

Leicester  
City Council

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

**DATE: WEDNESDAY, 10 MARCH 2021**  
**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.

For Monitoring Officer

**Officer contact:**

**Ayleena Thomas, tel: 0116 454 6369 / Aqil Sarang, tel: 0116 454 5591 / Jacob Mann, tel: 0116 454 5843**  
e-mail: [ayleena.thomas@leicester.gov.uk](mailto:ayleena.thomas@leicester.gov.uk) / [aqil.sarang@leicester.gov.uk](mailto:aqil.sarang@leicester.gov.uk)  
Democratic Support, Leicester City Council, City Hall, 115 Charles Street, Leicester, LE1 1FZ

## Information for members of the public

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

### Attending meetings and access to information

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

Dates of meetings and copies of public agendas and minutes are available on the Council's website at [www.cabinet.leicester.gov.uk](http://www.cabinet.leicester.gov.uk), from the Council's Customer Service Centre or by contacting us using the details below.

### Making meetings accessible to all

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

### Further information

If you have any queries about any of the above or the business to be discussed, please contact: **Ayleena Thomas, tel: 0116 454 6369 or Aqil Sarang, tel: 0116 454 5591 / Jacob Mann, tel: 0116 454 5843, Democratic Support Officers.**

Alternatively, email [ayleena.thomas@leicester.gov.uk](mailto:ayleena.thomas@leicester.gov.uk) / [aqil.sarang@leicester.gov.uk](mailto:aqil.sarang@leicester.gov.uk), or call in at City Hall.

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

# **PUBLIC SESSION**

## **AGENDA**

### **LIVE STREAM OF MEETING**

A livestream of the meeting can be viewed on our YouTube channel on the following link:

[https://www.youtube.com/channel/UCddTWO00\\_gs0cp-301XDbXA](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. CHAIR'S ANNOUNCEMENTS**

#### **4. MINUTES OF THE PREVIOUS MEETING**

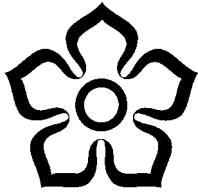
Members are asked to confirm that the minutes of the meeting of the Planning and Development Control Committee held on 16 February 2021 are a correct record.

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

The Committee is asked to consider the recommendations of the Director, Planning, Development and Transportation contained in the attached reports, within the categories identified in the index appended with the reports.

- |       |  |             |
|-------|--|-------------|
| (i)   | 20200333 GROBY ROAD GLENFIELD HOSPITAL         | Appendix A1 |
| (ii)  | 20202099 83 HEYWORTH ROAD                      | Appendix A2 |
| (iii) | 20202123 28 ST BARNABAS ROAD                   | Appendix A3 |
| (iv)  | 20202124 28 ST BARNABAS ROAD                   | Appendix A4 |
| (v)   | 20210008C 11 FRANCHE ROAD (CONTRAVENTION CASE) | Appendix A5 |

**6. ANY URGENT BUSINESS**



Leicester  
City Council

**Wards:**  
**See individual reports.**

---

Planning & Development Control Committee

Date: 10 March 2021

---

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

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

**10 Consultations**

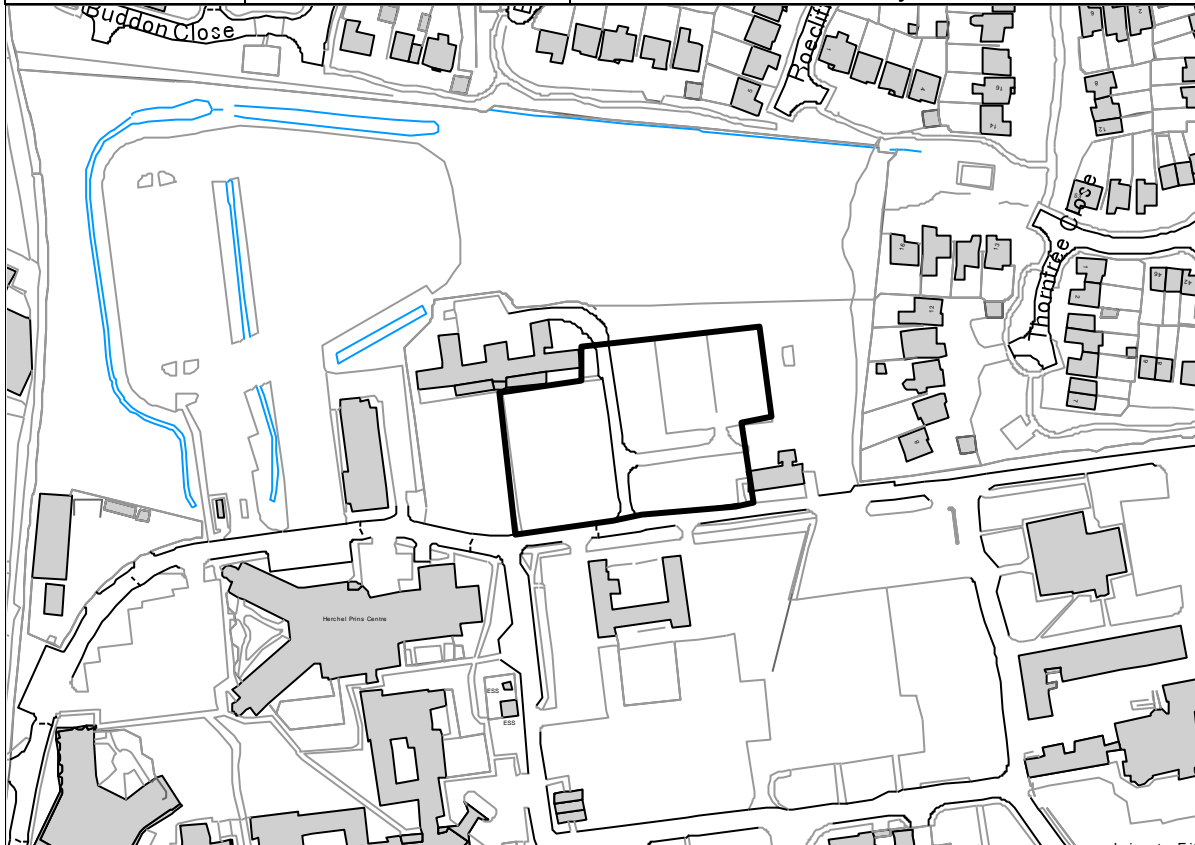
Consultations with other services and external organisations are referred to in individual reports.

