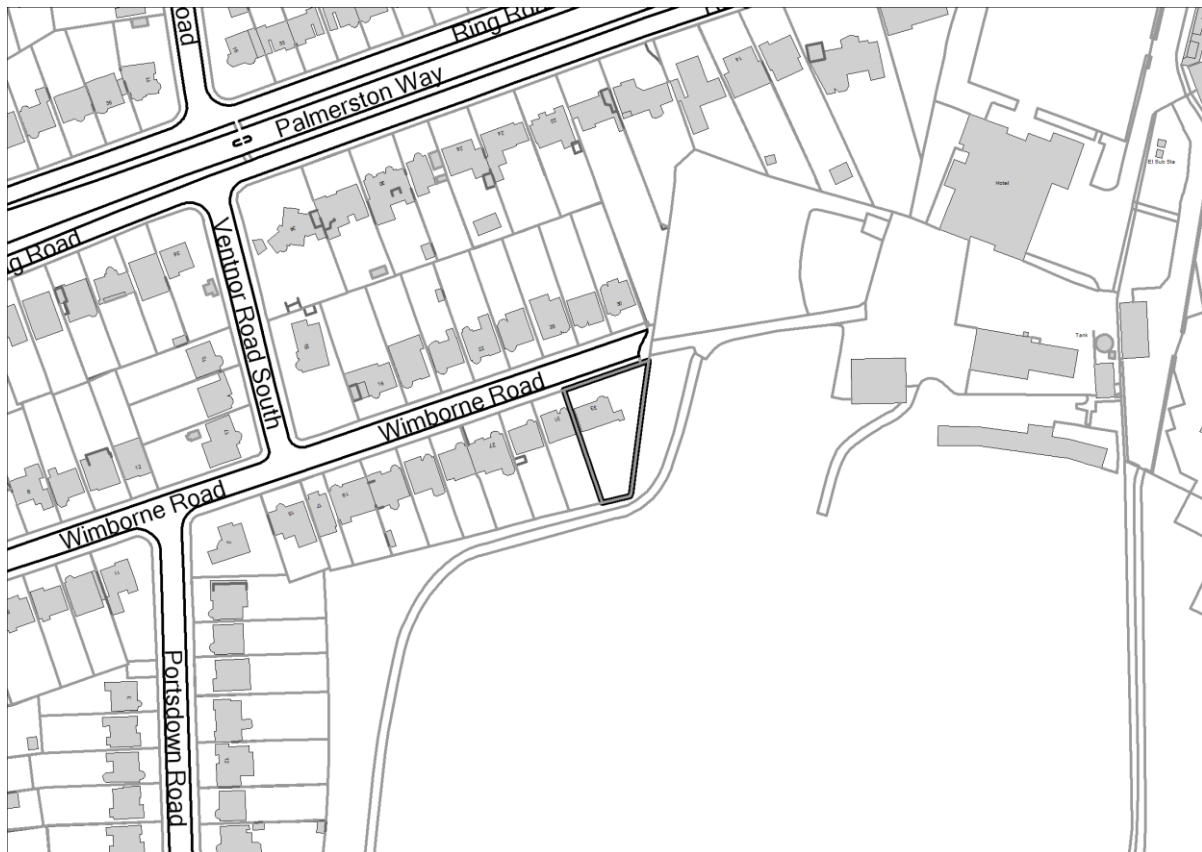
Policies relating to this recommendation

- 2006_AM01 Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.
- 2006_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
- 2006_AM12 Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
- 2006_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_CS01 The overall objective of the Core Strategy is to ensure that Leicester develops as a sustainable city, with an improved quality of life for all its citizens. The policy includes guidelines for the location of housing and other development.
- 2014_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014_CS04 The Strategic Regeneration Area will be the focus of major housing development and physical change to provide the impetus for economic, environmental and social investment and provide benefits for existing communities. New development must be comprehensive and co-ordinated. The policy gives detailed requirements for various parts of the Area.

- 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_CS07 New residential development should contribute to the creation and enhancement of sustainable mixed communities through the provision of affordable housing. The policy sets out the broad requirements for affordable housing.
- 2014_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
- 2014_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.
- 2014_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.
- 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.
- 2006_PS11 Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
- 2006_UD06 New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
- 2014_CS17 The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.

Appendix B2

| Recommendation: | |
|---------------------------------|---|
| 20200995 | 33 Wimborne Road, Land Adjacent to |
| Proposal: | Demolition of extension at side of house (Class C3); construction of one two storey dwelling (1 x 3 bed) (Class C3) (amended plans received 17/11/2020) |
| Applicant: | Mr and Mrs M Walters |
| View application and responses: | https://planning.leicester.gov.uk/Planning/Display/20200995 |
| Expiry Date: | 21 August 2020 |
| RB | WARD: Knighton |



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Summary

- The application is brought to committee due to the number of objections.
- 7 objections on grounds of the size of the site, neighbouring amenity, loss of outlook, loss of daylight, potential noise and disturbance and inadequate parking and highway safety.

- The main issues are the impact on the residential character of the area, impact on amenity of nearby occupiers, living conditions, flooding and drainage, and highway safety and parking.
- The application is recommended for approval subject to conditions.

The Site

The application site is the side garden of 33 Wimborne Road. The site is located to the east of 33 Wimborne Road and is adjacent to Oadby Golf Course to the side and rear. The local area is predominantly residential.

The Proposal

The proposal is for the construction of a two storey attached dwelling to the south-east of the host dwelling. This area is currently the side garden for no.33. An existing extension will be demolished at the side of 33 Wimborne Road to enable the development.

The proposed dwelling would have a width of 9 metres and depth of 8.1 metres to match the host dwelling. The property would have a bay window to match the host property also. The proposed dwelling would have a hipped roof with a ridge height of 7.3 metres and 5m to the eaves, which would also match the host dwelling.

The property would have a lounge, kitchen diner and WC on the ground floor and three bedrooms, one at the front with an ensuite shower room, and two at the rear, and a bathroom on the first floor.

The property would have a front garden with two off street vehicle parking spaces. Independent access to the rear garden would be retained and the garden would have a depth of approximately 18 metres and a width of 8.6 metres at its widest point which would narrow towards the end.

Policy Considerations

National Planning Policy Framework (NPPF) 2019

Paragraph 2 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. Paragraph 11 contains a presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with the development plan without delay.

Where the development plan is absent, silent or relevant policies are out of date, this means granting planning permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the NPPF taken as a whole. Leicester city Council does not currently have

a 5 year housing land supply therefore the policies relating to housing are out of date.

