

Leicester
City Council

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

DATE: WEDNESDAY, 2 JUNE 2021

TIME: 5:30 pm

**PLACE: Meeting Rooms G.01 and G.02, Ground Floor, City Hall, 115
Charles Street, Leicester, LE1 1FZ**

Members of the Committee

Councillor Riyait (Chair)

Councillor Aldred (Vice-Chair)

Councillors Joel, Dr Moore, Nangreave, Pandya, Rae Bhatia, Thalukdar and Whittle

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 / aqil.sarang@leicester.gov.uk / jacob.mann@leicester.gov.uk
Democratic Support, Leicester City Council, City Hall, 115 Charles Street, Leicester, LE1 1FZ

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- ✓ where filming, to only focus on those people actively participating in the meeting;
- ✓ where filming, to (via the Chair of the meeting) ensure that those present are aware that they may be filmed and respect any requests to not be filmed.

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 (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)

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PUBLIC SESSION

AGENDA

FIRE / EMERGENCY EVACUATION

If the emergency alarm sounds, you must evacuate the building immediately by the nearest available fire exit and proceed to the area outside the Ramada Encore Hotel on Charles Street as directed by Democratic Services staff. Further instructions will then be given.

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

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

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

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

3. MINUTES OF THE PREVIOUS MEETING

Members are asked to confirm that the minutes of the meeting of the Planning and Development Control Committee held on 21 April 2021 are a correct record.

4. PLANNING AND DEVELOPMENT CONTROL COMMITTEE MEMBERSHIP 2021-2022

Members are asked to note the membership of the Planning and Development Control Committee for 2021-2022, as detailed on the front of the agenda.

5. PLANNING AND DEVELOPMENT CONTROL COMMITTEE MEETING DATES 2021-2022

Members are asked to note the dates for Planning and Development Control Committee meetings for 2021-2022:

2021

2 June	15 September
23 June	6 October
14 July	27 October
4 August	17 November
25 August	8 December

2022

5 January	20 April
26 January	11 May
16 February	
9 March	
30 March	

6. OBJECTION TO GWENDOLEN ROAD PROPOSED ONE-WAY STREET RESTRICTIONS WITH AN EXEMPTION FOR PEDAL CYCLES [Appendix A](#)

The Director of Planning, Development, and Transportation submits a report setting out objections received to proposals to implement a one-way restriction on Gwendolin Road between East Park Road and Dorothy Road. The Members of the Committee are recommended to give their views to the Director of Planning, Development and Transportation to consider, alongside remaining objections to the scheme before reaching a final decision.

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

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

- | | |
|--------------------------------------|-----------------------------|
| (i) 20210414 7 MALLORY PLACE | Appendix B1 |
| (ii) 20202337 15 STONECROP ROAD | Appendix B2 |
| (iii) 20200252 277 SAFFRON LANE | Appendix B3 |
| (iv) 20202115 354 VICTORIA PARK ROAD | Appendix B4 |
| (v) 20202482 21 ELMS ROAD | Appendix B5 |
| (vi) 20210527 20 HALLATON STREET | Appendix B6 |

**(vii) 20200668 LAND TO REAR OF 43-47
LUTTERWORTH ROAD**

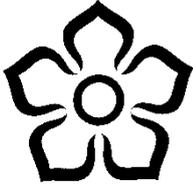
Appendix B7

(viii) 20202182 115 UPPINGHAM ROAD

Appendix B8

8. ANY URGENT BUSINESS

9. CLOSE OF MEETING



Leicester
City Council

Report for consideration by the Planning and Development Control Committee

**OBJECTION TO GWENDOLEN PROPOSED ONE-WAY STREET RESTRICTIONS
WITH AN EXEMPTION FOR PEDAL CYCLES**

Report of the Director of Planning, Development and Transportation

1. Purpose of Report

- 1.1 To enable the Committee to give their views to the Director of Planning, Development and Transportation to take into account, when considering the recommendations set out in Section 3 of this report.