**11 Report Author**

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



|                 |   |                     |
|-----------------|---|---------------------|
| <b>20200333</b> | <b>Groby Road, Glenfield Hospital</b>                               |                     |
| Proposal:       | Construction of two storey detached building at hospital (Class D1) |                     |
| Applicant:      | University Hospitals of Leicester NHS Trust                         |                     |
| App type:       | Operational development - full application                          |                     |
| Status:         | Smallscale Major Development  |                     |
| Expiry Date:    | 11 March 2021   |                     |
| PK              | TEAM: PM  | WARD: Beaumont Leys |



©Crown Copyright Reserved. Leicester City Council Licence 100019264(2021). Ordnance Survey mapping does not imply any ownership boundaries and does not always denote the exact ground features.

## Summary

- Application brought to committee due to the number of objections received
- Objections from 8 City Addresses on the grounds of residential amenity, noise, environmental concern, and safety issues from the use of chemicals
- The main issues are the impacts on design, residential amenity, highways and flooding
- Application recommended for approval.

## The Site

The application site is part of Glenfield Hospital. The hospital as a whole covers about 25ha, and is bounded by Groby Road to the south, Glenfrith Way to the east, a neighbouring NHS site to the west, and residential development to the north.

One of the entrances into the site is off Glenfrith Way, and the location of the proposed building is close to that entrance.

The site itself is located along the northern part of the hospital. There is a parking area immediately to the south of the site, to the north/west is a detached single storey building known as Baldwin Lodge, to the north is an open parcel of land (also within the hospital grounds) beyond which is a residential area which extends to the eastern side of the site. There is an existing car park to the east of the site.

There are a number of trees subject to tree preservation orders to the south and east of the proposed building.

## **Background**

There is an extensive history relating to the hospital site which includes, extensions, new buildings plant room, car parking and tree works.

## **The Proposal**

The proposal is to construct a two storey building to be used as a decontamination centre for endoscopes used across the Trust sites. The building would be two storeys in the central part only and single storey around all sides of the building. There would be a 6.4 metre wide access around the building for vehicles to continue accessing the car park to the south and west.

The building would have a footprint measuring 32.8 metres by 30.8 metres. The building would have a flat roof that would have a slight slope. The maximum height of the building would be 9.7 metres. The single storey part of the building would have a maximum height measuring 5.3 metres.

The building would be finished in brickwork and cladding.

As part of the development some changes would be made to the wider site to provide suitable crossing points and pavements to the front of the building. A new vehicular access to the car park to the east would also be provided.

## **Policy Considerations**

### National Planning Policy Framework (NPPF)

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

Paragraph 11 states:

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.

- iii. 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.
- iv. 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.

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 users<sup>46</sup>; 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. 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.

When determining planning applications paragraph 175 states that 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 reasons<sup>58</sup> 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

Paragraph 177 states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

#### Development Plan policies

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

#### Supplementary Planning Documents (SPD)

None relevant.

### **Consultations**

#### Local Highway Authority

No objection. Recommend a condition to revise the existing hospital travel plan to include the new development.

#### Lead Local Flood Authority

No objection although further information is required. Conditions recommended for drainage details, construction management and SuDS.

#### Trees and Woodlands

No objection to the removal of the trees indicated in the Arboricultural Report. A landscaping scheme is necessary with provision of suitable tree planting scheme. This should be secured by way of condition.

#### Pollution (Land)

No land contamination concerns.

#### Pollution (Noise)

No objection to the development subject to conditions.

#### Sustainable Energy

The Energy Strategy indicates (section 1.1) that the intention at this stage is for the development to achieve a BREEAM rating of excellent which is welcomed. Other measures to ensure adequate sustainability measures have been incorporated into the scheme. There is no objection to the proposal subject to conditions.

#### Blaby District Council

There are no objections to the construction of the proposed building; however it is requested that an Ecologist reviews the details submitted to ensure there is no harm to protected species.

### **Representations**

Nine objections have been received from eight City addresses raising the following concerns:

- Impact on privacy from movement of vehicles and people using the site
- Light pollution from the unit. There is already light pollution from the floodlighting of the car park
- Increased traffic and resultant air quality concerns
- Noise concerns from the construction and from the ongoing use of the site
- Safety concerns from the siting of a biological/chemical plant in close proximity to residential properties which may handle chemicals
- Impact on the sale of nearby properties
- Siting of the EDU will impact human rights of local residents

### **Consideration**

#### Principle of development

The site is already in use as a hospital so the principle of further associated use on the site is acceptable.

#### Design

The proposed building would be of a contemporary design part single and part two storey in height. It would not be visible from the main part of the hospitable building and would be detached from them by various smaller buildings and car parks.

Whilst the building would be situated 11 metres from the front of Baldwin Lodge which is a single storey building, Baldwin Lodge is not a building of heritage or design significance. The building would appear different to the brick and tiled

traditional design of Baldwin Lodge; however this would not result in harm to the overall character of the Hospital site which already has a variety of building design.

Subject to the materials matching the details on the application form and plans, I consider that the design is acceptable. Samples of the approved materials should be submitted. I consider this can be adequately secured by condition.

The proposal is therefore in accordance with relevant design policies in particular CS03.

#### Heritage Assets

There is a listed building within the hospital site, but that building is not close to the site of the proposed decontamination unit. There would be no adverse impact on heritage assets within the site.

#### Residential amenity

The nearest houses are just over 75m away to the east and the properties to the north would be approximately 100m away. There are landscaped areas between the proposed building and the dwellings; these are part of the hospital site but not currently developed. There is a thin row of trees at the edge closest to the houses.

Activity relating to the proposed unit would be largely screened from the houses by the existing landscaping, Baldwin Lodge and the car park to the east.

I therefore consider the proposed building itself is unlikely going to result in harm to the privacy of adjacent occupiers. Furthermore, any impacts from light and noise of the use of the building would be minimal and screened from the existing trees.

Concerns have been raised from the use of the site, with associated noise from traffic to and from the site. Whilst there would be some increase in the use of this area, this is not considered to be significantly different from the current vehicle movements.

The site is established as a hospital and if the Trust began using Baldwin Lodge for an ancillary use, a similar impact could be experienced by nearby residents. Similarly there are existing access roads in this area and traffic within the hospital site could be redirected through this part of the site at any time without the need for planning permission. I consider the impact on houses outside the hospital site from the increased use of the site would be minimal.

Concerns regarding noise from the construction phase have been received. In consideration of the size of the building I consider such impacts would be short lived.

Any lighting on site can be controlled by way of condition in line with the operating hours of the unit and details of lighting will need to be secured through condition to ensure no harm to protected species. Therefore I consider there is unlikely to be significant harm from light pollution.

Noise from plant and machinery on the building is unlikely to result in unreasonable harm to nearby property occupiers. The Noise Team have advised that a condition

for the noise levels to be restricted to 40dB(A) expressed as a 15 minute LAeq at any residential boundary would ensure there are no unreasonable impacts on the amenity of nearby occupiers.