In making an assessment Paragraph 108 of the NPPF states that development proposals should take up appropriate opportunities to promote sustainable transport modes; ensure safe and suitable access can be achieved for all users and; any significant impact (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 117 requires planning policies and decisions to promote the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 122 places an emphasis on local planning authorities to support development that makes efficient use of land. It requires decision makers to take into account issues such as the need for different types of housing, including the availability of land suitable for accommodating; local market conditions and viability; the availability and capacity of infrastructure and services, including the potential for further improvement; the desirability of maintaining an area's prevailing character and setting (including residential gardens) and; the importance of securing well-designed, attractive and healthy places.

Section 12 of the NPPF focuses on requiring good design. Paragraph 124 describes good design as a key aspect of sustainable development. Paragraph 127 sets out criteria for assessing planning applications and requires decision makers to ensure that development proposals:

- 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 users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

When determining planning applications for development within flood risk areas paragraph 163 requires local planning authorities to ensure that flood risk is not increased elsewhere.

Development Plan policies

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

Supplementary Planning Documents (SPD)

Residential Amenity supplementary planning document (2008)

Local Plan Appendix 1 – Vehicle Parking Standards

Consultations

Traffic and Travel Planning: No objection subject to conditions

Trees and Woodlands: No objection subject to an arboricultural impact assessment being submitted to the Local Planning Authority prior to the commencement of the development.

Lead Local Flood Authority: No objection subject to conditions for submission of Drainage details and SuDS measures

Oadby and Wigston Borough Council: No comments received.

Representations

Seven objections have been received for the following reasons:

- Loss of outlook
- Loss of sunlight to properties opposite the proposal
- Increase in the amount of traffic as a result of the proximity to Oadby Golf Course.
- The size of the proposed site is not large enough to accommodate a dwelling of the size of the proposal.
- Parking and highways problems due to the lack of a turning head at the end of the cul-de-sac

Consideration

Principle of development

The site is located in an area characterised as residential with the properties either side being in residential use. Policy CS06 of the Core Strategy states that in the established residential areas there is limited scope for growth, however, housing infill developments do support the development of sustainable communities and provide a small gain in terms of housing supply. It goes on to require new housing

developments to provide an appropriate mix of housing and in particular larger family housing. I consider the proposal is in accordance with Policy CS06 and will assist in providing a small contribution to the City's five year housing land supply. I therefore consider the proposal is acceptable in principle subject to amenity, design, parking and surface water criteria.

Design

Policy CS3 of the Core Strategy talks about designing quality places. It requires developments to be designed well and to contribute positively to the character and appearance of the local natural and built environment. Development should also respond positively to the surroundings and be appropriate to the local setting and context and take into account Leicester's history and heritage.

The local area is dominated by large two storey dwellings, which are either detached or semi-detached. The proposed dwelling would have hipped roofs with a relatively strong front building line. A bay window is proposed at the front of the property, which is in keeping with the design of nearby properties. The proposed dwelling, would follow the building line of the host property. The proportions of the proposed dwelling would match the host property and others along Wimborne Road. I do not consider that the proposal would appear out of character with the existing properties on Wimborne Road.

The proposal includes the provision of two parking spaces to the front of the site. I consider this is a common form of site layout for residential properties within the area.

The application form identifies that matching materials would be used. Although it is acknowledged that matching materials may not match, due to the weathering process of the materials of the host dwelling, I consider this to be the most appropriate material response. Although there may be some difference in brick and tile colours, I consider this would not detract from the residential character of the street scene and as the property is located at the end of the road it would not be visually dominating either. A condition to secure matching materials is considered reasonable and necessary.

I consider the proposal is in accordance with Policy CS03 and paragraph 64 of the NPPF in terms of design quality. The proposal is well-designed and would not harm the character and appearance of the site, street scene and wider area.

Living conditions

Saved Policy PS10 of The Local Plan and the Residential Amenity SPD identifies factors concerning the amenity of existing and future occupants for new residential development. These relate to outlook, character, nature of development and nearby uses and the provision of parking and bin storage.

The proposed dwelling, including the access into the property has been designed to meet Part M4(2) of the Building Regulations to ensure that the property can be reasonably adapted to the changing needs of residents over the course of their lifetime. A condition to secure the optional accessibility standard is recommended.

The site is currently a residential garden and the predominant character of the area is residential, therefore the proposed use of the site would be compatible with the area. In terms of creating a satisfactory living environment, all the rooms would be provided with an outlook to the front and/or rear serving principal rooms on the ground and first floors. There are proposed windows to the side of the property facing Oadby Golf Course. I consider it necessary for these windows to be conditioned to be obscure glazed, as the land to the side of the property may be developed in the future, which may lead to a loss of privacy of the future occupants of the dwelling. I also consider it necessary for the WC and hallway windows at the side of the property and the bathroom and ensuite windows at the front of the property to be obscure glazed in the interests of the privacy of any future occupants.

The vehicular parking has been designed to the front which is acceptable. Cycle and bin storage can be provided within the rear or side gardens as independent access has been retained.

The Residential Amenity SPD advises that three bedroom dwellings should have a rear garden area of 100sqm. The proposal would have a garden area of approximately 90sqm which is less than the guidance. I consider the proposed garden area would be useable for typical activities and would not be overshadowed by adjacent properties, nor would it be unreasonably overlooked. I consider although smaller than the recommended guidance, it would be sufficient to provide a suitable private outdoor space for future occupiers.

It is proposed to construct a 1.8 metre high fence between the existing and proposed property. I consider this to be acceptable and would maintain privacy between the dwellings.

The private garden of the host dwelling would also be reduced by the development. The area would be approximately 90sqm which is below the guidance of the SPD, however as with the proposed property the amenity space would be able to accommodate typical activities within the garden and would not be overshadowed.

The site has the ability to assimilate the development and hence does not conflict with Policy PS10 of the City of Leicester Local Plan and the NPPF.

Residential amenity (neighbouring properties)

Policy PS10 of the Local Plan states that in terms of residential amenity any new development proposals should have regard to existing neighbours 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 Residential Amenity SPD supports policy and provides specific guidelines for development.

The proposed dwelling would be located at the end of Wimborne Road. It would follow the building line of the host dwelling and therefore I consider it would not result in any harm in terms of overbearing, overshadowing, daylight and outlook to the host dwelling.

Turning to the dwellings across the road, I consider a sufficient separation distance would be retained from them to avoid any harm to the amenity of those occupiers. I do not consider that the loss of daylight or outlook would be any different to the existing relationships of properties that are opposite each other along Wimborne Road.

Oadby Golf Course is located to the side and rear boundary. Due to the constraints of the site, the triangular shaped rear garden area will have different separation distances to the boundary. Although SPD Residential Amenity (2008) recommends that there is a separation distance of 11m between principal room windows and undeveloped land and gardens, I consider that the provision of a new dwelling would outweigh any harm caused by the separation distance. The rear of the property is screened by trees, so I consider that any overlooking or loss of privacy would be minimal.