2. Summary

- 2.1 The City Council have received complaints from residents and local Councillors, regarding safety and traffic movements on Gwendolen Road between East Park Road and Dorothy Road within the City of Leicester. It is proposed to introduce a One-way traffic restriction on this section of Gwendolen Road in a south-easterly direction from East Park Road to Dorothy Road. The road is a narrow, terraced streets, which also accommodates parking on both side of the road both day and night. This has led to issue of driver conflict and vehicular damage. The introduction of a One-way Street restrictions on the affected road, would look to improve safety and help maintain free flow of traffic in this area.
- 2.2 During advertisement of the Traffic Regulation Order (TRO), the council received three letter/emails of support for the proposals. However, two objections were also received against the proposal and also against the introduction of traffic calming features that would support the one-way to try and keep vehicular speeds low. The main objections raised were linked to the potential for causing congestion within the area, the direction of travel of the proposed one-way and they felt there was no requirement for this type of restriction and or traffic calming features in the form of speed cushions. The project officer has spoken to one objector and prior to Covid lockdown met with a group of residents and Councillors about issues along the Gwendolen Road and the surrounding area.
- 2.3 In response to these objections the City Council has tried to resolve the issues raised with the objectors. Following the written communication none of the objections have been withdrawn. Therefore, two unresolved objections remain.
- 2.4 The proposals showing the one-way street restrictions for the Gwendolen Road can be seen on the attached OBJECTORS REPORT PLAN APPENDIX A – LCC/GR/2944/03/090/001 REV 'A'.

3. Recommendations

3.1 It is recommended that:

The members of the committee give their views for the Director of Planning, Development and Transportation to consider, alongside remaining objections to the scheme before reaching a final decision.

4. Background

4.1 The City Council has proposed a One-way Street restriction on a section of Gwendolen Road from East Park Road to Dorothy Road. Complaints had been received from residents, local Councillors, regarding driver conflict and damage to vehicles.

4.2 The Gwendolen Road area is part of a residential area with some light industrial units. The housing stock on the section of road subject to the proposal, is predominantly terraced housing. Vehicles do park on both sides of the road. This results in the carriageway being narrowed and two-way traffic flow is affected. Whilst the majority of drivers try and give way to each other, for larger/wider vehicles (4x4, vans and HGVs), this may not be possible. This leads to the problems raised by the complaints as drivers who fail to give way to each other cause stand offs and congestion. This can escalate the problem to a point of driver conflict. In certain cases, vehicles, including parked vehicles, are damaged when drivers try to squeeze past each other.

4.3 Therefore, to facilitate the safer movement of vehicles along this road and reduce both driver conflict and vehicular damage, the City Council has proposed a One-way traffic flow restriction on this section of Gwendolen Road.

5. Report

5.1 The Gwendolen Road proposal for a one-way restriction was identified for consideration as concerns were raised by the local community and local ward councillors. Consultations and public advertisement of the proposals for the one-way TRO also included details on traffic calming proposals (speed cushions) needed to implement a safer, desirable scheme.

5.2 A total of two objections were received regarding the proposal to introduce one-way restrictions for Gwendolen Road. Following written communication with the objectors to try and resolve their concerns, the project officer has spoken with one of the objectors to discuss the proposals. None, of the objectors withdrew their written objections. Therefore, this leaves two unresolved objections that require consideration.

5.3 Details of the remaining objections (received by e-mail) and the response to it, are provided in APPENDIX B, OBJECTION RECEIVED BY E-MAIL.

6. Conclusion

6.1 The One-way Street proposed TRO for the Gwendolen Road was identified as one of the higher priorities, following a report looking at local ward requests for One-way Streets the annual Local Environmental Works (LEW) Programme.

