



Leicester
City Council

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

DATE: WEDNESDAY, 21 APRIL 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.

A. Thomas .

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 / aqil.sarang@leicester.gov.uk / jacob.mann@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.

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Making meetings accessible to all

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

Further information

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

Ayleena Thomas, tel: 0116 454 6369 (email: ayleena.thomas@leicester.gov.uk)

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

Jacob Mann, tel: 0116 454 5843 (email: jacob.mann@leicester.gov.uk)

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

PUBLIC SESSION

AGENDA

LIVE STREAM OF MEETING

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

https://www.youtube.com/channel/UCddTWO00_gs0cp-301XDbXA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members are asked to declare any interests they may have in the business to be discussed on the Agenda.

Members will be aware of the Code of Practice for Member involvement in Development Control decisions. They are also asked to declare any interest they might have in any matter on the committee agenda and/or contact with applicants, agents or third parties. The Chair, acting on advice from the Monitoring Officer, will then determine whether the interest disclosed is such to require the Member to withdraw from the committee during consideration of the relevant officer report.

Members who are not on the committee but who are attending to make representations in accordance with the Code of Practice are also required to declare any interest. The Chair, acting on advice from the Monitoring Officer, will determine whether the interest disclosed is such that the Member is not able to make representations. Members requiring guidance should contact the Monitoring Officer or the Committee's legal adviser prior to the committee meeting.

3. 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 31 March 2021 are a correct record.

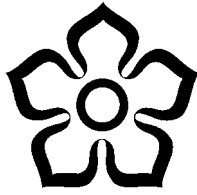
5. PLANNING APPLICATIONS AND CONTRAVENTIONS [Appendix A](#)

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) 20210114 18 CHAPEL LANE, WILLOW HOUSE [Appendix A1](#)
- (ii) 20202182 115 UPPINGHAM ROAD [Appendix A2](#)
- (iii) 20210149 324 VICTORIA PARK ROAD [Appendix A3](#)
- (iv) 20210051 356 VICTORIA PARK ROAD [Appendix A4](#)

6. ANY URGENT BUSINESS

7. CLOSE OF MEETING



Leicester
City Council

**Wards:
See individual reports.**

Planning & Development Control Committee

Date: 21 April 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. Comments and representations on individual

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

10 Consultations

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

11 Report Author

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

Appendix A1

20210114	18 Chapel Lane, Willow House	
Proposal:	Demolition of outbuilding at rear; construction of single storey extension at rear of house (Class C3)	
Applicant:	Tyrrell & Sawyers	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	31 March 2021	
RB	TEAM: PD	WARD: Knighton



Summary

- Application before committee as applicant is a member of City Council staff
- There are no representations
- The issues are impact on neighbours and appearance
- Recommended for approval

The Site

The application relates to a two storey semi-detached dwelling in a primarily residential area

The Proposal

The application proposes:

- The demolition of an existing single storey outbuilding.
- The construction of a flat roofed single storey extension to the rear, measuring 3m in depth, 3.4m in width and 3.8m in height.
- The extension would measure 1.5m in depth from the rear facing gable, which projects 1.5m deeper than the existing side elevation of the house.
- The extension would be clad in dark timber and the windows would be aluminium framed.

Policy Considerations

National Planning Policy Framework (NPPF) 2019

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

Paragraph 11 contains a presumption in favour of sustainable development.

Paragraph 55 states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

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

Paragraph 127 sets out criteria for assessing planning applications 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; 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.

Paragraph 180 requires decision makers to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Development Plan policies

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

Supplementary Planning Documents (SPD)

Residential Amenity SPD

Representations

None received

Consideration

The issues in this case are the impact on residential amenity and the character and appearance of the area.

Residential Amenity (neighbouring properties)

SPD Residential Amenity outlines that *'a single storey rear extension on or close to the boundary of an adjoining house will in most cases be acceptable if up to 3 metres deep.'*

As the proposed extension is 3m deep and the separation distance from the common boundary at 16 Chapel Lane would be approximately 1m, I consider that there would not be a significant loss of amenity at the neighbouring property as a result of the proposal.

The side window of the extension would face towards the neighbouring property at 20 Chapel Lane. The proposed extension would project approximately 0.7m beyond the existing bay window at the rear of the property. There is an approximately 2m high boundary fence on the common boundary. Therefore, I consider that there would not be a significant detrimental amount of overlooking or loss of privacy of the neighbouring property as a result of the proposed extension.

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

Design

The dimensions of the extension would fall within permitted development limits; however, as the proposed materials would not match the existing house planning permission is required

The extension would be of contemporary design and clad in dark coloured timber, with dark coloured aluminium farmed windows. Although the proposed materials would not match the existing, the extension has been designed to contrast with the original property and not to imitate it. I consider that the design is very successful in this respect and, as the extension would not be visible from the public realm, I consider that the design and materials would be acceptable.

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

Conclusion

I consider that the application is acceptable in terms of residential amenity, design, and the character and appearance of the area.

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

CONDITIONS

1. START WITHIN THREE YEARS
2. This consent shall relate solely to the submitted plans received by the City Council as local planning authority on 19th January 2021 and 3rd February 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 planning considerations, including planning policies and representations that may have been received and subsequently determining to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019.