The proposed dwelling would not result in any unreasonable increase in noise and disturbance for neighbouring residents. The proposed use is compatible for the local area and any activity on site would be similar to the properties in the area.

I consider whilst the proposal would result in a change in the street scene with the introduction of built form, the proposal would not have an adverse impact on neighbouring properties in terms of noise, loss of light and outlook. I therefore consider the proposal is not contrary to Policy PS10 of the Local Plan.

Highways and Parking

The parking requirements for the dwelling would be a minimum of 2 vehicle parking spaces as required within Appendix 1 of the City Council Local Plan. The proposed development provides two parking spaces to the front which is acceptable. It is noted that the property would be located at the end of the cul de sac and that there are no parking restrictions on the street. However, the road is of a standard size and I consider the provision of off-street parking would avoid any awkward manoeuvring at this end of the road. Cycle parking can be accommodated in the rear garden and I therefore consider the proposal would be acceptable in this respect.

Several objections have been received regarding increased traffic as a result of the proposed development. Paragraph 109 of the NPPF 2018 advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. It cannot be demonstrated that the proposed dwelling would result in a severe cumulative impact on the local highway network. It would be unreasonable to expect the proposed development to deal with any existing problems of parking and congestion in the immediate area.

The Local Highways Authority have suggested conditions to ensure the parking and access is provided prior to first occupation. Other suggested amendments include the provision of 2 metre by 2 metre sight lines, alterations to the footway crossing and street works. I consider it reasonable and necessary to attach such conditions.

The host dwelling would lose existing parking to the side. However, there would still be at least two existing parking spaces that remain.

I therefore conclude that the proposed development would not conflict with Appendix 1 (Vehicle Parking Standards) of the Local plan in terms of highways.

Drainage

As a new dwelling the proposal would increase the amount of impermeable surfacing on site and therefore the Lead Local Flood Authority have recommended that conditions should be attached to require the submission of a drainage strategy and a sustainable drainage scheme. I consider this is reasonable and necessary. The proposal is in accordance with Policy CS02 of the Core Strategy.

Nature conservation/Trees/landscaping

The existing application site relates to a private garden. There is some mature landscaping to the common boundary with Oadby Golf Course. However, this is limited to hedges, shrubs and small trees.

The Trees and Woodlands team have advised that an Arboricultural Impact Assessment is undertaken before the commencement of the works to ensure that the foundations of the proposed dwelling are built to accommodate the trees and their future growth.

The proposal would result in the removal of some landscaping to facilitate the development. The submitted plans indicate the provision of lawn and some landscaping to the front and side. The plans show permeable surfacing to the front and patio to the rear which is acceptable considering the scale of the development.

Although a protected species survey has not been carried out, I consider a note to applicant is necessary to advise that the proposal avoids harm to protected species.

Subject to a note to applicant, the development would not result in significant harm in respect of natural landscaping and would not conflict with the aims of the NPPF and Core Strategy Policies CS03 and CS17.

Conclusion

The proposal would make a small contribution to the City's five-year housing land supply.

The proposal represents an acceptable size and standard of family sized residential unit in an existing residential area which would not significantly harm neighbouring amenity or the amenity of future occupiers.

The proposal would provide adequate amenity space for future occupiers and would not have a severe impact in highways terms.

The proposal is in accordance with the aims of the NPPF, development plan policies and guidelines – Supplementary Planning Document “Residential Amenity”.

I recommend that the application is APPROVED subject to the following conditions:

CONDITIONS

1. START WITHIN THREE YEARS

2. No part of the development shall be occupied until the 2 metre by 2 metre sight lines on each side of each vehicular access have been provided, and they shall be retained thereafter. (In the interests of the safety of pedestrians and other road users, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)

3. No part of the development shall be occupied until the following works have been carried out in accordance with the written details approved in advance by the City Council as local planning authority: (a) footway crossing(s) at each vehicular access; (b) alterations to footway crossing(s); (c) reinstatement of any redundant footway crossings and/or damaged or altered areas of footway or other highway. (To ensure a satisfactory means of access to the highway, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)

4. Before the occupation of the development the garage(s) and parking space(s) shown on the approved plans shall be provided and shall be retained for vehicle parking. (To secure adequate off-street parking provision, and in accordance with policy AM12 of the City of Leicester Local Plan and Core Strategy policy CS3.)

5. Before first occupation of either dwelling, the proposed access shown on the approved plans, shall have been provided and surfaced in a hard bound material for a minimum distance of 5 metres behind the back edge of footway and shall be positively drained so as to prevent surface water running from the site into the highway, and shall thereafter be permanently so maintained. (In the interests of road safety and in order to achieve a satisfactory form of development.)

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

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

8. Prior to the commencement of development, an Arboricultural Impact Assessment shall be submitted to and approved by the City Council as local planning authority. This assessment shall include

- details of the accurate position of all the trees/hedgerows both on the site and those on adjacent land (including canopy spread and root area),
- species of all trees/hedgerows on the site and those on adjacent land and an assessment of their health, vigour and amenity value,
- a schedule of trees/hedgerows proposed to be retained or removed and why
- tree protection measures during the construction process and life of the development.

The proposed development shall be carried out in accordance with the approved Arboricultural Impact Assessment. (in accordance with policy UD06 of the City of Leicester Local Plan. This is a PRE-COMMENCEMENT condition).

9. The dwelling and its associated parking and approach shall be constructed in accordance with 'Category 2: Accessible and adaptable dwellings M4 (2) Optional Requirement. On completion of the scheme and prior to the occupation of the dwelling a completion certificate signed by the relevant inspecting Building Control Body shall be submitted to the City Council as local planning authority certifying compliance with the above standard. (To ensure the dwelling is adaptable enough to match lifetime's changing needs in accordance with Policies CS03 and CS06 of the Leicester Core Strategy (2014)).

10. Before the occupation of the proposed dwelling new side windows facing Oadby Golf Course and the new side windows facing 33 Wimborne Road shall be fitted with sealed obscure glazing (with the exception of top opening light) and retained as such. (In the interests of the amenity of the future occupiers of the proposed dwelling and in accordance with policy PS10 of the City of Leicester Local Plan).

11. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to any dwelling house of types specified in (amend as necessary e.g. Part 1, Classes A, B, C, D and E of) Schedule 2 to that Order shall be carried out without express planning permission having previously been obtained. (Given the nature of the site, the form of development is such that work of these types may be visually unacceptable or lead to an unacceptable loss of amenity to occupiers of neighbouring properties and the proposed house; and in accordance with policy PS10 of the City of Leicester Local Plan (2006) and Core Strategy (2014) policies CS03 and CS06).

12. This consent shall relate to the submitted plans received by the City Council as local planning authority on 17/06/2020 and 26/06/2020 and the amended site plan received by the City Council as local planning authority on 17/11/2020. (For the avoidance of doubt.)