6.2 The purpose of the proposed TRO is to improve traffic movements and road safety by removing two-way traffic flows (except cycles) on this narrow section of residential street, reducing vehicle damage and conflict between drivers. The proposal would look to remove rat running in a north-westerly direction on Gwendolen Rd (from Dorothy Rd to East Park Rd). This narrow section of Gwendolen Rd created a pinch point that was the final link between Broad Avenue (A6030) and East Park Rd. By introducing a one-way traffic flow, congestion is reduced as the pinch point effect of two-way traffic on a narrow street is eliminated.

- 6.3 All vehicles wanting to access East Park Rd would need to proceed from Gwendolen Rd via Dorothy Rd to Moat Rd. The additional distance travelled, is not seen as an unreasonable distance. Moat Rd is wider than the section of Gwendolen Rd affected by the proposed TRO and Dorothy Rd has parking restrictions during the day that helps maintain traffic flow. As such, the traffic movements should be maintained more freely in this area.
- 6.4 Another concerning issue is driver disputes that end up with drivers not giving way to each other. This leads to standoffs and, in some cases, physical interactions between drivers. These incidents cause congestion not only on Gwendolen Rd but also to traffic movements on East Park Rd. The one-way would eliminate this issue.
- 6.5 To try and ensure safety for all road users against the potential of vehicular speeds increasing with the introduction of a one-way restriction, traffic calming features in the form of speed cushions, along with the carriageway being narrow due to parking on both sides of the road, should help to keep vehicular speeds down. The spacing of the speed cushions will be in line with Government guidance. In the future the council may look to introduce a 20mph zone in this area and these features will support a speed reduction scheme. Residents will be consulted at the appropriate stage.
- 6.6 The Objectors 'A' and 'B', have not withdrawn their objections. As a result, there remains the two unresolved objections for both traffic calming and the one way street proposal.
- 6.7 Officers recommend that the remaining objections be overruled, and the proposals should now be implemented. The overall benefits to local community with regards to reducing rat running, remove both vehicular damage and conflict between drivers of motor vehicles, should outweigh the Objector's concerns and this should not lead to congestion in the area (a plan showing the one-way street proposals is shown in Appendix A).

7. Financial Implications

- 7.1 The total estimated cost of the proposed scheme with the making and final advertising the TRO, in addition to the signing, lining and remedial works is estimated at £15.000 and is funded from the LEW Programme.

8. Legal Implications

- 8.1 The Council has the power to implement the proposed Traffic Regulation Order on roads within the City. The procedure to be used by the Council in making such an order is contained in The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.

9. Powers of the Director

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

10. Decision Making

10.1 The power to make a Traffic Regulation Order is delegated to the Director planning, Development and Transportation having regard to comments made by the Planning Development and Control Committee.

11. Decision of the Director of Planning, Development and Transportation

11.1 Approval is **given / not given*** to the making of the Order as set out in Section 3.

Signed.....