I consider that the proposal would accord with saved policy PS10 of the Local Plan in respect of residential amenity.

#### Waste storage and collection

This can be incorporated into the existing site arrangements and I do not consider it necessary to impose any conditions.

#### Highways and Parking

The site is within the hospital grounds and some distance from the highway, so there would not be any significant impact on the highway network. A condition is recommended to secure an updated travel plan.

#### Sustainable Energy

The applicant has submitted an energy Statement that has been updated during the course of the application. The details within the Energy Statement state that the intention is for the development to achieve a BREEAM rating of excellence. The level of thermal performance and airtightness proposed is sufficient in terms of energy efficiency. Other energy efficiency measure in terms of mechanical ventilation and lighting is accepted and a Building Energy Management Systems is to be used to monitor and optimise energy use.

A condition is recommended for the applicant to give further consideration to the district heating main at the hospital site and also the provision of ground source heat pumps that may be suitable on site to support the development. The condition should include a requirement for details to be submitted and also evidence to show these measures have been installed on site. Subject to this, the application is considered to comply with Core Strategy policy CS02.

#### Drainage

The site is in Flood Zone 1 (low risk of fluvial flooding), but within a modelled pluvial flooding (surface/rainwater) hotspot. Some drainage information has been provided; however further details are required within their drainage strategy.

The Local Lead Flood Authority have reviewed the information and have outlined that further information is required in relation to the proposed SuDS measures and a construction method statement to ensure there is no adverse impact during the course of the application.

Subject to the conditions being suitably addressed, the proposal will be in accordance with relevant sections of policy CS02.

#### Nature conservation/Trees/landscaping

There are some individual trees along the edge of the grassed area where the building would be located. The plans indicate that eight trees would be removed in order to accommodate the building and the alterations to the driveway layout and car parking access.

None of these trees are of great value, however mitigation should be sought in the form of replacement tree planting. I recommend conditions to secure protection to the retained trees, and also some compensation for loss of trees and grassed areas. Subject to such a condition, the proposal would accord with saved policy UD06 of the Local Plan.

The applicant has submitted a preliminary ecological assessment of the site and further to this also submitted details of how a Biodiversity Net Gain can be achieved within the wider hospital site. The findings of the survey are acceptable and it is considered that there would be a low impact on wildlife in the area. Notwithstanding this, it is considered suitable to attach a condition to suitably mitigate any minimal impacts on wildlife through the use of suitable native planting to create habitat features. Subject to such a condition I consider the proposal would accord with Core Strategy policy CS17.

#### Other matters

A number of objections have been received regarding the use of chemicals and radiation at the site and potential for leakage and impacts on health and property resale.

These are matters controlled by other agencies; however the Hospital Trust have said that radiation would not be used at the decontamination unit. The hospital already provides this facility within the hospital grounds and the current proposal is for the provision of an efficient and purpose-built building which would provide the most up-to-date service for the three Leicester Hospitals and those within Leicestershire and Rutland.

The issues surrounding property values and re-sale of any property are not a material planning consideration.

#### Conclusion

The proposed development is to support the functioning of hospital facilities within and beyond the City.

The proposal is of a relatively minor scale and unlikely to result in demonstrable harm in terms of design, residential amenity, highways and drainage.

Suitable conditions are recommended to secure an acceptable form of development that would comply with both national and local plan policies.

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

#### CONDITIONS

1. START WITHIN THREE YEARS
2. Prior to the commencement of development a Construction Method Statement, with particular consideration being given to the water environment and flood risk management, shall be submitted to and approved in writing by the City Council as local planning authority. The approved Method Statement shall be



adhered to throughout the construction period. The Statement shall provide for: (i) the vehicle and pedestrian temporary access arrangements including 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 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 storage and management of waste resulting from excavation works (viii) the proposed phasing of development and a detailed description of the works in each phase (ix) the temporary access arrangement to the construction site; (x) procedures for ensure flood risk is managed on site during the period of works for personnel, plant and members of the public (xi) the procedures to ensure flood risk is not increased anywhere outside of the site for the duration of the works; (xii) the procedures to ensure pollution and sedimentation is minimised to any adjacent watercourse and the procedure to be used in case of a pollution incident; (xiii) the measures that will be undertaken to ensure the structure of any adjacent watercourse is not impacted by the proposed development. (To ensure the satisfactory development of the site, and in accordance with policies AM01 & UD06 of the City of Leicester Local Plan and Core Strategy policy CS02 & CS03. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

3. Prior to the commencement of development details of drainage, shall be submitted to and approved in writing by the local planning authority. The use shall not commence until the drainage has been installed in full accordance with the approved details. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

4. Prior to the commencement of development 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 local planning authority. The use shall not commence until the system has been implemented in full. 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. Notwithstanding the approved Energy Statement, no development shall take place until details of the use of district heating and ground source heat pumps on site and full design details of all on-site installations to provide energy efficient measures have been submitted to and approved in writing by the City Council as local planning authority. Prior to first use of the development, evidence demonstrating satisfactory operation of the approved scheme including on-site installation has been submitted

to and approved in writing by the City Council. (In the interests of securing energy efficiency in accordance with Policy CS02 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

6. Prior to the commencement of development, a detailed landscape and ecological management plan (LEMP) showing the treatment and maintenance of all parts of the site which will remain unbuilt upon shall be submitted to and approved in writing with the City Council as local planning authority. This scheme shall include details of: (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed; (ii) new tree and shrub planting, including plant type, size, quantities and locations; (iii) means of planting, staking, and tying of trees, including tree guards; (iv) other surface treatments; v) a detailed plan of the biodiversity enhancements on the site such as meadow creation and hedgerow improvements including a management scheme to protect habitat during site preparation and post-construction. The approved LEMP shall contain details on the after-care and maintenance of all soft landscaped areas and be carried out within one year of completion of the development. For a period of not less than five years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme and a written assessment of the landscaped/habitat areas and use by wildlife/species present shall be submitted annually to the LPA. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS17. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

7. Prior to any work above foundation level, samples of all materials to be used for all external finishes including windows and doors shall be submitted to and approved in writing by the City Council as local planning authority. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03).

8. Prior to first use of the site an updated Travel Plan for the site which takes into consideration the development has been submitted to and approved in writing by the City Council as local planning authority. The updated Travel Plan shall be carried out in accordance with a timetable to be contained within the Travel Plan. The plan shall be maintained and operated thereafter. (To promote sustainable transport and in accordance with policies AM01, AM02, and AM11 of the City of Leicester Local Plan and policies CS14 and CS15 of the Core Strategy).