NOTES FOR APPLICANT

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

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

2. Development on the site shall avoid the bird nesting season (March to September), but if necessary a check for nests should be made by an ecologist (or an appointed competent person) not more than 24 hours prior to the commencement of works and evidence provided to the LPA. If any nests or birds in the process of building a nest are found, these areas will be retained (left undisturbed) until the nest is no longer in use and all the young have fledged. An appropriate standoff zone will also be marked out to avoid disturbance to the nest whilst it is in use.

All wild birds are protected under the Wildlife and Countryside Act (1981) as amended making it an offence to kill, injure or disturb a wild bird during the nesting season or to damage or destroy an active nest or eggs during that time.

'Bats are a rare and declining group of species. Hence, all British species of bat are fully protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats &c.) Regulations 1994, making it an offence to intentionally or recklessly kill or injure or disturb these species whilst in a place of shelter or protection. Failure to comply with this may result in prosecution and anyone found guilty of an offence is liable to a fine of up to £5,000 or to imprisonment for a term not exceeding six months, or both'.

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

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

Policies relating to this recommendation

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

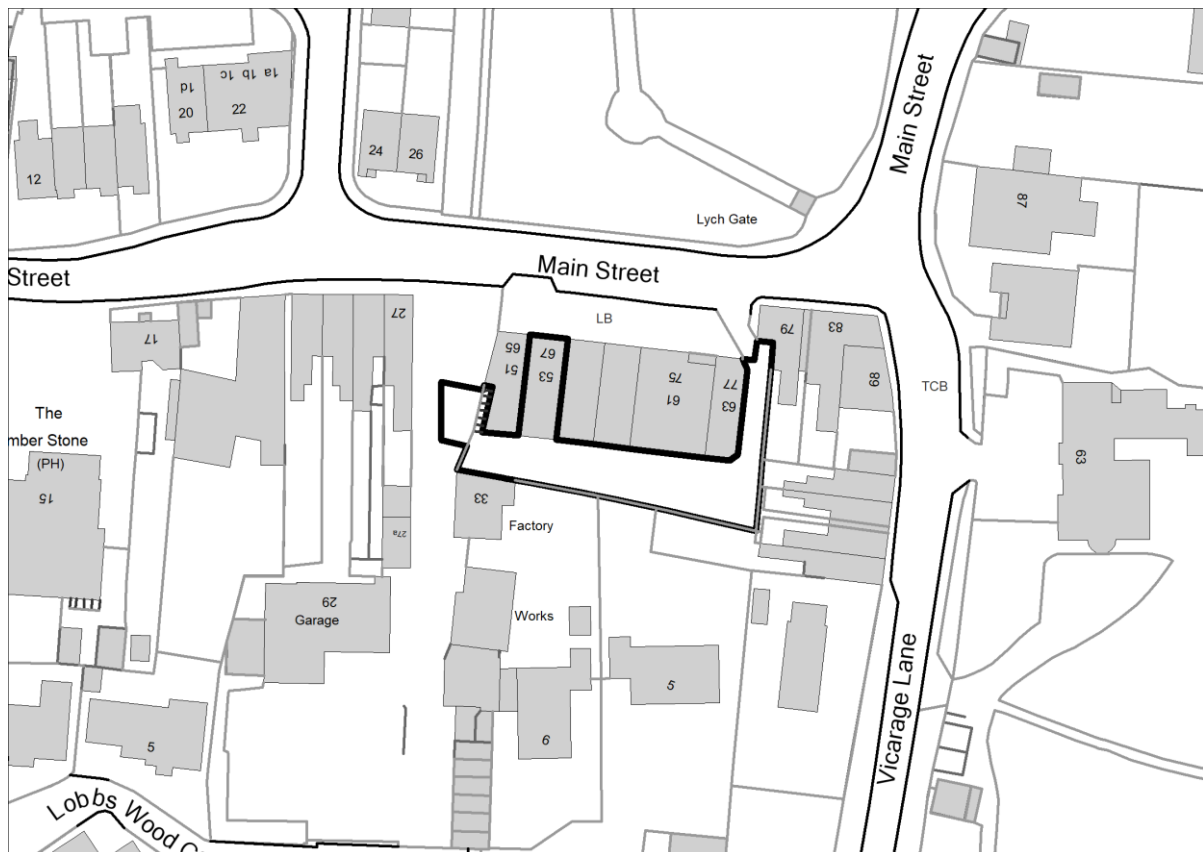
2006_AM12 Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.

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

2006_UD06 New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.

- 2014_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014_CS06 The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
- 2014_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
- 2014_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.

| | |
|---|---|
| Recommendation: Conditional approval | |
| 20201157 | 53 Main Street, Humberstone |
| Proposal: | Change of use from retail (Class A1) to education (Class D1) |
| Applicant: | Mrs Shikha Kapur-Gopal |
| View application and responses: | https://planning.leicester.gov.uk/Planning/Display/20201157 |
| Expiry Date: | 14 September 2020 |
| CW | WARD: Humberstone & Hamilton |



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Summary

- The application is at committee as there are objections from more than six city addresses
- There are 7 objections on the grounds of traffic, parking and the proposed change of use to an educational use
- The main issues are the principle of the use, highway and parking impacts of the development and the potential impact on the residential amenity of nearby properties
- The recommendation is for conditional approval

The Site

The property is located in the Humberstone Village local shopping centre as shown on the 2006 City of Leicester Local Plan.

It is a mid-terrace unit located on ground floor level, above the unit is a residential flat. The site is within the Old Humberstone Conservation Area and opposite the Grade II* listed St Mary's church.

The unit has been vacant since 15th December 2019.

The Proposal

The proposal is to change the use of the ground floor of the unit from retail (Class A1) to an educational use (Class D1).

The applicant intends to offer additional tuition in mainstream school subjects to school children at times when they are not in main school.

The proposed opening hours are between 0800 and 20.00 daily.

The applicant has access to and rights to use the parking and servicing area to the rear of the units.

Policy Considerations

Paragraph 85 of the National Planning Policy Framework (NPPF) states that policies should promote the long-term vitality and viability of town centres by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries and define the extent of primary shopping areas making clear the range of uses permitted in such locations.

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

- a) Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) Safe and suitable access to the site can be achieved for all users; and
- c) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree

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

Paragraph 127 states that planning decisions should ensure safe, secure and inclusive developments with a high standard of amenity for existing and future users.

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

Paragraph 192 states that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets.