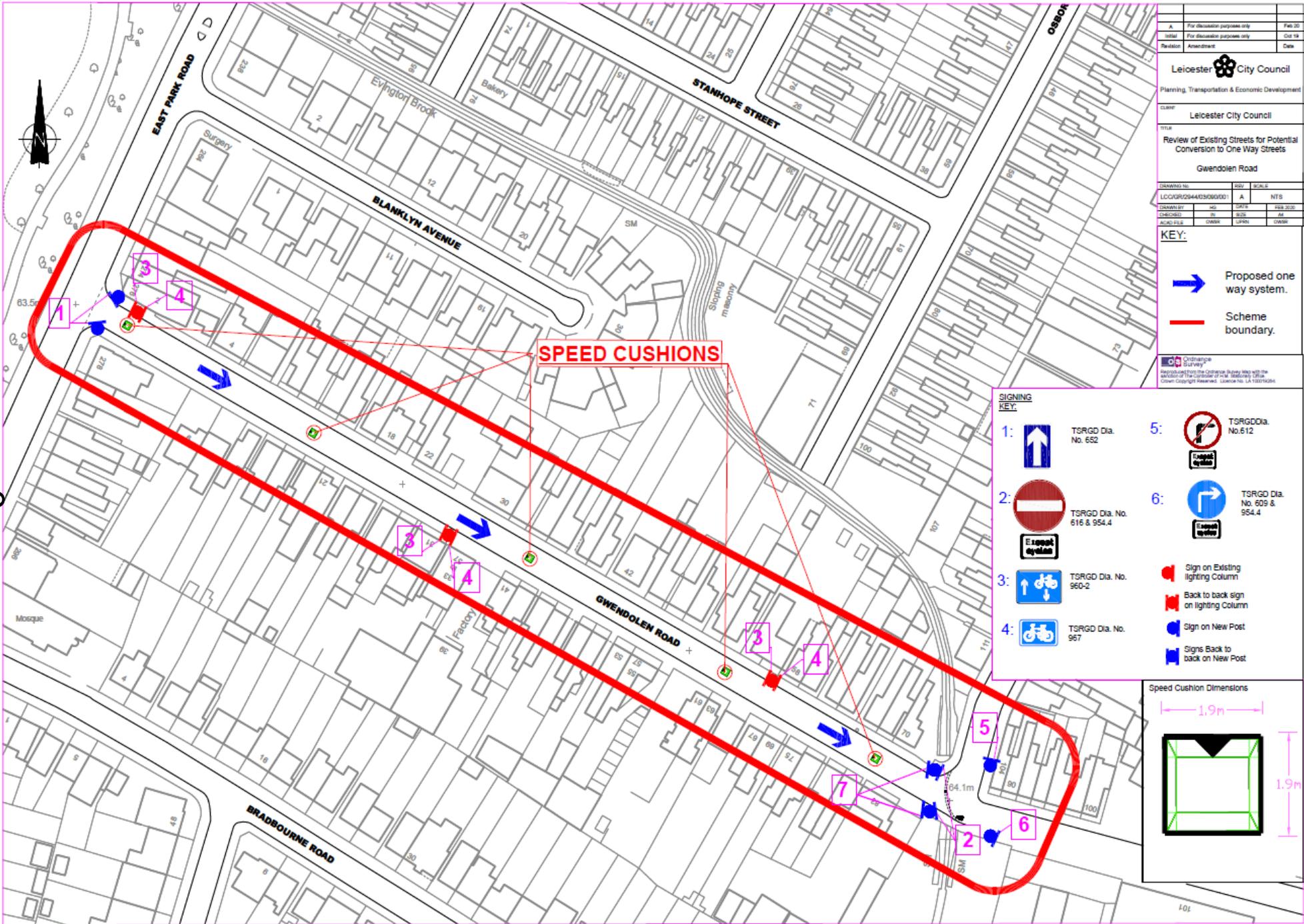
Dated

**Andrew L Smith,
Director Planning, Development and Transportation
Report Author**

Name:	Ian Nash
Job Title:	Project Support, Transport Strategy
Extension number:	454 3574
E-mail address:	ian.nash@leicester.gov.uk

APPENDIX A,

Gwendolen Rd - Consultation Plan – LCC/GR/2944/03/090/001 - REV 'A'



A	For discussion purposes only	Feb 20
Initial	For discussion purposes only	Oct 19
Revision	Amendments	Date

Leicester City Council
 Planning, Transportation & Economic Development

Client: Leicester City Council

Title: Review of Existing Streets for Potential Conversion to One Way Streets
 Gwendolen Road

DRAWING NO.	REV.	SCALE
LC02GR2544(03)000001	A	NTS

DRAWN BY	CHKD	DATE	DATE 2020

CHECKED	BY	DATE	AM

APPROVAL	DATE	APPROVED	DATE

KEY:

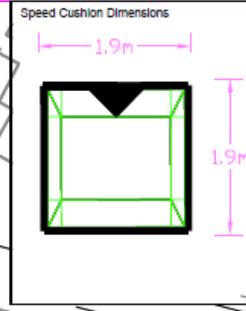
- Proposed one way system.
- Scheme boundary.