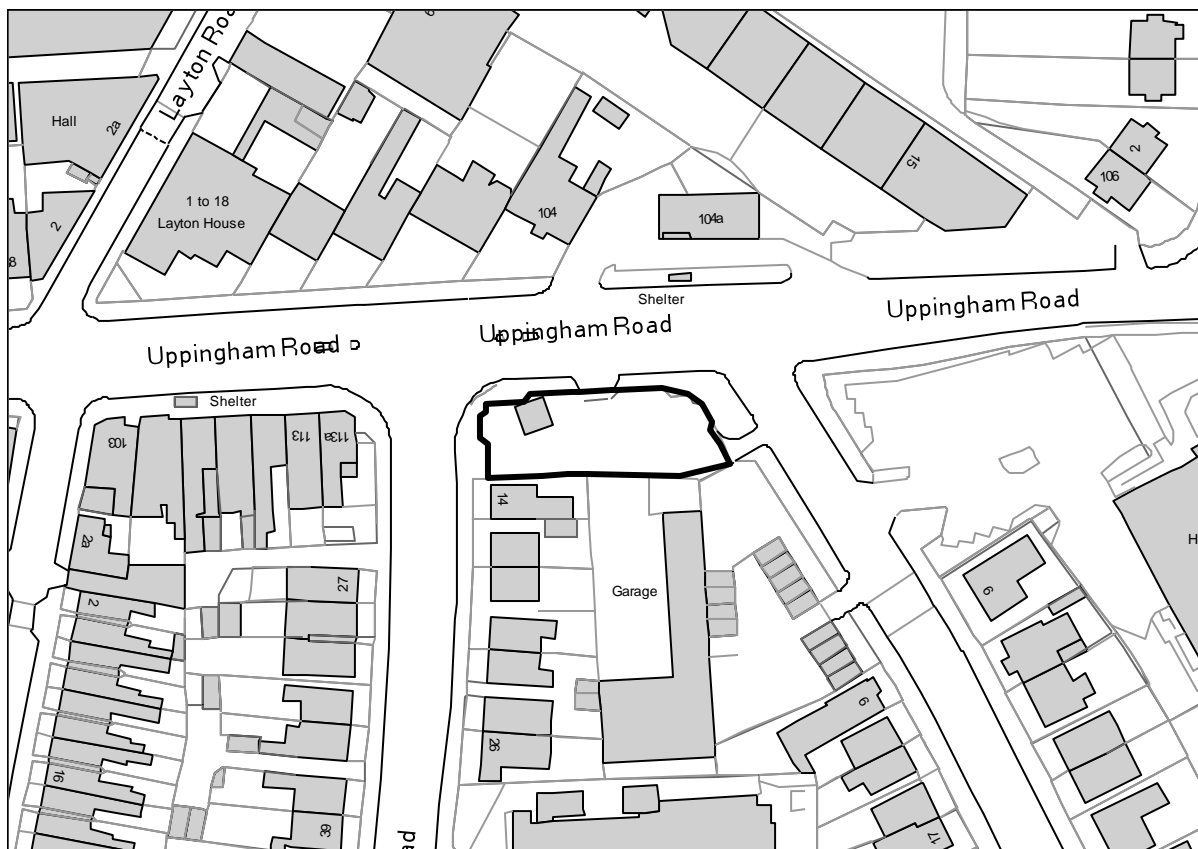
Policies relating to this recommendation

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

- 2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.

Appendix A2

Recommendation: Refusal	
20202182	115 Uppingham Road
Proposal:	Construction of single storey building to accommodate car wash, valet service and window tinting business (Sui Generis)
Applicant:	Mr N Okeke
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20202182
Expiry Date:	23 April 2021
ACB	WARD: North Evington



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Summary

- Reported to committee as previous application recently considered by the committee at the request of Cllr Fonseca who asks that the employment opportunities be considered.
- No objections received
- Issues are the benefits of supporting the current business, design, residential amenity, the highway, drainage, and impact on listed building

- Recommended for refusal

The Site

The site was previously used as a bus garage but has been in use as a car wash since 2015. It is located at the junction of Uppingham Road, St Barnabas Road and Kitchener Road.

The site is located within a mainly residential area with houses to the south. To the north of the site is a shop with houses to the east and west of this. To the west of the site is a doctor's surgery. To the east of the site is the Uppingham Road (West) Local Shopping Centre.

There is a Grade II listed church to the south of the site.

The site is located within flood zone 2.

Background

The bus garage building was destroyed by fire in 2007 and was subsequently demolished.

In September 2010 planning permission 20101308 was granted for demolition of fire damaged buildings: Installation of 2.4-metre-high fence and gates. This was implemented.

In July 2015 planning permission 20150744 was granted on a limited period basis for one year for use of the site as hand car wash, one temporary building, hardstanding. This was implemented.

In September 2016 planning permission 20161183 was granted on a limited period basis for one year for the continuation of the use of the site as a hand car wash, the installation of a tyre fitting facility and the installation of three temporary buildings. The car wash use has continued but the tyre fitting facility has not commenced and there are only two temporary buildings.

In August 2019 planning application 20190751 for retrospective consent for the use of the site as a car wash and a temporary building was refused for the following reasons.

1. *The proposal, by reason of the level of noise generated by the vehicle washing process, would be detrimental to the residential amenity of the occupiers of 14 St Barnabas Road contrary to saved policy PS10 of the City of Leicester Local Plan.*
2. *The proposal, by reason of the use of temporary buildings, represents poor design for a permanent use and is contrary to policy CS3 of the Leicester Core Strategy and paragraph 124 and 130 of the National Planning Policy Framework 2019.*
3. *The proposal, by reason of the appearance of the site, has a detrimental impact on the setting of the Grade II listed building of St Barnabas Church, St*

Barnabas Road contrary to policy CS18 of the Leicester Core Strategy and paragraph 192 of the National Planning Policy Framework.

In February 2020 planning application 20191799 for retrospective permission for the use of the site as a hand car wash was refused for the following reasons.