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

Consultations

Pollution (noise, premises and light): A condition should be attached to the planning permission (if granted) to limit the hours of use to protect the residential amenity of the first-floor flats

Traffic and Travel Planning: The site is located on Main Street, within a row of various shops and takeaway premises. Fronting the site is a wide footway, with a parking lay-by which allows parking on-street. There are no time restrictions over the length of use of the parking bay. Main street is a narrow and operates in a one-way westbound direction only from the junction of Tennis Court Drive. Whilst Main Street operates in a two-way direction past the site, on-carriageway parking on sections of Main Street reduces traffic flow to one lane. There are two bus services that operate along Main Street, and a bus stop is provided directly fronting the application site. Again, due to the width of the road opposing vehicles are unable to pass when a bus is stopped.

The existing unit has a potential to be used as a retail premises and generate vehicle trips throughout hours of opening. Standard trip formula calculations indicate that traffic generation could be significantly lower than for a retail use of the same size.

The applicant has provided further information that the proposed hours of use are 8am to 8pm, and the expected number of users will be approximately 20 during the course of the day. There would be a total of 4 members of staff, although the applicant has stated that they may all not be required at the same time. The applicant has further stated that the age range of the users is to be between 5 and 11 years old. This means that they would be more likely to be dropped off by a parent, rather than travelling to the site independently by bus, cycle or on foot, although this may be the case for older children. It would also be reasonable to assume that the majority of trips would be between 3pm and 8pm, after school during the term.

The team advise that they consider the traffic and parking demand would not be greater than that associated with a retail use.

Representations

The application has received 7 objections summarised below:

- Parking – limited parking in the area / not enough parking / Main Street can't cope with the traffic it gets now / more traffic is detrimental to the village / village not designed for extra traffic / roads are already difficult to negotiate without additional traffic
- This part of the village is very busy, there are now ten buses an hour going by these shops and the road is very narrow
- School children walk along the pavements twice a day and the number of cars parked can be very dangerous for them
- The parking bay outside the shops is often filled with cars and other vehicles for long periods of time by people not using the shops
- If all parking is brought or commandeered by this one premises, where do staff and customers of other retail units park? Delivery drivers, or tenants and visitors of flats above the unit?
- Is the owner going to charge for parking spaces?
- Row of shops have fire exits which lead out onto the area which is proposed for parking, if people park and block the exits this would be a breach of health and safety.
- What will happen in an emergency situation? Would emergency services be able to access?
- Local business will suffer if people can't park as they will go elsewhere. This could result in the local shops closing which would impact the elderly and disabled in the area, who can only access these shops
- There is already a large influx of traffic from Humberstone School without more parents dropping and collecting children
- The parking/servicing area at the rear is not well maintained and subject to fly-tipping
- The community is lacking in shops such as cafes, florist, post office, charity shops etc to give locals more amenities close to home.
- Educational use means that users will be on the premises for long periods of time meaning they are going to be parked for long periods on time, or the area will be inundated with school traffic; more than the area can cope with.
- Concern over people loitering in the space behind the shops
- Already an educational centre located on Gypsy Lane which is within a 5-minute drive
- The unit cannot be used for anything other than shop

- Use should bring the community together not segregate as this does
- Proposed use of the shop unit is inappropriate for the location
- Approval for the application would be totally counter to the Humberstone Village Action Plan agreed as a result of two public meetings in 2019. The objective was to make Humberstone more attractive after years of neglect
- Need to protect the integrity of the ancient village

Consideration

Principle of Development:

The property falls within a local shopping centre allocation. Core Strategy policy CS11 seeks to:

‘protect and enhance retail centres as the most suitable location for retail development by the following measures:

b) safeguarding the retail character and function of the centre by resisting development that would detract from their vitality and viability.

Educational uses such as training and tutorial centres are not identified as a main town centre use (NNPF annex 2). However, it is not unusual to find them located within a shopping centre as they are often sustainable locations which benefit from access to public transport. There are no saved local plan policies or current core strategy policies that specifically relate to this type of use. Each application is therefore treated on its individual merits.

The site is located within a small local centre that has a reasonable mix of uses including local convenience shopping provision. The proposed training centre would allow a vacant unit to be brought back into use. I do not consider that the proposed change of use would detract from the vitality and viability of the local shopping centre. The proposal is therefore acceptable in principle.

Design:

The proposal does not include any external alterations that need planning permission and I do not consider it will have an impact on the character and appearance of the area. The proposal is therefore not contrary to Core Strategy Policy CS03.

Heritage Assets:

The site under consideration is located in the Old Humberstone Conservation Area, adjacent the Grade II* Listed St Mary’s church to the north. The building was purpose built in the 1970’s as part of a row of commercial properties (shops) with residential accommodation above. The building is of limited heritage significance and negligible architectural merit. I therefore consider that the proposed change of use which includes no external alterations will not significantly impact the character of the

Old Humberstone Conservation Area. The proposal is therefore in keeping with Core Strategy (2014) CS18.

Residential amenity:

The application unit is located at ground floor level within a row of shops. The first-floor level of the row of buildings is in use as residential flats. In order to protect the residential amenity of the flat above the unit and the other nearby residential properties a condition restricting the hours of use is recommended. The applicant's predicted hours of use are between 0800 and 20.00 hours. I consider that there is a relatively low risk of unreasonable disturbance from the use and that the planning use only needs to be controlled with regards to use before 0730 and after 22.00.

I consider that with such a condition attached, the impacts of the proposal can be reasonably controlled so that it is consistent with the objectives of saved policies PS10 and PS11.

Waste storage and collection:

I do not consider that the proposal will have an unacceptable impact on the management of waste at the site.

Highways and Parking:

I agree with the highway team's conclusions that the potential vehicle trips generated by the site as a result of the proposed change of use would be comparable to or even lower than could be generated by the existing use.

I do not consider that the change of use is likely to lead to severe impacts on highway safety or highway function.

I therefore do not consider that the proposal conflicts with the objectives of Core Strategy (2014) CS14 and is consistent with the objectives of Saved City of Leicester Local Plan (2006) Policy AM11.

Conclusion:

The proposed change of use from retail (Class A1) to Education (Class D1) is acceptable in principle as the proposed use would bring a vacant unit back into use and not detract from the vitality and viability of the local centre.

As the proposal does not consist of any external alterations it is acceptable in terms of both design and conservation

With the appropriate condition attached restricting hours of use, the residential amenity of the nearby properties would not be unreasonably affected.

The proposal would not result in increased levels of traffic in the area so as to have a severe impact on the highway.

I recommend APPROVAL subject to the following conditions:

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The use shall not be carried on outside the hours of 08:00 hours and 22:00 hours daily. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
3. The premises shall not be used for any use other than an Educational Centre applied for notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended). (Leicester City Council as local planning authority would wish to assess the particular impacts of other D1 uses at this location before determining whether such proposals would be acceptable in planning terms.)

NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process.? The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019 is considered to be a positive outcome of these discussions.?