Ordnance Survey
 Map data © Crown Copyright and the Ordnance Survey, 2019. All rights reserved. Licence No. LA100000004

SPEED CUSHIONS

SIGNING KEY:

1: TSRGD Dia. No. 652	5: TSRGD Dia. No. 612
2: TSRGD Dia. No. 616 & 954.4	6: TSRGD Dia. No. 609 & 954.4
3: TSRGD Dia. No. 960-2	Sign on Existing lighting Column
4: TSRGD Dia. No. 957	Back to back sign on lighting Column
	Sign on New Post
	Signs Back to back on New Post



APPENDIX B

OBJECTION RECEIVED BY E-MAIL FROM OBJECTORS 'A and B'

1. The objections and officers' responses are as follows: -

1.1 Objector 'A' comments:

- We agree that a one-way system from East Park Road to Dorothy would help the current challenges faced when cars are passing through from the opposite direction.
- This is a busy section of Gwendolen Road which is used as a through route to the local schools, places of work, places of worship and the general hospital. The area gets particularly busy during peak times. Our concern is that making this section of the road one way will put additional pressure on Dorothy road. Traffic coming down Gwendolen road will have to turn onto Dorothy Road with your proposed changes. We the residents of Dorothy road would not welcome this additional flow of traffic onto Dorothy Road.
- Your proposal to introduce speed cushions will cause traffic congestion, and this will cause a lot of issues especially at peak times. We strongly urge you to reconsider the implementation of speed cushions as this will cause a lot of issues, causing traffic bottle necks. We have been living in the area for 16 years and have never seen excessive vehicle speeds on Gwendolen Road, hence there should not be a need for speed cushions.
- Gwendolen Road has a flow of many larger HGV vehicles due to local businesses on Gwendolen Road. The Speed cushion would be an issue for the larger vehicles carrying very heavy loads. Therefore we urge you to consider the points above, especially the introduction of 4 speed cushions. We thank you for reading our response and would appreciate you taking these into consideration. We are happy to discuss these in more detail if you want to discuss.
- After reading your response we can understand the rationale for the introduction of the traffic calming measures. However, we do not need 4 speeding cushions we can perhaps use 2 as the stretch of Gwendolen is not very long. 4 seems to be too many for the length of the road.
- Furthermore, we reside on the corner of Dorothy Road, and the direction of your one way system will bring additional stress onto Dorothy Road. Traffic coming down Gwendolen by default will have to turn into Dorothy Road if you put the one-way system from East Park Road to Dorothy Road. We have an objection of the Direction of the One-way system and our preference would be the one-way system runs from Dorothy Road to East Park Road. This would alleviate the traffic stress onto our street Dorothy Road. I hope you understand our genuine concerns and change your proposals to implement fewer speed cushions and change the one way system, so it runs from Dorothy Road to East Park Road. Once again, thank you for reading our response.

Second email

- After reading your response we can understand the rationale for the introduction of the traffic calming measures. However, we do not need 4 speeding cushions we can perhaps use 2 as the stretch of Gwendolen is not very long. 4 seems to be too many for the length of the road.
- Furthermore, we reside on the corner of Dorothy Road, and the direction of your one way system will bring additional stress onto Dorothy Road. Traffic coming down Gwendolen by default will

have to turn into Dorothy Road if you put the one-way system from East Park Road to Dorothy Road. We have an objection of the Direction of the One-way system and our preference would be the one-way system runs from Dorothy Road to East Park Road. This would alleviate the traffic stress onto our street Dorothy Road.

- I hope you understand our genuine concerns and change your proposals to implement fewer speed cushions and change the one way system, so it runs from Dorothy Road to East Park Road.
- Once again, thank you for reading our response.

1.2 Officer comments:

- Thank you for your email, please to see that you are supportive of the one-way street proposals for Gwendolen Road from East Park Road to Dorothy Road. However, I recognise you are questioning the introduction of traffic calming features.