1. The proposal, by reason of the level of noise generated by the vehicle washing process, would be detrimental to the residential amenity of the occupiers of 14 St Barnabas Road contrary to saved policy PS10 of the City of Leicester Local Plan.
2. The proposal, by reason of the use of temporary buildings and the proposed 2.4m laminated due to use of materials and their location, represents poor design for a permanent use and is contrary to policy CS3 of the Leicester Core Strategy and paragraph 124 and 130 of the National Planning Policy Framework 2019.
3. The proposal, by reason of the appearance of the site, has a detrimental impact on the setting of the Grade II listed building of St Barnabas Church, St Barnabas Road contrary to policy CS18 of the Leicester Core Strategy and paragraph 193 of the National Planning Policy Framework.

An appeal against the refusal was dismissed by the Planning Inspectorate on 3rd July 2020 with the Inspector considering that the harm caused to the setting of the listed building, the effect of the design and appearance of the site on the character and appearance of the area and the harm to residential amenity was not outweighed by the benefits of the services provided or job creation. The Inspectors decision is relevant to the recommendation.

Application 20201275 for the same proposal as dismissed at appeal was reported to your committee in October 2020 where the application was declined to be determined as the proposal was very similar to which had been dismissed at appeal.

The Proposal

The application is for the construction of a single storey building to accommodate a car wash, valet service and window tinting service. The building would be 6 metres high, 34.3 metres wide and 7.8 metres deep. It would be finished in timber cladding with a dual pitched roof. The access would be from Kitchener Road with the exit on to St Barnabas Road. The elevation facing Uppingham Road would be blank with vehicles entering the building from the rear.

Policy Considerations

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

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

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

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

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

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

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

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

Paragraph 120 states that planning decisions need to reflect changes in the demand for land and should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:

a) they should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and

b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.

Paragraph 124 states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

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; 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.

Paragraph 155 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 193 states that 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.

Development Plan policies

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

Most relevant Core strategy policies are CS2, CS3, CS18 and Local plan policy is PS10.

Consultations

Service Director, Environmental Health – Raise concerns that the positioning of the openings close to the neighbouring property would result in an increase in the likelihood of a noise complaint as noisy activity within the building would reflect from the walls and escape through doors. The opening and closing of the shutters would also result in nose complaints. Further the access route is narrow and would result in an increase in noise complaints as a result of frequent shunting of vehicles in and out of the building. These concerns would be difficult to overcome through conditions.

Local Highway Authority – No objections.

Local Lead Flood Authority – Requested further information in relation to SuDS, confirmation of consent to discharge trade effluent and measures to prevent surface water entering the highway.

Conservation Advisory Panel – No comments.

Representations

No objections have been received.

Cllr Fonseca has asked for consideration to be given to the proposal protecting the jobs of 5 members of staff.

Claudia Webbe MP has written in support of the application.

Consideration

Principle of development

The site is located within an area which is predominantly residential in nature.

In this case it is acknowledged that the site is part of a former garage of which the remaining part is in use as a vehicle repair garage, however there are residential properties immediately to the south of the site on St Barnabas Road.

Hand car washes by their nature are not suitable permanent uses when they are the primary use, however they are sometimes acceptable permanent uses when they are a secondary use to a garage forecourt. In this case there is no connection between the vehicle repair garage and the hand car wash, and I therefore do not consider that the use could be considered to be a secondary use.

Hand car washes can sometimes be an acceptable temporary use in low grade employment sites where any impact on residential amenity can be kept to a minimum. Where temporary consents are granted these should also be kept to a short period to allow the owners to come forward with a redevelopment plan for the site.

The proposal now seeks permanent consent for the construction of a building to house the car wash use and window tinting service. I consider that these uses would be more appropriately located within an industrial area and would not represent an appropriate form of permanent development for the site. Further the proposal fails to add to the overall quality of the area and fails to provide an appropriate amount of development for the site contrary to paragraph 127 of the National Planning Policy Framework 2019.

Design

Policy CS03 of the Leicester Core Strategy states that good quality design is central to the creation of attractive, successful and sustainable places. The policy further states that development must respond positively to the surroundings, be appropriate to the local setting and context and take into account Leicester's history and heritage.

The proposed building would be finished in timber cladding and have a blank frontage facing Uppingham Road. The surrounding properties are predominantly finished in brick or render with the shops on the opposite corner of St Barnabas Road and Uppingham Road having active frontages and the houses on the opposite side of Uppingham Road having windows and doors facing the road.

I consider that the proposed building fails to take into account the setting and context of the area and would represent poor design that fails to take account of the development opportunity available on the site. I therefore consider that the proposal is contrary to policy CS03 of the Leicester Core Strategy and paragraph 124 and 130 of the National Planning Policy Framework 2019.

Heritage Assets

Policy CS18 of the Leicester Core Strategy states that the Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.

To the south of the site is the Grade II listed former St Barnabas Church. The building is a late nineteenth century church of brick construction, with stone dressings and bands, and a slate roof. Its facade includes an octagonal turret topped by a spire. The depth of the building spans a substantial proportion of the distance between St Barnabas Road and Kitchener Road. The buildings roofscape, including the turret and spire, and its fenestration and chequered stone and brickwork pattern, are noticeable, rising above and between various buildings in the neighbourhood. Taking the above together, the buildings significance derives from being a historic landmark building, which signposts the Victorian architectural grandeur and heritage of the area. Whilst the former church is no longer in use it remains a dominant feature in the area.