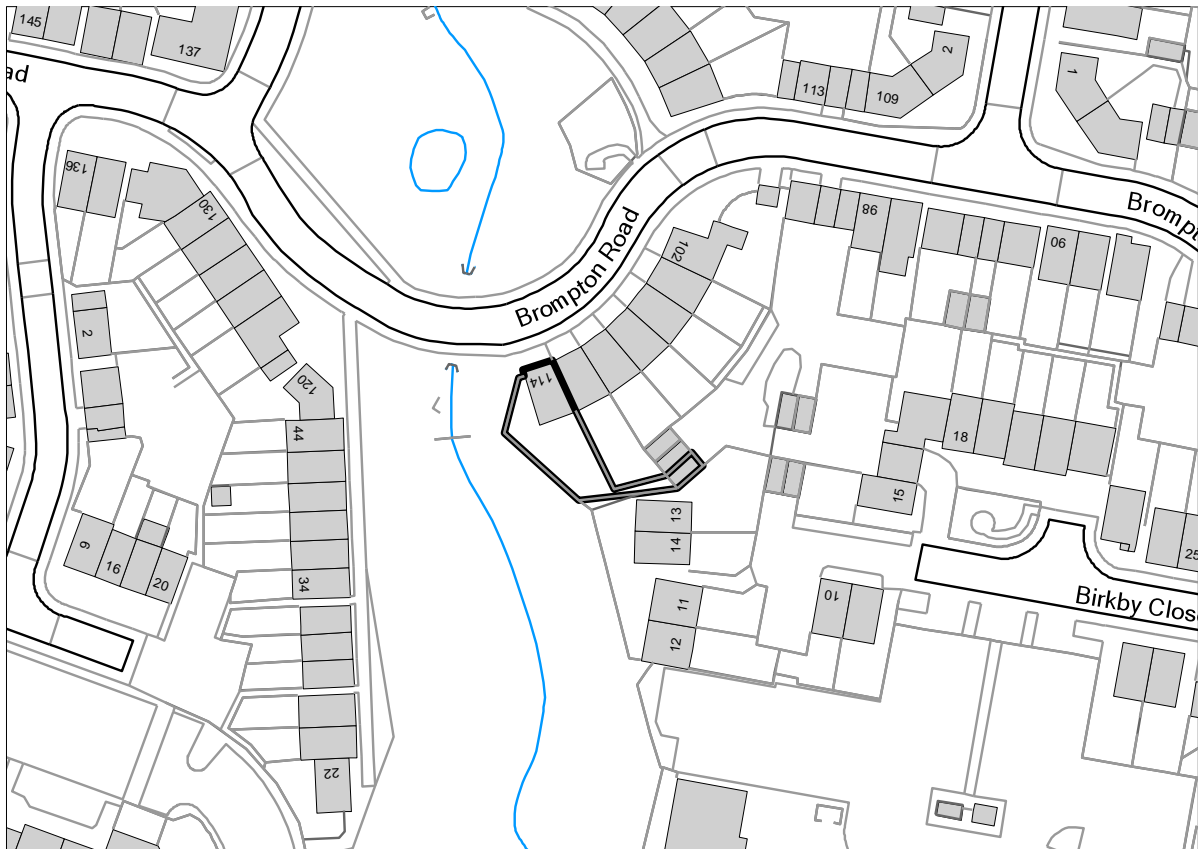
Policies relating to this recommendation

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

Appendix B4

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| Recommendation: Conditional approval | |
| 20201276 | 114 Brompton Road |
| Proposal: | Change of use from dwellinghouse (Class C3) to residential care home (3 Bedrooms)(Class C2) |
| Applicant: | PARAMOUNT CHILDREN CARE LTD |
| View application and responses: | https://planning.leicester.gov.uk/Planning/Display/20201276 |
| Expiry Date: | 20 November 2020 |
| SSA | WARD: Humberstone & Hamilton |



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Summary

- Brought to committee given the number of objections
- Objections from 8 addresses on grounds of character, noise and disturbance, traffic, parking, inadequate care for the occupiers and anti-social behaviour
- Issues are the principle of the use, impacts on residential amenity and traffic
- Recommended for approval

The Site

The application relates to a three storey, end terrace town house (4 bed) located in a residential area. There are two on-site parking spaces at the rear of the property accessed through under croft communal parking area.

There are public open spaces to the west and opposite north side of the property.

Background

Single storey extension at side and rear of house approved in 2008

The Proposal

The proposal is to change the use from dwellinghouse (Class C3) to a 3 bed care home (Class C2) to accommodate a maximum of three children and young people from the age of 8 to 18 years.

The property contains living room, a kitchen / dining room, and toilet at the ground floor and 3 bedrooms with bathroom on the first floor and 4th bedroom with bathroom on the second floor. One bedroom at first floor level will be used as office accommodation by the carers who will look after the three children.

There are no external alterations.

The applicant state that:

- Access will be through the front door with visitors using parking to the front of the property on the public highway that has no parking restrictions.
- There is unrestricted parking, and the rear a garage and parking for 4 cars plus internally in the garage (the primary entrance). As the home will have its own vehicle it will use one of the spaces, staff will then occupy a maximum 2/3 on shift changes, with allocated spaces at the rear (including using the garage);
- The registered manager and deputy, a specialist in mental health will visit at least once a week. Additional visiting health care professionals will be engaged depending on the needs of the children;
- At least 2 members of staff will be on duty at all times who will look after the children, teach them life skills and take and collect them to and from school. At weekends activities will also be provided.
- The children will be living as a single family unit. Whilst the proposal relates to a change of use from C3 dwelling to a care home this is to provide a home similar to a typical family home. The care is provided within the community to ensure the children keep normality within family homes;
- The care home will be regulated by Ofsted and the Care Quality Commission guidance.

Policy Considerations

National Planning Policy Framework (NPPF) 2019

Paragraph 2 states that applications for planning permission must be determined in accordance with development plans unless material considerations indicate otherwise.

Paragraph 11 states that there will be a presumption in favour of sustainable development.

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

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

Paragraph 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.

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

Appendix 1 CLLP 2006 - Vehicle Parking Standards.

Supplementary Planning Document (SPD): Residential Amenity

Representations

letters of objections have been received from nearby occupiers of 8 addresses raising the following concerns:

- The applicant is a new company with no guarantee that they understand what is entailed with providing care for vulnerable children
- As this is classed as C2, we do not know what problems the 'children' will have and the company can't guarantee that this not bring distress to residents with drugs/undesirables meeting up in what is a residential area with a large elderly population.
- To the side of the property there is a 7 foot fence which overlooks a large green area where lots of young children and families play and an open waterway which will be unsuitable to special needs.