9. No part of the development shall be occupied until a detailed design plan of external lighting to be used which shows the locations of lights, their type of light emittance and wavelength, together with a lux contour map showing the variation in light, has been submitted to and approved in writing by the City Council as local planning authority. The lighting should be designed to cause minimum disturbance to protected species that may inhabit the site. The approved scheme shall be implemented and retained thereafter. (In the interests of protecting wildlife habitats and in accordance with policy BE22 and policy CS17 of the Core Strategy).

10. The overall noise level from all plant and machinery on the development shall not exceed 40dB(A) expressed as a 15 minute LAeq at any residential boundary. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)

11. All street works shall be constructed in accordance with the Leicester City Council Street Design Guide June 2020. (To achieve a satisfactory form of development, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)

12. Prior to first use of the development, the following works have been carried out in accordance with details shown on the approved plans: (a) surfacing and marking out of all parking areas; (b) provision of loading/unloading areas; (c) provision of turning space. The parking, loading/unloading areas and turning space shall not be used for any other purpose. (In the interests in highway safety, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)

13. This consent shall relate solely to the submitted plans ref. no. GGH-PHS-XX-XX-DR-A-90-010 P02 - Proposed Block Plan; GGH-PHS-06-ZZ-DR-A-90-006 P04 – Proposed Site and Demolition Plan; GGH-PHS-06-ZZ-DR-A-90-007 P02 – Proposed Site Finishes; Arboricultural Assessment; Biodiversity Survey & Report; Flood Risk Assessment; Noise Survey; and Sustainable Design & Construction Statement received by the City Council as local planning authority on 19/02/2020; Design & Access Statement received by the City Council as local planning authority on 15/06/2020; plans ref. no. GGH-PHS-06-ZZ-DR-A-90-001 C0 – Location Plan; GGH-PHS-06-00-DR-A-22-001 C0 – Proposed Ground Floor Plan; and GGH-PHS-06-01-DR-A-22-002 C0 – Proposed First Floor Plan received by the City Council as local planning authority on 16/06/2020; plan ref. no. GGH-PHS-06-RF-DR-A-27-001 A – Proposed Roof Plan received by the City Council as local planning authority on 17/06/2020; plan ref. no. GGH-PHS-06-ZZ-DR-A-20-001 C3 – Proposed Elevations received by the City Council as local planning authority on 08/07/2020; plans ref. no. FS 5236 - S - 7008 A - External Works Plan and FS 5236 - S - 7009 A – Internal Drainage Layout received by the City Council as local planning authority on 28/07/2020; plans ref. no. M4815-DSSR-X-01-DR-MEP-63001\_P2 First Floor Lighting; M4815-DSSR-X-XX-DR-MEP-90002\_P2 External Services Layout; M4815-DSSR-X-00-DR-MEP-63001\_P2 Ground Floor Lighting; M4815-DSSR-X-00-DR-MEP-63002\_P1 Ground Floor Lighting and Emergency Lighting; M4815-DSSR-X-01-DR-MEP-63002\_P1 First Floor Lighting and Emergency Lighting; Planning Responses; Stage 2 Energy Statement; Engineering Services Strategy and Preliminary Ecological Assessment received by the City Council as local planning authority on 18/11/2020; plans ref. no. 201388-PEV-XX-ZZ-DR-C-0510 Flood Exceedance Plan; 201388-PEV-XX-ZZ-DR-C-0500 Proposed Drainage Layout; Drainage Strategy; and Maintenance Plan received by the City Council as local planning authority on 15/12/2020 and Biodiversity Net Gains Report received by the City Council as local planning authority on 22/12/2020, unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

NOTES FOR APPLICANT

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

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

### **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_BE22 | Planning permission for development that consists of, or includes, external lighting will be permitted where the City Council is satisfied that it meets certain criteria.   |
| 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_CS15 | To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.  |
| 2014_CS17 | The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.  |

|                 |  |                                       |
|-----------------|--|---------------------------------------|
| <b>20202099</b> | <b>83 Heyworth Road</b>  |                                       |
| Proposal:       | Change of use from house (Class C3) to residential care home (Class C2) (3 bedrooms) (amended plans 11.2.21) |                                       |
| Applicant:      | Mr Ibrahim Rasoul  |                                       |
| App type:       | Operational development - full application   |                                       |
| Status:         | Change of use  |                                       |
| Expiry Date:    | 11 March 2021  |                                       |
| SS1             | TEAM: PD   | WARD: Braunstone Park & Rowley Fields |



©Crown Copyright Reserved. Leicester City Council Licence 100019264(2021). Ordnance Survey mapping does not imply any ownership boundaries and does not always denote the exact ground features.

## Summary

- Brought to committee given the number of objections
- 10 Objections from 6 Leicester addresses on the grounds of character, noise and disturbance, traffic, parking, anti-social behaviour, crime and general safety.
- Issues are the principle of the use, impacts on residential amenity and traffic
- Recommended for approval

## The Site

83 Heyworth Road is a detached two-storey dwellinghouse (3 bed) on a corner plot within a primarily residential area.

## Background

There have been two recent planning applications at this site.

Application 20182095 – additional house to side was refused.

Application 20181101 –two storey extension at rear of house was approved and implemented.

## The Proposal

The proposal is for a change of use from a dwellinghouse (class C3) to a residential care home (class C2).

There is a kitchen, dining room, lounge, and bathroom on the ground floor. There are 3 bedrooms, a bathroom and a store room on the first floor. No external alterations are proposed.

The applicant states that:

- The care home would be used for adults with learning disabilities. The adults would not have physical disabilities.
- Council workers will look after and supervise the adults at all times.
- There will be 12 full time staff, working 3 or 4 at a time working shifts throughout the day/week.

## 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.

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

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

#### Supplementary guidance

Appendix 1 CLLP 2006 - Vehicle Parking Standards.

Supplementary Planning Document (SPD): Residential Amenity

### Consultations

#### Noise team

No objections.

### Representations

10 letters of objection have been received from 6 different Leicester addresses raising the following concerns:

- Queries if the publicity was sufficient in terms of neighbour notification;
- The proposal will be another nuisance in the area and affect the community spirit;
- Concerns over disruption in terms of noise or other anti-social or illegal behaviour;
- Concerns over privacy, safety and security for neighbours;
- Parking issues and increased traffic which are already a concern;
- Although it will be for people with learning disabilities it might not always be;
- Concerns over how well looked after the occupants would be.

### Consideration

The main issues are principle of the use, level of accommodation, impact on amenity and impact on parking/highways.

### 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 saved policy H16 of the City of Leicester Local Plan presumes against new such uses.

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.