The proposed building would be 6 metres in height and finished in timer cladding, as well as representing poor design in itself, as discussed above, I consider that whilst it would offer an opportunity to tidy the site and rationalise the advertising within the site it fails to reduce the level of harm caused to the setting of the listed building. I therefore consider that it would represent less than significant harm to the setting of the listed building and be contrary to policy CS18 of the Leicester Core Strategy and paragraph 193 of the National Planning Policy Framework 2019.

In the appeal against refusal of planning application 20191799 the inspector gave significant weight to the impact on the heritage asset. They considered that *the site is a prominent element within the LB's foreground, and has a significant visual relationship with the LB*. I do not consider that the proposed use within a poorly designed building has significantly altered the situation.

Residential amenity (neighbouring properties)

The applicant has submitted a further letter of support from the occupier of 14 St Barnabas Road which is directly to the south of the site. This was submitted with the application.

The proposal would result in the openings to the building facing this property and I consider that it is likely to result in a detrimental impact on the residential amenity of the occupiers of this property as the noise generated by the car washing would be likely to reverberate around the proposed building and exit through the many openings to the elevation facing this property. Whilst this could be controlled by requiring the roller shutter doors to remain closed while work was occurring the noise generated from opening and closing these doors would be significant enough to generate noise complaints in itself.

In the July 2020 appeal decision the Planning Inspector found that *“The following combination of factors is likely to generate substantial noise close to openable windows and the rear garden of No 14: operation of equipment including jet washers on the site; vehicle movements on, off and within the site, including car doors closing and the starting of engines; and general discussions between staff and customers and in the absence of a substantive noise assessment to demonstrate acceptable effects, I have no certainty that, in respect of noise, the proposal would avoid harm to future residents’ enjoyment of their property, including the rear garden.”*

Whilst the building could be turned around to have the doors facing Uppingham Road I consider that the constraints of the site in terms of the entrance and exit would mean that the building could not be accessed by the vehicles it intends to serve. In addition, moving the building to the rear of the site would result in a loss of light and outlook from 14 St Barnabas Road. I therefore do not consider that the revised proposal overcomes the concerns relating to residential amenity. I consider that the proposal is contrary to saved policy PS10 of the City of Leicester Local Plan and paragraph 127(f) of the National Planning Policy Framework 2019 which requires development to afford a high standard of amenity for existing and future occupiers.

Highways and Parking

The site is located on a busy junction on a main arterial route into and out of the City Centre. There have been a number of traffic accidents at this junction over the last five years however these were as a result of the layout of the junction and were not as a direct result of the application site. The previous use of the site as a bus garage would have generated a significant amount of traffic and this would be comparable to the amount of traffic generated by the proposal.

Although the access route into the building is narrow and may involve additional movements within the site this would be unlikely to generate severe harm to highway safety. I therefore do not consider that a refusal on the grounds of impact on the highway could be justified.

Drainage

The site is located within Flood Zone 2 where there is a moderate risk of flooding and also within a critical drainage area. Where the application deemed acceptable in other regards I would have requested further information in the form of sustainable drainage methods and information regarding consent to discharge trade effluent. However, given the impacts addressed above this information has not been requested. I

therefore consider that the impact on flood risk in the area would not justify refusal for this reason.

Conclusion

In conclusion whilst the proposal now includes a building and removes the tyre fitting element, I consider that the proposal fails to overcome the reasons for refusal of the previous applications and would represent poor design and be detrimental to residential amenity.

I recommend REFUSAL for the following reasons:

REASONS FOR REFUSAL

1. The proposal, by reason of the blank frontage to Uppingham Road and the use of timber materials, represents poor design that is contrary to policy CS03 of the Leicester Core Strategy and paragraph 124 and 130 of the National Planning Policy Framework 2019
2. The proposal, by reason of the level of noise generated by the vehicle washing process, and the location and operation of the roller shutter doors, would be detrimental to the residential amenity of the occupiers of 14 St Barnabas Road contrary to saved policy PS10 of the City of Leicester Local Plan and paragraph 127 (f) of the National Planning Policy Framework 2019 which requires development to afford a high standard of amenity for existing and future occupiers.
3. The proposal, by reason of the height of the proposed building and the materials used, has a detrimental impact on the setting of the Grade II listed building of St Barnabas Church, St Barnabas Road contrary to policy CS18 of the Leicester Core Strategy and paragraph 193 of the National Planning Policy Framework.

NOTES FOR APPLICANT

1. The City Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application no pre-application advice was sought before the application was submitted and no negotiations have taken place during the course of the application. The City Council has determined this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. As the proposal is clearly unacceptable, it was considered that further discussions would be unnecessary and costly for all parties.

Policies relating to this recommendation

- 2006_BE20 Developments that are likely to create flood risk onsite or elsewhere will only be permitted if adequate mitigation measures can be implemented.
- 2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.

- 2014_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.

Appendix A3

20210149	324 Victoria Park Road	
Proposal:	Change of use from house (Class C3) to three flats (2 x 2 bed & 1 x 1bed) (Class C3) (amended plans 17.3.2021)	
Applicant:	Helen and Nicholas Naftalin	
App type:	Change of use	
Status:	Minor development	
Expiry Date:	22 April 2021	
SS1	TEAM: PD	WARD: Castle



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Summary

- The application is at committee due to more than five objections
- 24 objections on grounds of parking, residential amenity, the quality of accommodation and the principle of the change of use
- The main issues are the standard of accommodation, the residential amenity for the future occupiers and neighbouring properties, highways, parking and waste management

- The recommendation is for conditional approval.

The Site

The site is a two storey terraced dwelling. An article 4 direction covers the site which removes permitted development rights for the change of use to small houses in multiple occupation (class C4).