- No objection to child minders business but have objection to a residential care home.
- As a resident association, we support development, however, in this case have to raise an objection.
- This is a family residential road and it should remain this way. The proposed change is not acceptable in a residential area with young families and children;
- Concerned about the possibility of crime and antisocial behaviour as a result of the new arrivals;
- will have a negative impact on the community;
- Brompton Road is already an anti-social behaviour hot spot and having a care home for young adults in this area will only add to the existing problems impacting on the residents living here.
- Staff will be parking on the public highway which is already heavily congested with residents own cars and there will be no parking available for visiting families;
- Will not permit visitors parking in our parking area at the back of the house.
- Further effect regarding parking and vehicles coming and going to the property, shift changes at various times; comings and goings 24 /7;
- Impact on value of the houses;
- Lack of planning procedure of notifying residents; Insufficient publicity notification,

Consideration

The main issues are principle of the use, level of accommodation, impact on amenity of nearby occupiers and whether the staff working on shift patterns will have significant change in the character of a dwelling-house through increased coming and goings, access and parking demand.

Principle of development

The City Council aims to facilitate the provision of a range of accommodation to meet the special housing needs of all City residents. The Council's Core Strategy Policy CS06 supports the provision of supported housing to meet other identified special needs

The property is located outside a restricted hotels, hostels and residential institutions area where CLLP policy H16 states that planning permission will not be granted for a change of use to a residential institution unless it can be demonstrated that there would be no adverse effects on the amenities of neighbours or on the residential character of the area.

There does not appear to be a concentration of such uses in the immediate locality.

The property is surrounded by predominantly residential properties. Whilst the change of use would result in the loss of a family house, the proposed 3 bed care home will be a managed provision where assisted living is provided for the residents.

I consider the principle of the use is in accordance with the aims of Core Strategy policy CS06.

Amenity and character and appearance

Each of the bedrooms will be provided with good outlook from the existing windows. I consider an acceptable level of amenity will be provided in terms of outlook and natural light for each of the residents.

The three children to be housed will be accommodated within the existing bedrooms, Some comings and goings to and from the house may change in character, however this is unlikely to be significantly above the levels expected in a family house.

There are no internal and external alterations required in order to facilitate the change of use to a care home. I do not consider the proposal would adversely affect the residential character or appearance of the property or have any negative visual impact on the surrounding residential area or the street scene. I conclude that the proposal would comply with policies CS03, CS08 and PS10 and is acceptable in visual and residential amenity terms.

There is a medium sized garden area at the rear of the house, screened by a boundary fence which would provide satisfactory private amenity area, storage for cycle and bins for the residents.

Access and parking

Policy CS14 of the Leicester Core Strategy (2014) states that development should be easily accessible to all future users, and that it should be accessible by alternative means of travel to the car, promoting sustainable modes of transport such as public transport, cycling, and walking and be located to minimise the need to travel.

Appendix 1 of the City of Leicester Local Plan sets out the parking requirements for the City. The maximum number of parking spaces for a residential institution within Zones 3 and 4 is one space for every four bedrooms, which would equate to a maximum requirement for one off street car parking space. There is on-site parking available for at least two vehicles at the site. There is unrestricted on street parking on the slip road in front of the property. Moreover, it is located close to amenities and is in a sustainable location where there is regular bus services and use of sustainable modes of travel available to staff members. It is unlikely that permanent residents will have individual car use.

Given the number of residents and the care staff required at any one time, I consider that the proposal will not have a detrimental impact on local on street parking capacity and the highway/parking impact of the proposal would not be severe.

As such I do not consider that the proposal is contrary to saved policy AM11 of the City of Leicester Local Plan and Core Strategy policy CS14 and para 108 and 109 of the NPPF.

However, within Class C2 the property could be used for a residential school, college, training centre or health facility. These uses could result in additional comings and goings, general disturbance and greater parking demand. Further consideration for these types of uses is necessary and for this reason I am recommending a condition that restricts the uses of the property to a care home.

Other matters

The issues /concerns over the use of the property, amenity, access and parking raised by the residents have been addressed above.

The agent has stated that the use will be regulated by Ofsted and the Care Quality Commission. The property would provide a home for the three children with staff assisting to provide them with a living environment similar to a typical family home and the children will living as a single family unit.

The proposal is a managed provision and therefore issues relating to with crime and anti-social behaviour would be managed by care team and other enforcement agencies. Likewise, emotional needs and behavioural issues, security and supervision and health care provisions are matters for the care team and other agencies.

The application has been given the publicity required and adjoining neighbouring properties have been notified and sufficient time have been allowed to submit their concerns.

Conclusion

I consider that the use of the application property as a 3 bed-care home is an acceptable use within a residential area.

The property will be used in a way that is similar to a typical family house and as such, I do not consider the proposal would cause harm to the amenities of neighbouring properties or result in detrimental impact on the residential character of the surrounding area.

The development is not likely to cause severe harm to the local highway network or result in additional parking demand and is considered acceptable in highway terms. I consider that the proposal would be in accordance with the aims of the NPPF and development plan polices and guidance.

I recommend **APPROVAL** subject to the following conditions:

CONDITIONS

1. START WITHIN THREE YEARS

Policies relating to this recommendation

- 2006_AM01 Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.
- 2006_AM11 Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01.
- 2006_H16 Planning permission will not be granted for new or extended hotels, hostels and residential institutions within Restricted Zones unless criteria can be met.
- 2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2006_UD06 New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
- 2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for

urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.

- 2014_CS06 The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
- 2014_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
- 2014_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
- 2014_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.

| | |
|---|---|
| Recommendation: Conditional approval | |
| 20201727 | 11 Franche Road |
| Proposal: | Change of use from house (Class C3) to house in multiple occupation for more than 6 persons(7 bedrooms) (Sui Generis); construction of dormer at front and rear; alterations(Amended plan received on 11/11/2020) |
| Applicant: | Mr Rob Whisson |
| View application and responses: | https://planning.leicester.gov.uk/Planning/Display/20201727 |
| Expiry Date: | 11 December 2020 |
| SSA | WARD: Fosse |



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Summary

- Application at committee as objections from more than 6 addresses
- 11 Objections including from Councillors Waddington and Cassidy on grounds of living conditions, fire safety, residential amenity, character, appearance, parking and road safety, anti-social behaviour, disruption from building works, impact on local services, setting a precedent, overdevelopment, impact on property values and potential trespassing.
- The main issues are principle of the use, design, living conditions of future occupants, neighbouring residential amenity, highway safety and parking.
- Recommended for approval.

The Site

The property is a two storey mid terrace house located within a predominantly residential area. It has small courtyard at the rear accessed via shared alleyway between rear boundary of 46, 48 Wentworth Road and 13 Franche Road. The site is also opposite Fosse Recreation Ground.

The property falls outside the designated area of the Article 4 Direction restricting permitted changes from house to small Houses in Multiple Occupation (HMO) within Class C4 (up to 6 persons).