### Occupier amenity, 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 adults 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 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. There is on-site parking available for at least two vehicles at the site and



unrestricted on street parking on the road in front of the property. Moreover, it is located a reasonable walking distance from facilities and on bus services on Narborough Road.

Given the number of residents and the care staff likely 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, Core Strategy policy CS14 or paras 108 and 109 of the NPPF.

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.

Care homes are regulated by relevant social care bodies. The property would provide a home for three adults with staff assisting to provide them with a living environment similar to a typical family home.

The proposal is a managed provision. Issues relating to crime and anti-social behaviour would not be likely to arise directly from the proposed use. Any behavioural issues would be managed by the 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. Neighbouring properties have been notified and sufficient time has been allowed to submit their concerns.

#### Conclusion

I consider that the use of the property as a small 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 unreasonable 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 substantial additional parking demand.

I consider that the proposal would be in accordance with the aims of the NPPF and development plan policies and guidance.

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. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, or any order amending or revoking and replacing that Order with or without modification, the premises shall not be used for any purpose other than for a care home within Class C2 of the Order, unless otherwise approved in writing by the local planning authority. (To enable consideration of the amenity, parking and highway safety impacts of alternative Class C2 uses, in accordance with Policies CS03, CS06 and CS14 of the Leicester Core Strategy (2014) and saved Policies PS10 of the Local Plan (2006).)
3. This consent shall relate solely to the submitted plans received by the City Council as local planning authority on 11/02/2021, unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

### NOTES FOR APPLICANT

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

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

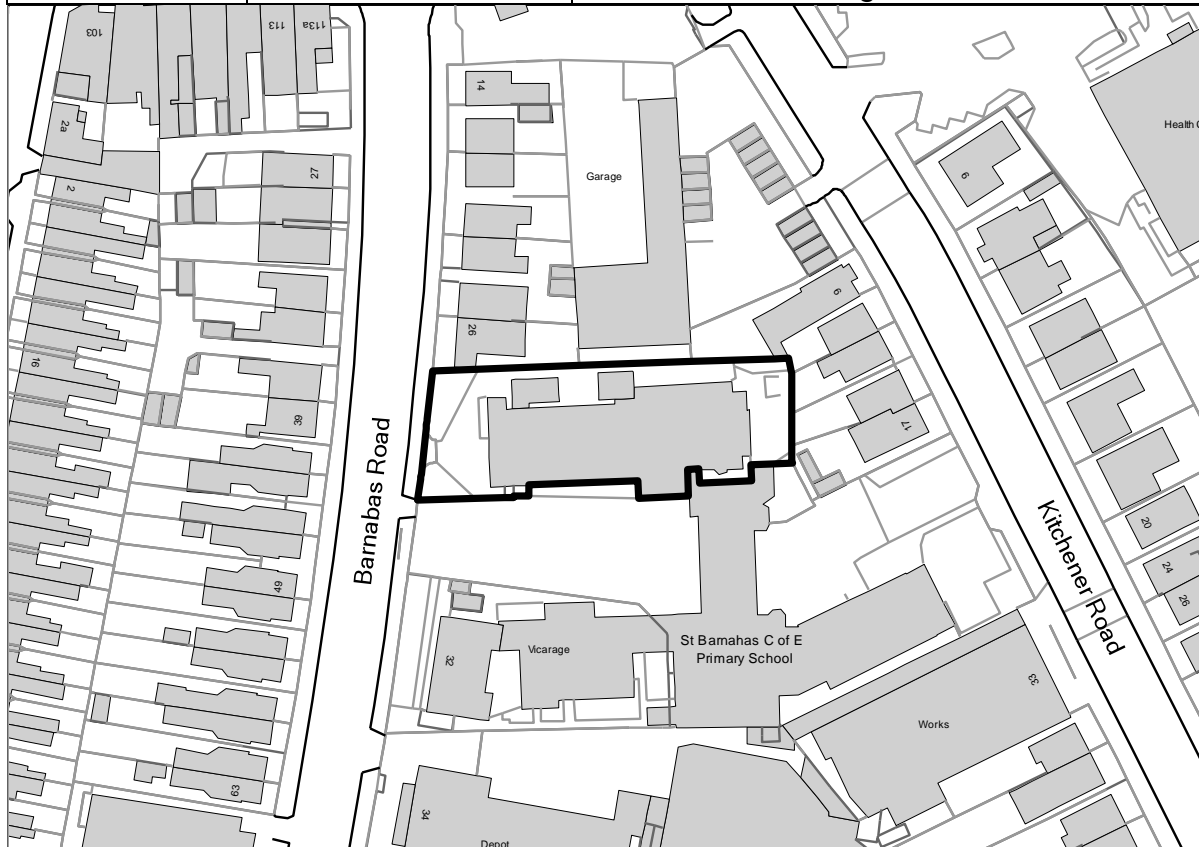
### **Policies relating to this recommendation**

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



|                 |  |                      |
|-----------------|--|----------------------|
| <b>20202123</b> | <b>28 St Barnabas Road</b>   |                      |
| Proposal:       | Change of use from function hall, to function hall and restaurant (Sui Generis): single storey extension to side; installation of ventilation flue to side of main building. |                      |
| Applicant:      | MR E. SABAT  |                      |
| App type:       | Operational development - full application   |                      |
| Status:         | Minor development  |                      |
| Expiry Date:    | 18 January 2021  |                      |
| SSB             | TEAM: PD   | WARD: North Evington |



©Crown Copyright Reserved. Leicester City Council Licence 100019264(2021). Ordnance Survey mapping does not imply any ownership boundaries and does not always denote the exact ground features.

## Summary

- Application at committee at officer discretion.
- No representation from the public but Conservation Advisory Panel object to the impact upon the listed building.
- The main issues are the principle of use and the impact of the proposal on the character and appearance of the Grade II Listed Building and its surroundings.
- Recommended for refusal.

## **Introduction**

This application relates to St Barnabas Church (Class D1) a Grade II listed building. The church was deconsecrated in 2011. It is located in a residential area and within flood zone 2.

There is a parallel Listed Building consent planning application (20212124) for the installation of a flue to the Grade II Listed Building and the addition of the extension.

To the north of the site is a row of semi-detached houses and a vacant garage, to the east a row of semi-detached houses, to the south St Barnabas Primary School, a Hindu temple and library and to the west directly opposite a further row of houses.

## **Background**

20131559 Change of use from church to function hall was approved by Planning Committee.

## **The Proposal**

The applicant proposes a single storey extension attached to the listed building and the installation of an external flue.

A single storey extension proposed is located along the northern boundary of the site, measuring approximately 2.2m wide to the east and expanding to 4.7m wide on the western side. It has a total length of approximately 16.7m and a flat felt roof with a height of 2.7m and a ridge height of 4m, thus adding an additional 60sqm of floor space. The extractor flue has a total height of 10.3m from the ground would be located on the flat roof and attached to the main building.