Background

A previous planning application 20150120 for change of use from house (class C3) to house in multiple occupation was refused in 2015 with the reason being it was likely to exacerbate the existing concentration of shared housing in the area covered by the Article 4 direction.

The Proposal

The originally submitted proposal was for conversion to four flats comprising two 2-bed flats and two studios.

The plans have been amended to reduce the number of flats to three.

There would be 1 flat on the ground floor. It would be 65m² in size and have 2 bedrooms including 1 with an en-suite, a WC/shower room, a kitchen and a living/dining room.

Flat 2 would be on the first floor. It would be 35.5m² in size and have 1 bedroom a kitchen/living room, and a WC/shower room.

There would be a duplex flat on the first and second floors. It would be 54m² in size and have an open plan kitchen/living room, 2 bedrooms, a WC and a further WC/shower room.

The amended site plans show the cycle parking spaces moved to the rear with area for the bin storage retained at the front behind the existing hedge.

Policy Considerations

National Planning Policy Framework (NPPF) 2019:

Chapter 2 'Achieving sustainable development'

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

Chapter 9 'Promoting sustainable transport'

- Paragraph 109 (severe impact on road network)

Chapter 12 'Achieving well designed places:

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

Development Plan policies:

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

Additional documents:

Residential Amenity (Supplementary Planning Document)

City of Leicester Local Plan Appendix 1

Consultations

Highways – No objections subject to a condition to ensure suitable cycle parking is installed before the change of use is commenced.

Representations

21 objections were received in response to the original plan. The issues raised were:

- There are parking issues in the area and the proposal would exacerbate this;
- There is noise and disturbance in the area and the proposal would exacerbate this;
- The area is already overpopulated;
- The proposal would result in the loss of a family house in an area where there are lots of conversions to flats already;
- The proposal would be too high density for the property;
- Concerns over amenity to occupants - the flats would be too small/not meet national space standards, have a lack of garden space, lack access to the rear for the upper floor flats;
- Concerns about alterations to the design of the property;
- Concerns over refuse storage;
- Concerns over how well maintained the property would be;
- Concerns over visual amenity in relation to bin and cycle storage;
- It is unclear how the flats will be heated;
- Fire safety/escape concerns for the duplex flat;
- Bins located at the front would lead to rubbish on the streets;
- A further 4 representations have been received following the amendments saying that the flats are still too small; parking issues would be exacerbated; noise and disturbance would be increased; and bin and cycle storage should be to the rear.

Consideration

Principle of development

The proposal is for the conversion of one existing residential property into three separate flats. It will not result in the loss of residential property to non-residential uses. Whilst one larger family house will be lost, 3 smaller dwellings would result.

The Article 4 Direction is in place to restrict the conversion of residential properties into small houses in multiple occupation for up to 6 people. The proposal is for a different type of accommodation for small flats which are not covered by the Direction.

The proposal is in keeping with the broad objectives of saved City of Leicester Local Plan policies H05 and H07 and of Core Strategy policies CS06 and CS08 in providing a supply of dwellings of varying types.

The main issues in this case are the impact on residential amenity, living environment, and highways.

Residential amenity (future occupiers):

The flats would not meet the National Space Standards however this does not necessarily warrant refusal as they are not adopted policy. I consider that the floorspace in this case is adequate given the reasonable and workable layout.

All the principal rooms of the proposed flats would have windows. Bedroom 2 on the 2nd floor would have two Velux windows which would also be acceptable. I consider each flat would generally have sufficient daylight and reasonable outlooks.

The ground floor flat would have a direct access to the rear yard and all properties have direct access to the waste bin storage area via the front door. The property is close to Victoria Park which provides good public amenity space.

The rear yard is approximately 16 sqm following the addition of the cycle storage. Appendix E of the Residential Amenity SPD advises that one bedroom flats should have minimum 1.5sqm of amenity space per flat and two bedroom flats should have minimum 2sqm of amenity space. The amenity area would therefore meet the minimum requirements of the SPD. It is usable and I consider it would offer an acceptable outdoor space for the future occupants.

Having regard to the SPD and the site context, I consider that the proposal would provide satisfactory living conditions for the future occupiers and would be consistent with Core Strategy Policy CS06 and saved Local Plan Policies H07 and PS10.

Residential amenity (neighbouring properties):

I consider the proposal would not result in significant or unreasonable harm in terms of noise and disturbance.

I conclude that the proposal would not conflict with saved Local Plan Policy PS10 and, having regard to the SPD, is acceptable in terms of the privacy and amenity of the neighbouring occupiers.

Waste storage and collection:

Waste bins would be situated at the front of the property, sited behind the existing hedge which acts as a screen at the front of the site. This is acceptable but I am suggesting a condition that requires the retention of the hedge or alternative boundary treatment to protect visual amenity. As such I consider this element of the proposal not to result in any significant detriment to the character and appearance of the site within the street scene. The proposal would not conflict with policy CS03.

Highways and Parking:

There will be a provision for 6 cycle storage spaces, but there is no provision for any vehicular parking. Neither the existing house nor the proposal meets the standard of 1 space per bedroom for developments in zone 4, as set out in the 'Vehicle Parking Standards'. The flat is located within walking distance of local centres on Welford Road

and Clarendon Park Road, as well as bus services on Victoria Park Road and Welford Road. I consider that the parking arrangements are acceptable, and the proposal would not significantly impact on highway safety or function.

The 'Vehicle Parking Standards' suggests 1 bicycle storage space per 2 bedspaces. 6 cycle storage spaces are therefore acceptable. Provision of the cycle storage can be secured by condition.

I consider that the level of parking provision is acceptable, and the proposal would comply with Policy CS15 of the Core Strategy (2014) and with saved Policy AM12 of the Local Plan (2006).