The Proposal

The proposal is for the change of use of the property from a dwellinghouse (Class C3) to a House in Multiple Occupation for more than 6 persons (Sui Generis).

The existing plans show a living room, dining room and kitchen on the ground floor and three bedrooms on the first floor.

The proposed plans are for two en-suite bedrooms on the ground floor and a communal kitchen and sitting area. There would be three en-suite bedrooms on the first floor.

Two additional bedrooms would be provided in the roof space which would share a bathroom.

There would be a new dormer window at the front and a boxed dormer window at the rear to serve those bedrooms.

Amended plans show a revised design and position of the front dormer and enhanced internal layout for bedroom 6.

The rear courtyard will be used for waste bins and cycle storage.

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 11 'Making effective use of land'

- Paragraph 117 (effective use of land for homes)

Chapter 12 'Achieving well designed places:

- Paragraph 127 (high standard of amenity)
- Paragraph 130 (good design)

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

City of Leicester Local Plan, Appendix 01 Parking Standards

Consultations

Environmental Health - Private Sector Housing :

The combined kitchen/dining room is only suitable to be used by a maximum of 7 people therefore the bedrooms are only suitable for single occupancy. The owner must apply for a licence for a house in multiple occupation for this property under the Housing Act 2004.

Representations

Objections were received from 9 City addresses and from Cllr Sue Waddington and Cllr Ted Cassidy on the following grounds:

- Loss of another family home in this neighbourhood
- Adding to excessive number of houses being turned into HMOs in the area
- Can cause increase in anti – social behaviour and litter
- Increase in noise and disturbance
- Unsympathetic design of front dormer
- Inadequate parking and exacerbate existing situation
- it would harm road safety because it is located on a dangerous corner and parking would further reduce visibility
- Increased parking on the street might block access to garages
- Parking problems would increase car insurance costs through residents having to park on a street away from their homes
- Devalue properties
- .Not adequate to house 7 residents with inadequate fire safety
- out of keeping with the typical family and elderly person-occupied nature of the area
- would harm the fabric of the community.

- It would attract transient occupiers, who may be young singles, or people with drink or drug problems. They would not fit in with the area, would not take a pride in the area, and might engage in rowdy, noisy or anti-social behaviour.

- occupiers may be dangerous and increase crime levels in the area.

- The property might be used as a bail hostel, or “half-way house” for convicted criminals, causing danger to residents of the street.

- It would set a precedent for similar changes of use in the area.

- The extensions (with their non-matching materials) and the removal of the front garden are out of keeping with, and harmful to, the character and appearance of the area
- The rear dormer overlooks neighbouring gardens and would be overbearing.
- Building works have caused disruption and noise starting before 7am until late in the day
- The builders have parked blocking the access to the garages at the rear, have been rude, threatened residents, and trespassed on private property.
- The property has already been extended, without obtaining planning permission.
- The investor does not live in the area or care about the impact on people in the area.
- Concerns about bin storage and litter which would be harmful to visual amenity, and to health.
- Gates have been installed in the rear boundary providing access to the garages at the rear. This compromises the safety of the garages, which are private property.

Consideration

The main issues are the principle of the use; standard of accommodation provided, residential amenity; highway safety; and representations. Flood issues

Principle of use

Core Strategy policy CS08 outlines the strategy to ensure that neighbourhoods remain sustainable places. As part of this strategy larger houses for family use should be retained and conversion to other types of accommodation resisted. Houses in multiple occupation will not be permitted where they result in local overconcentration.

Although there would be a loss of a family house, the property could be used for a House in Multiple Occupation (Class C4) for up to 6 occupants under permitted development rights.

HMO uses are an important part of the housing supply and such uses are acceptable as forming part of the range of types of homes within the overall housing supply.

I do not consider that the proposal would result in an over-concentration of houses in multiple occupation in the surrounding area.

I consider that the proposed change is acceptable in principle.

Character and appearance

The design and size of the front dormer as amended is acceptable.

The rear dormer will not be visible from the street.

Residential Amenity

The proposal is for a residential use in a residential part of the city and I do not consider that it will have a detrimental impact on neighbouring residential properties by way of noise. Similarly, I do not consider that the proposed use will necessarily threaten the safety and security of the area.

The rear dormer would not significantly impact on light, outlook or privacy for neighbouring houses.

As the footprint of the building and the position of existing windows will not be altered, I do not consider that the proposal will have an unreasonable impact on the light, outlook or privacy from neighbouring properties.

Level of Accommodation

A communal living area is provided, and occupants of the property share cooking facilities. Most of the principal room windows will face out to Franche Road or the rear garden of the host property. The outlook from the side windows to the kitchen/lounge area would be as existing. I consider that the outlook from all principal room windows is satisfactory. The principal rooms would range between 9 metres and 14 square metres which meets the requirements of HMO licensing.

There is private amenity space of approximately 30 metres² at the rear which is similar to the neighbouring terraces houses. I am satisfied that the available space would continue to be sufficient to meet the reasonable needs of the occupiers.

The bins storage area in the rear garden can be accessed via the shared alleyway between next to no. 13 and the host property.

Parking and Highway Safety

Appendix 01 of the Local Plan (2006) does not identify a specific car parking standard for HMOs, but it recommends two spaces for houses with two or more bedrooms and also specify a maximum of 1 space per 4 bed spaces for residential institutions. Applying this standard as a proxy, the HMO use generates a standard maximum requirement for 2 spaces.

The site has no on-site parking provisions. Bike and bins storage area is proposed at the rear yard. I consider that it is reasonable and necessary to secure the proposed cycle parking arrangements.

The site is in a sustainable location with access to local shops and public transport.

I consider that the proposed change is unlikely to result in significant additional parking demand above the existing use and that the proposal would comply with Core Strategy Policies CS15 and saved Local Plan Policies AM02 and AM12.

Other issues

The HMO licence, fire, health and safety and building regulations issues are covered by separate regulations.

Conclusion

I consider that the proposal would not result in an unacceptable concentration of such uses in the area.

The proposal allows for a satisfactory living environment for future occupiers.

The proposal would not have an unreasonable impact on the amenity of neighbouring residential properties.

There are no demonstrably severe highway safety impacts.

The proposal is in accordance with the aims of the NPPF, development plan policies and guidelines.

I recommend **APPROVAL** subject to the following conditions:

CONDITIONS

1. START WITHIN THREE YEARS

2. This consent shall relate solely to the amended plans ref. no. 20105-P-102 - Rev B and 20105-P-103-Rev B received by the City Council as local planning authority on 22/10/2020. (For the avoidance of doubt.)

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_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'.

2014_CS06 The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.

2014_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.

2014_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.

2006_H05 Planning applications involving the loss of housing will be refused unless they meet criteria.