This is apparently proposed to either replace or adapt a wooden structure which has already been installed without consent. This is likely to be subject of further investigation and possible Enforcement Action.

The external materials proposed are timber cladding and felt roof for the extension. The proposed flue is of untreated steel construction.

There is no increase in the floor area of the current banqueting hall. The application form indicates the proposal would employ two additional full time-staff.

The applicant has confirmed the opening hours for the restaurant would be Monday to Friday: 0700 – midnight; Saturday: 0800 - midnight; Sunday: 0800 – midnight.

## **Policy Considerations**

### National Planning Policy Guidance (NPPF) 2019

Paragraphs 2 and 11 (Presumption in favour 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 users<sup>46</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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.

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

Paragraph 189 - In determining applications, local planning authorities (LPAs) 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 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 requires local planning authorities to take into account the following: 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.

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 196 states that where development proposals of less than substantial harm to the significance of a designated Heritage Asset, this should be weighed against the wider public benefits of the proposal, including, where appropriate, securing its optimum viable use.

#### Development Plan policies

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

Supplementary Planning Documents - Residential Amenity SPD.

### **Consultations**

Conservation Advisory Panel - The Panel focused on the design, materiality and quality of the two modern side extensions already on site, considered as harmful additions to the Grade II Listed building under consideration. The members agreed that the information submitted is inadequate/insufficient to fully assess the harm but concurred that the scheme as proposed is not acceptable, as it would fail to sustain the significance of the designated heritage asset.

Pollution Control Not satisfied that the proposed development will not be detrimental to occupiers of the closest residential premise. Further details are required of the predicted noise level at 3m, or some other specified distance, from the ducting/fan/silencers as installed.

**Representations** None received.

### **Consideration**

#### Principal of the proposal

The former St Barnabas Church, is a Grade II listed building of 1882 by architects Goddard and Paget, now used as a wedding reception venue. The proposal is also located near the former St Barnabas Vicarage, a locally listed building (LL/174). The former Church and Vicarage have group value with St Barnabas Church of England School.

The proposal is for a timber framed kitchen extension, with an extractor flue, on the north side linked to the former church building. There is an existing timber framed structure on the same location. It is not certain to what extent this extant structure will be incorporated within the proposed extension.



The proposal is physically linked to the main building, but the plans are not clear of the points of attachment/abutting. The proposed extension is of a considerable size (16m in length) and screens a significant element of the current building along one elevation. Furthermore, the materials proposed for the extension are timber cladding and a felt roof. These materials are not in keeping with the structure, style and finishes of the Grade II Listed Building.

I consider that the proposed extension is crudely designed, is of poor materials and its location so close to the listed building would harm the special architectural significance of the listed building. The proposal does not preserve the building or the features of special architectural or historic interest which it possesses.

I consider that the proposal would substantially detract from the significance of the Grade II Listed Building.

### Conclusion

The proposal is not an acceptable addition to the Grade II Listed Building.

Notwithstanding that assessment and though the level of detail provided is insufficient to make a full assessment of the impact of the proposal. I consider that the proposal will as a minimum result in less than substantial harm to the significance of a designated heritage asset, and this harm is not outweighed by any public benefits of the proposal including, securing its optimum viable use.

I recommend REFUSAL for the following reasons: -

### REASONS FOR REFUSAL

1. The applicant has not shown that the extension by reason of its size, design and position would not result in harm to the historical, aesthetic and evidential value of the heritage asset and therefore its significance through the concealment of historic architectural features - buttresses and side entrance arch. Although this harm is less than substantial this is not outweighed by any public benefit of the proposal, contrary to policy CS18 of the Leicester Core Strategy and NPPF paragraph 196.
2. The extension and the addition of the ventilation flue would disrupt the appearance of the listed building and the nearby historic assets. The applicant has not shown that the proposal would not harm the building's historic and architectural significance and value. Although this harm is less than substantial this is not outweighed by any public benefit of the proposal. The proposal is therefore contrary to policy CS18 of the Leicester Core Strategy and NPPF paragraph 196.

### NOTES FOR APPLICANT

1. For avoidance of doubt, this Planning Application is refused on the basis of the application form and plans received on 3/11/2020.

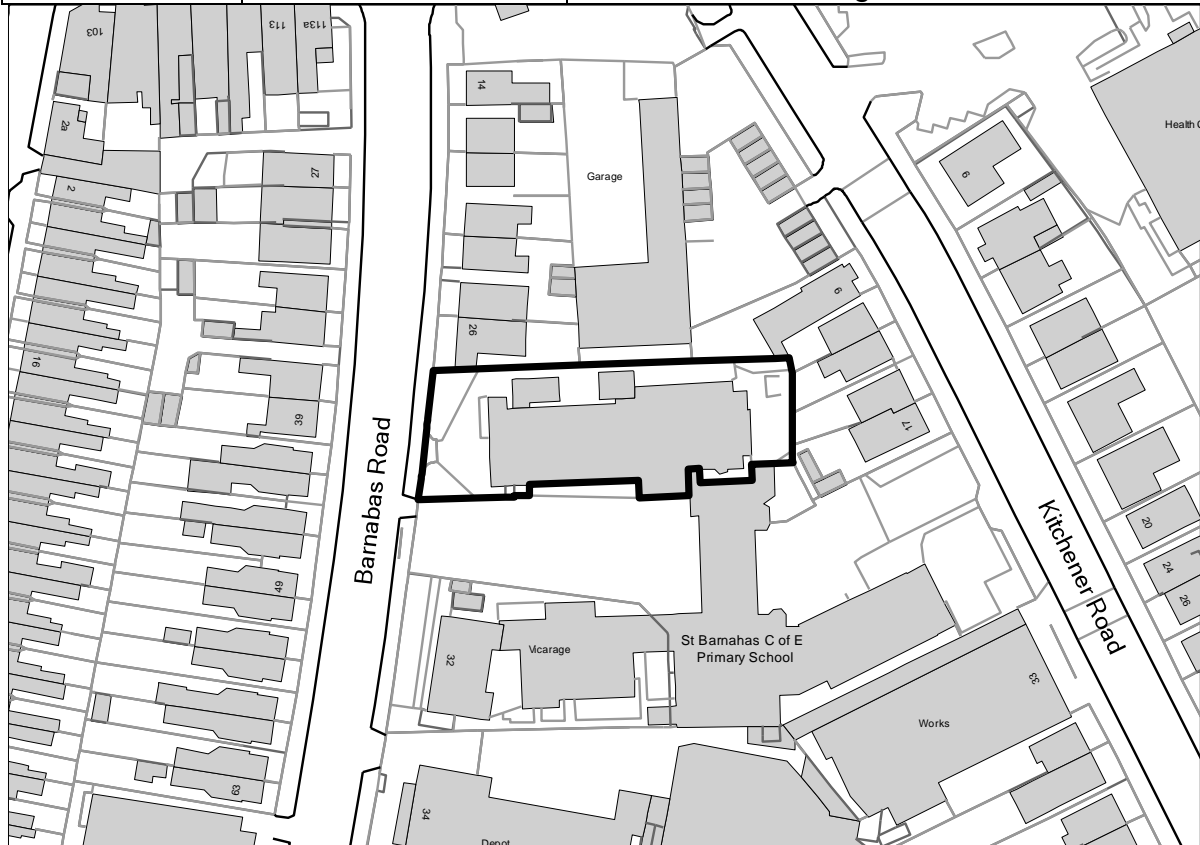
## **Policies relating to this recommendation**