Other Issues:

Heating arrangements are not directly a planning consideration for developments of this scale.

There would be no physical alterations therefore the property's design would not be affected.

Upkeep and maintenance are matters for the applicant and not a planning consideration.

Conclusion:

The proposed conversion is acceptable in principle, is in accordance with local and national policies, and would make a small contribution to the City Council's housing supply. The flatted development would secure satisfactory living conditions for future occupiers. The parking and access arrangements would be satisfactory.

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

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. No part of the development shall be occupied until secure and covered cycle parking has been provided and retained thereafter, in accordance with the approved plans. (In the interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan).
3. The existing hedge to the front of the property shall be maintained at a minimum height of 1.5 metres unless an alternative provision for screening waste bin storage has been approved by the City Council as local planning authority. (In the interests of visual amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)
4. This consent shall relate solely to the following plans: floor plans ref 0106-05b received by the City Council as local planning authority on 17.3.2021; and site plans ref 0104-04a received by the City Council on 18.3.2021, 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).

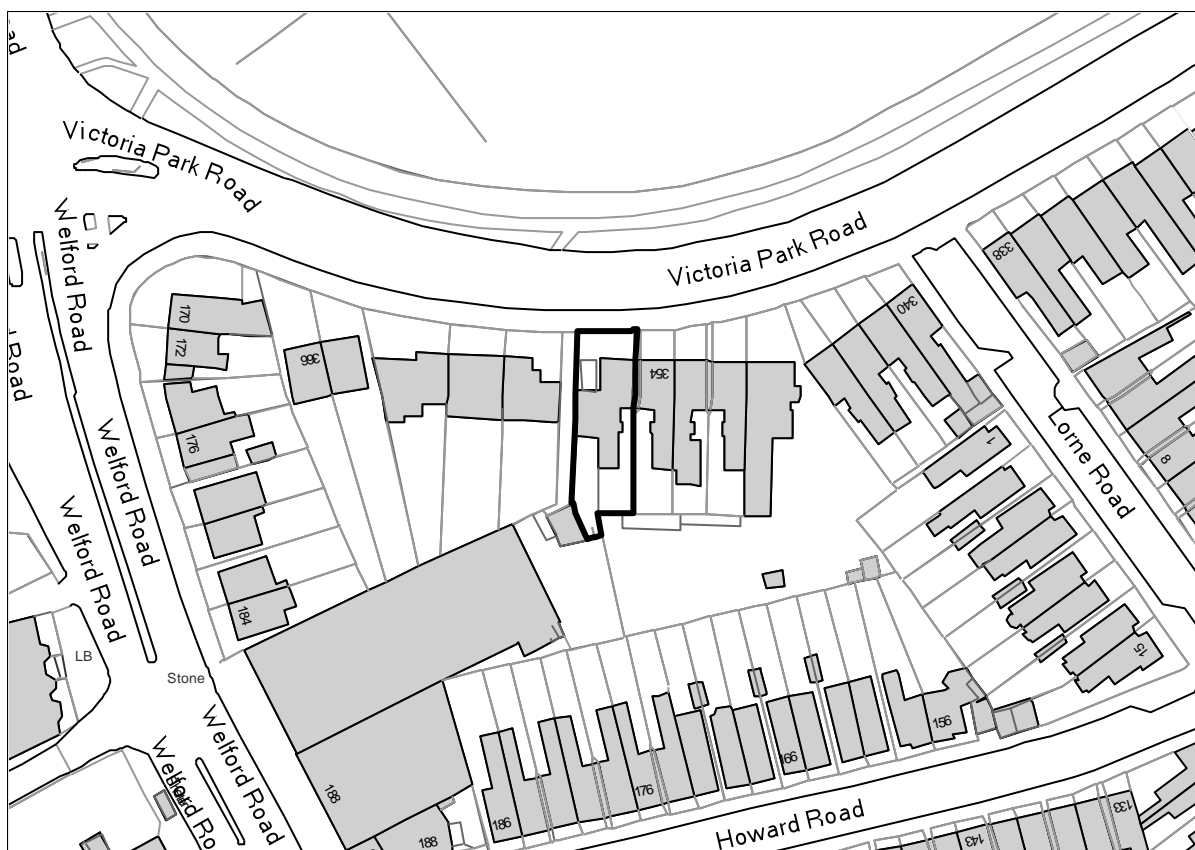
The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019 is considered to be a positive outcome of these discussions.

Policies relating to this recommendation

- | | |
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| 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_AM12 | Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01. |
| 2006_H05 | Planning applications involving the loss of housing will be refused unless they meet criteria. |
| 2006_H07 | Criteria for the development of new flats and the conversion of existing buildings to self-contained flats. |
| 2006_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents. |
| 2014_CS03 | The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'. |
| 2014_CS06 | The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents. |
| 2014_CS08 | Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City. |
| 2014_CS15 | To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads. |
| 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. |

Appendix A4

20210051	356 Victoria Park Road	
Proposal:	Change of use from house in multiple occupation for up to 6 persons (Class C4) to house in multiple occupation for more than 6 persons (8 bedrooms) (Sui Generis); Construction of single and two storey extensions at side; single storey extension at rear; alterations	
Applicant:	Mr Mayur Bhatt	
App type:	Operational development - full application	
Status:	Change of use	
Expiry Date:	1 April 2021	
RB	TEAM: PD	WARD: Castle



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Summary

- Brought to Committee given number of objections
- Seven letters of objection have been received, six from neighbours and one from Councillor Kitterick.
- Main issues are principle of the use, standard of accommodation, impact on neighbours, parking and design.
- Recommended for approval

The Site

The application relates to an early 20th Century two storey end terrace property located opposite to Wyggeston And Queen Elizabeth I College.

The property is within an area subject to an Article 4 Direction, which removes permitted development rights for the change of use of a dwellinghouse (Class C3 to shared house/small house in multiple occupation (Class C4)).

Background

There is no recent planning application history at the site.

The Proposal

The proposal is for a change of use from a house in multiple occupation for up to 6 persons (Class C4) to a house in multiple occupation for more than 6 occupiers).

The existing layout shows 5 bedrooms and the proposed plans show 8 bedrooms.

The plans propose demolition of the existing garage at the side and single storey shed to the rear. These would be replaced by the construction of a single storey extension at the rear and a two storey extension at the side.

The ground floor will have three bedrooms, a living room, a kitchen/lounge, a WC, a bathroom and a car port. The first floor will have five bedrooms, two shower rooms and a bathroom. The proposed two storey side extension would provide space for a car port and a living room on the ground floor and the additional two bedrooms and a shower room on the first floor. The extension would be set back approximately 2m from the front and set down from the ridge of the existing property. The extension would have a dual-pitched roof and a subsidiary rear facing gable to the rear.

The proposed single storey extension at the side would be situated to the rear of the two storey extension and would provide space for the additional ground floor bedroom.

The single storey extension would also provide extended space for the kitchen area and will be hipped roofed and would measure about 4.1m in height to the ridge, 3.1m in height to the eaves and 1.5m in depth. It will be approximately 6.9m in width, which is the width of the existing outrigger and width of the proposed side extension.

The proposed materials would match the existing.

Amended plans have been received to address concerns regarding the internal layout to provide a larger kitchen, additional living room space and kitchen facilities.

Policy Considerations

National Planning Policy Framework (NPPF) 2019

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

Paragraph 11 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.

Paragraph 59 places an emphasis on the importance of a sufficient amount and variety of land to come forward where it is needed and that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

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

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

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

Paragraph 123 states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. The policy includes a set of criteria for both plan making and decision taking, for the latter it advises local planning authorities to refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

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.

Paragraph 180 requires decision makers to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Development Plan policies:

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

Additional documents:

Residential Amenity (Supplementary Planning Document)

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

Leicester City Council Corporate Guidance (2019) Achieving Well Designed Homes: Residential Space Standards, Amenities and Facilities

Consultations

Private Sector Housing –Concerns were addressed by the submission of amended plans.

Representations

Seven letters of objection have been received, six from neighbours and one from Councillor Kitterick. Councillor Kitterick also requested that the application decision should be considered by the Committee given the housing issues in general.

The following concerns were made:

- The Article 4 Direction is intended to put a stop to this type of application/development.
- It was not appreciated that the property had already been approved as a 6 bed multiple occupation (the plans only show 5 bedrooms) and now a property investor wants to turn it into an 8 bed multiple occupancy.
- Health and vermin concerns.
- There is some parking provision at this property, which can take 3 vehicles.
- This end of Victoria Park Road is already saturated with student houses which will soon extend on to Welford road where there are 2 proposals for 62 Purpose designed student flats.
- A HMO of more than 6 residents threatens to erode further the mix of tenure in the area as is highlighted by the Article 4 direction for Homes in Multiple Occupation for the Clarendon Park area.
- The population density of the area would be adversely affected.
- There is increased risk of fire due to higher capacity and no provision for fire doors, escapes, alarms etc.
- The use will go from a HMO to effectively a hostel.
- Increased noise pollution and disturbance.
- The character of all the houses will be affected. The design and increase in size of property is not in keeping with the surrounding properties and the immediate area.
- Insufficient car parking in the area.
- During build no provision for builders' vehicles and deliveries on a busy road close to Welford Road traffic lights, which is also a major route for emergency vehicles.
- The area is clearly deteriorating with adverse effect to property values and making the area a less desirable place to live.
- The appearance of the property has deteriorated since the change of use took place.
- The basis for this application for increasing 6 person to 8 bedrooms is incorrect. The Property only has a 5 person HMO licence.

- The increase in people/resident density from 5 to more than 8 will cause increase in noise and people traffic.
- The property does not have sufficient amenity garden space to support residents of 8 bedrooms.
- The two storey and single storey extensions will result in loss of light to the neighbouring properties, particularly at 354 and 352 Victoria Park Road.
- The new bedroom window at the rear would overlook the gardens of neighbouring properties, resulting in a loss of privacy.
- What is currently a party garden wall and garage will be replaced by a two story high wall, which will result in a loss of light.
- A party wall agreement has not been agreed or permission to access the land owned by the neighbouring property for work to be completed.
- The proposal will result in an overdevelopment of the site with the majority of the garden built over, which will leave a small amount of private amenity space for future occupiers.

Consideration

Principle of development:

Victoria Park Road is located in one of the three areas in the city covered by the Article 4 Direction that requires express planning permission for the change of use from C3 to C4 residential uses. The property is already a house in multiple occupation through a change made before the Article 4 direction.

The proposal will not result in a new house in multiple occupation and will not in itself increase the number of properties in multiple occupation on the area. It does not involve the loss of an existing family house.

Residential amenity (future occupiers):

SPD Residential Amenity recommends 75sqm of residential amenity space for a terraced property in this area of the city. There is an existing shed at the rear of the property that will be demolished. The footprint of the shed is similar to the footprint of the proposed rear extension. The side extension would result in approximately 18sqm of private amenity space being lost as a result of the development. The proposed development would result in approximately 80sqm of private amenity space at the rear of the property. Therefore, I consider the development would have adequate private amenity space.