- 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\_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'.





|                 |                            |                      |
|-----------------|----------------------------|----------------------|
| <b>20202124</b> | <b>28 St Barnabas Road</b> |                      |
| Proposal:       | Listed Building            |                      |
| Applicant:      | MR E. SABAT                |                      |
| App type:       | Listed building consent    |                      |
| Status:         | Other development          |                      |
| Expiry Date:    | 29 December 2020           |                      |
| SSB             | TEAM: PD                   | WARD: North Evington |



©Crown Copyright Reserved. Leicester City Council Licence 100019264(2021). Ordnance Survey mapping does not imply any ownership boundaries and does not always denote the exact ground features.

## Summary

- Application at committee at the discretion of officers.
- The issue is the impact of the proposal on the character and appearance of the Grade II Listed Building.
- Recommended for refusal.

## Introduction

This application relates to St Barnabas Church (Class D1) a Grade II listed building. The church was deconsecrated in 2011. It is located in a residential area and within flood zone 2.

There is a parallel application (20212124) for planning permission for the installation of the flue and the single storey extension.

To the north of the site are a row of semi-detached houses and a vacant garage, to the east a row of semi-detached houses, to the south St Barnabas Primary School, a Hindu temple and library and to the west directly opposite a further row of houses.

### **Background**

20131559 Change of use from church to function hall approved by Planning Committee.

### **The Proposal**

The applicant proposes a single storey extension and the installation of an external flue.

A single storey extension is proposed, located along the northern boundary of the site, measuring approximately 3m wide to the west and expanding to 4.7m wide on the eastern side. It has a total length of approximately 16.7m. It has a flat felt roof with a height of 2.7m and a ridge height of 4m in the middle. The extractor flue with a height of 10.3m from the ground would be located on the flat roof and fixed to the side of the church.

The materials proposed for the extension are timber cladding and felt roof. The flue would be untreated steel construction.

The proposal appears to be to adapt or replace an existing wooden structure that has not had consent.

### **Policy Considerations**

#### National Planning Policy Guidance (NPPF) 2019

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

Paragraph 189 - In determining applications, local planning authorities (LPAs) 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 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 191 - Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

Paragraph 192 requires local planning authorities to take into account the following: 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.

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), 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 195 - Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

(a) the nature of the heritage asset prevents all reasonable uses of the site; and

(b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

(c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

(d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 196 states that where development proposals of less than substantial harm to the significance of a designated Heritage Asset, this should be weighed against the wider public benefits of the proposal, including, where appropriate, securing its optimum viable use.

Planning (Listed Buildings and Conservation Areas) Act 1990 Section 16 (2)

In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

#### Development Plan policies

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

Supplementary Planning Documents - Residential Amenity SPD.

### **Consultations**

Conservation Advisory Panel - The Panel focused on the design, materiality and quality of the two modern side extensions already on site, considered as harmful additions to the Grade II Listed building under consideration. The members agreed that the information submitted is inadequate/insufficient to fully assess the harm but concurred that the scheme as proposed is not acceptable, as it would fail to sustain the significance of the designated heritage asset.

**Representation**                      None received.

### **Consideration**

#### Impact upon Listed Building

The former St Barnabas Church, is a Grade II listed building of 1882 by architects Goddard and Paget, now used as a wedding reception venue. The proposal is also located near the former St Barnabas Vicarage, a locally listed building (LL/174). The former Church and Vicarage have group value with St Barnabas Church of England School.



The proposal is for a timber framed kitchen extension, with an extractor flue, on the north side linked to the former church building. There is an existing timber framed structure on the same location. It is not certain to what extent this extant structure will be incorporated within the proposed extension.

The proposal is physically linked to the main building, but the plans are not clear of the points of attachment/abutting. The proposed extension is of a considerable size (16m in length) and screens a significant element of the current building along one elevation. Furthermore, the materials proposed for the extension are timber cladding and a felt roof. These materials are not in keeping with the structure, style and finishes of the Grade II Listed Building.

I consider that the proposed extension is crudely designed, is of poor materials and its location so close to the listed building would harm the special architectural significance of the listed building. The proposal does not preserve the building or the features of special architectural or historic interest which it possesses.

I consider that the proposal would substantially detract from the significance of the Grade II Listed Building.

#### Conclusion

The proposal is not an acceptable addition to the Grade II Listed Building.

Notwithstanding that assessment the level of detail provided is insufficient to make a full assessment of the impact of the proposal. I consider that the proposal will result in substantial harm to the significance of a designated heritage asset, this harm outweighed any public benefits of the proposal including, securing its optimum viable use. The proposal has no special regard to the desirability of preserving the building, its setting of special architectural or its historic interest.

I recommend that listed building consent be REFUSED for the following reasons: -

#### REASONS FOR REFUSAL

1. The extension by reason of its size, design and position would result in less than substantial harm to the historical, aesthetic and evidential value of the heritage asset and therefore its significance through the concealment of historic architectural features - buttresses and side entrance arch, contrary to policy CS18 of the Leicester Core Strategy and NPPF paragraph 194.
2. The extension and the addition of the ventilation flue would disrupt the appearance of the listed building and the nearby historic assets and would result in less than substantial harm to the building's historic and architectural significance and value. The proposal is therefore contrary to policy CS18 of the Leicester Core Strategy and NPPF paragraph 194.

## NOTES FOR APPLICANT

### 1. REFUSAL - NO PRE-APP AND NO NEGOTIATION

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

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.

| CONTRAVENTION MATTERS |  |             |
|-----------------------|--|-------------|
| <b>20210008C</b>      | <b>11 Franche Road</b>   |             |
| Description:          | <b>Dormers not constructed in accordance with Planning Permission 20201727</b> |             |
|                       |  |             |
| JS1                   | TEAM: PE   | WARD: Fosse |



©Crown Copyright Reserved. Leicester City Council Licence 100019264(2021). Ordnance Survey mapping does not imply any ownership boundaries and does not always denote the exact ground features.