All principal room windows will have a good level of outlook to Victoria Park Road to the front and the rear garden of the property.

The only outlook and natural light afforded to the living room window would be through the car port. I consider that this situation would not be ideal, but as there would be some light and outlook afforded to the room that all the bedrooms would have adequate natural light and outlook, it would not be reason enough to justify a refusal.

I consider that the proposal will provide a satisfactory living environment for existing and future occupants and will be consistent with the objectives of Core Strategy CS06 and saved City of Leicester Local Plan policy PS10 in this respect.

Residential amenity (neighbouring properties):

SPD Residential Amenity recommends that a single storey rear extension on or close to the boundary of an adjoining house will in most cases be acceptable if up to 3 metres deep. The proposed single storey rear extension would be 1.5m deep. Therefore, I consider that the single storey rear extension would be in accordance with the SPD and would not result in a significantly detrimental loss of amenity of the neighbouring property at 354 Victoria Park Road.

There is a first floor front facing window at the neighbouring property at 358 Victoria Park Road that is set back from the front elevation of the house. The two storey extension would not intersect a 45 degree line taken from the nearest point of the window. Therefore, I consider that the proposed two storey extension would not result in significant loss of light or outlook at the neighbouring property at 356 Victoria Park Road.

The rear windows will overlook the rear garden of the host property. As such, I consider that the rear gardens of neighbouring properties would not be directly overlooked and I consider this arrangement to be acceptable.

SPD Residential Amenity recommends that there should be a separation distance of 11m a proposed development and undeveloped land to the rear. The proposed extension would have a separation distance of approximately 13m to the end of the rear garden.

Due to the orientation and separation distance of the proposed student accommodation at 186 Welford Road, I consider that the proposed windows at the rear extension would not result in significantly detrimental amount of overlooking or loss of privacy of the future occupiers.

Therefore, I consider that the proposed development would accord with SPD Residential Amenity.

I consider that the proposal will not have an unreasonable impact on the amenity of neighbouring properties and I consider it to be consistent with the objectives of saved policies PS10.

Design

Although the property has architectural merit, it is located outside of the Stoneygate Conservation Area.

The two storey side extension is proposed in place of the existing garage. The dual-pitched roof would match that of the existing, the roof ridge would be set lower than the original and the extension would be set back about 2m from the front elevation of the property. There would be a separation distance of approximately 2.9m between the side of the proposed two storey extension and the side of the neighbouring property at 358 Victoria Park Road. Therefore, I consider that the proposed extension would be in keeping with the original property.

The side wall of the proposed two storey extension would be blank and would be viewed from the street scene. However, I consider that the massing of the extension would not be excessive, the blank wall would appear similar to the existing situation at the side of the property and would not result in a significantly detrimental overbearing impact on the occupier of the neighbouring property a 358 Victoria Park Road.

Timber windows are proposed to match the existing and would line up vertically and horizontally.

The application form and plans indicate that the external finish materials would match those of the original dwelling. I consider that this is an appropriate material response and can be secured as a condition of planning permission.

I conclude that the design of proposed extensions would be an appropriate addition to the property and the proposal complies with Policy CS03 of the Core Strategy and does not conflict with saved City of Leicester Local Plan policy PS10 and is acceptable in terms of the character and appearance of the area.

Parking and Highways

The proposal would provide three off-street parking spaces. Two of which would be in tandem. I consider that two of the proposed spaces would be safely useable. The proposed parking situation would be similar to the existing. There is restricted on-street parking in the area. I consider that an additional three occupiers at the property is not considered to have a significant impact on highway safety. Furthermore, the site is in a sustainable location with access to local shops, public transport and proximity to the City Centre.

Having regard to the SPG maximum car parking standards, I consider that this level of parking provision is acceptable. I conclude that the proposal would comply with Policy CS15 of the Core Strategy (2014) and with saved Policy AM12 of the Local Plan (2006), and is acceptable in terms of parking.

Drainage

The site is within a critical drainage area. I consider that the impact of the proposal in terms of increased surface water run-off is unlikely to be significant. The proposed driveway paving is to be permeable, which I consider to be acceptable.

I conclude that the proposal would not conflict with Policy CS02 of the Core Strategy (2014) and is acceptable in terms of sustainable drainage.

Other Matters

The City Council has not granted planning permission for the change of use from a house (Class C3) to a House in Multiple Occupation (Class C4). The change of use occurred under Permitted Development before the rights were removed in 2016.

The HMO licence, fire, health and safety and building regulations issues are covered by separate regulations and legislations. The current licence is for up to five bedrooms. However, it has been acknowledged by Private Sector Housing that the layout as proposed would likely be acceptable if a HMO license for 8 persons was sought.

The devaluation of nearby properties as a result of a proposed development is not a material planning consideration.

Conclusion

The property is considered large enough to comfortably accommodate three additional residents, with the communal facilities and bedrooms provided built to an acceptable standard. Additional occupiers to an existing HMO and the proposed

extensions are considered not to cause significant harm to the amenity of neighbouring occupiers or the character and appearance of the area.

I accept that there will be an increase in the size of the HMO; however I consider that the resulting accommodation is of a good standard and that the impact on the area or neighbouring property would not be unreasonable

I therefore recommend APPROVAL subject to the following conditions:

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The new walls and roof shall be constructed in materials to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
3. This consent shall relate solely to the amended plans ref. no. 014/AL(0)02B Rev C, received by the City Council as local planning authority on 23/02/2021. (For the avoidance of doubt.)

NOTES FOR APPLICANT

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

Policies relating to this recommendation

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