## Summary

- This Enforcement Report is at committee at officer's discretion given that the planning application was approved by Committee
- Reports received from a local resident and Councillor Waddington that the rear dormer is not in accordance with the approved plan. Another local resident has expressed concerns about building issues.
- Main issues are the appearance of the rear dormer as built and neighbouring residential amenity.
- Recommended for no action given an assessment of the harm caused and the likelihood of permission being granted.

## Introduction

The property is a two storey mid-terrace house located within a predominantly residential area opposite Fosse Recreation Ground.

## **Background**

Planning permission 20201727 for Change of use from house (Class C3) to house in multiple occupation for more than 6 persons (7 bedrooms) including construction of dormer at front and rear; was given conditional approval by Planning Committee on 9th December 2020.

## **Report of suspected planning breach**

Reports were received that the rear dormer extension was not being constructed in accordance with the approved plans under planning permission 20201727.

## **Identified Breach**

Section 172(1) of the Town and Country Planning Act 1990 states that;

The local planning authority may issue a notice (in this Act referred to as an “enforcement notice”) where it appears to them—

- (a) that there has been a breach of planning control; and
- (b) that it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations.”

A site visit undertaken on 12th January 2021 found that the rear dormer extension was larger than on the approved plans. It was measured to be approximately 2.7m high whereas the approved plans show it to be 1.8m high. Accordingly, a breach of planning control was established.

## **Policy**

In deciding on enforcement action consideration must first be given to whether planning permission would have been given for the development as carried out as well as considering any harm from the breach.

The National Planning Policy Framework (NPPF) 2019 sets out the Government’s planning policies for England and how these are expected to be applied.

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.

Paragraph 58 states that effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control.

Paragraph 124 describes good design as a key aspect of sustainable development.

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

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.

The National Planning Practice Guidance states the following:

Effective enforcement is important to:

- Tackle breaches of planning control which would otherwise have unacceptable impact on the amenity of the area;
- Maintain the integrity of the decision-making process;
- Help ensure that public acceptance of the decision-making process is maintained [Paragraph: 005 Reference ID: 17b-005-20140306]

Enforcement action should, however, be proportionate to the breach of planning control to which it relates and taken when it is expedient to do so. Where the balance of public interest lies will vary from case to case.

In deciding, in each case, what is the most appropriate way forward, local planning authorities should usually avoid taking formal enforcement action where:

- there is a trivial or technical breach of control which causes no material harm or adverse impact on the amenity of the site or the surrounding area;
- development is acceptable on its planning merits and formal enforcement action would solely be to regularise the development;
- in their assessment, the local planning authority consider that an application is the appropriate way forward to regularise the situation, for example, where planning conditions may need to be imposed. [Paragraph: 011 Reference ID:17b-011-20140306].

## **Development Plan policies**

### Core Strategy Policy

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'.

### City of Leicester Local Plan policy

PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents

## **Supplementary Planning Documents (SPD)**

## Residential Amenity SPD

Planning Enforcement Policy & Procedure sets out the City Council's approach to the enforcement of planning legislation, which is in line with the national guidance stated above.

### **Consideration**

The principle of a dormer extension has already been accepted by the planning permission granted.

The front and rear dormers facilitate construction of two bedrooms and a bathroom in the roof space of the main building providing light, outlook and useable space within the bedrooms.

Regarding the front dormer, the approved plans show the ridge of its hipped roof to be sited at approximately the same level as or lower than the visible part of the chimney stack (on the side with Number 9 (right-hand side)). It has been constructed further back from the eaves than shown on the plans, which means it has been installed slightly higher up the roof plane. It has been covered in tiles to match the existing roof and the architect states that a window the same as stated in the plans has been ordered.

While the slight re-siting of the front dormer window is a technical breach of planning control, I do not consider it so significant as to justify taking formal enforcement action, as the overall size, location and effect of the dormer remains the same if not less on the streetscene than in the approved plan. I consider that planning permission would have been given for the version built.

Regarding the rear dormer extension, the approved plan shows it to be sited lower than the chimney stack (on the side with Number 9 (left-hand side)) and span almost the entire roof width, with a narrow margin at each end. However, it has been constructed abutting the chimney stack almost up to the ridge line of the main roof, at a height of 2.7m, rather than the approved height of 1.8m, and spans up to the right-hand boundary (with Number 13). Accordingly, a breach of planning control has been established.

The architect states that the rear dormer has been constructed at 0.3m from the eaves rather than 0.5m due to constraints of the fabric of the building. I accept that structural constraints can require adjustments and the 0.2m enlargement of the extension still allows for a reasonable setback from the eaves.

The rear dormer extension is of similar design to the approved plan but moved slightly to the right and taller. The grey roof tiles with which it has been covered match well with both the host building and the two-storey rear projection.

It is visible from the end of the terrace on Franche Road (Number 13 end); however, it is not an incongruous feature on the streetscene and fits in well with the roofscape. It is also visible from St Dunstons Road and is not an incongruous feature on the streetscene as it is can only be seen at a distance through currently bare trees and would be shielded from view when trees are in full leaf. A dormer of this type would be permitted if the house remained as a dwelling-house.

The larger size of the rear dormer extension does create more of an impact on the rear roofscape than shown in the approved plan, however, I do not consider it inappropriate or overbearing on the host building, as it sits well within the rooves of the host building and the two storey rear projection.

I also consider that it would not significantly impact on light, outlook or privacy for neighbouring houses. Such a dormer could be installed without planning permission if the property had remained in dwelling-house use.

A site visit on 23rd February 2021 showed that the front and rear dormers have been covered with grey roof slate to match the existing host and two storey projection roofs.

Consideration needs to be given to whether planning permission would be granted for the development carried out. If it would have been given, there is no justification for taking action. The owner has been invited to submit a revised planning application and if this were submitted, I consider it would be likely to be recommended for approval due to the above reasons.

Matters relating to building issues are not something over which the local planning authority has direct jurisdiction.

Enforcement action is discretionary and must be proportionate to the breach. It should only be taken if the harm is so significant as to justify formal remedy and should usually be avoided where there is a trivial or technical breach of control which causes no material harm or adverse impact on the amenity of the site or the surrounding area

In this case, the remedy would be to alter the constructions to meet the approved plan, however, I do not consider the harm to amenity from the development significant enough to justify formal enforcement action.

I do not consider it proportionate or expedient to take enforcement action in this case.

I recommend that NO ACTION be taken.