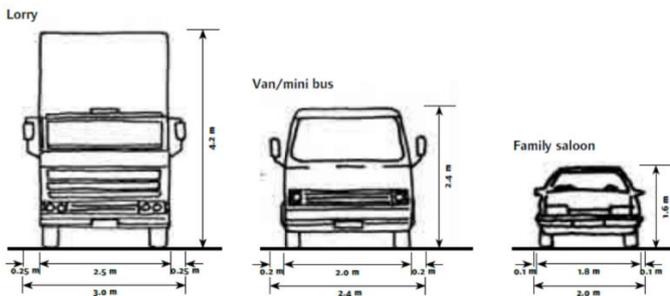
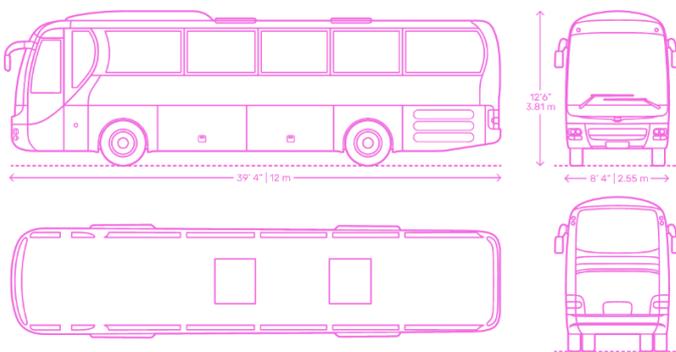


Figure 6.18 Private and commercial motor-vehicles – typical dimensions.

- The proposals for traffic calming are to install a 1.9 metres square speed cushion in the centre of the road. Please see the image below of one on Doncaster Road in Leicester. We are looking at the same approach as this still allows parking either side of the cushion whilst allowing motorised vehicle to travel down the road. It should be noted that the cushion is only 1.9 metres wide, when you look at the wheelbase of average vehicle dimensions (as shown above). You will see that for buses and lorries straddle this type of feature and as such has no impact. For cars, vans and mini buses they should slow down to go over the cushion. Please note, that the height of the cushion would not be greater that 75mm.



Second Response

- Thank you for getting back to me, I will record that you are objecting to both the traffic calming and the one-way on Gwendolen as it would increase traffic on Dorothy Road. Therefore, you would like the One-way to run in the reverse direction towards East Park Road.
- I have taken some clips from Government guidance on traffic calming to help you understand about spacing to try and keep the speed down to 20mph. This would also support a 20mph zone if introduced at a later stage. For a residential street 20mph is an appropriate speed for that type of street.
- Below are two paragraphs taken from Government guidance leaflet and Traffic Calming Techniques book.

Spacing of Measures: The measures used in the zone should not only keep speeds low, but should encourage a smooth vehicle speed throughout the zone. Physical measures should be around 60m to 70m apart. This will be beneficial to accident reduction, and in reducing noise and vehicle exhaust emissions (TA leaflets 4/96 and 6/96).

3.2.17 The speed control measures should be spaced at about 60 to 70 metres apart (TAL 09/99) but must not be more than 50 metres from any given point on the road unless in a cul-de sac less than 80 metres long (TSRGD, 2002). This spacing of traffic calming measures should ensure that the zone is self-enforcing (i.e. vehicle speeds are kept at least at or below an average of 20 mph) and encourage a smooth style of driving. This is beneficial to accident reduction, and also in reducing noise and vehicle exhaust emissions (see Sections 4.4, 4.5, 5.2, 5.3, 6.5, 6.6, 8.3 and 8.4).

- Looking at the proposed length of Gwendolen Road, it is approximately 270 metres. We might be able to tweak the start and end cushions and the reposition the others. But it may only result in the loss of one cushion. From a road safety point of view, just having two cushions would not be sufficient.
- Looking at both Gwendolen Rd (Est Park Rd to Dorothy RD) and Moat Rd, it was clear that Moat Rd could cope with two-way traffic better than Gwendolen Rd as it is wider. see images (*Google*) below. There is also a proposal to make Nansen Rd one-way from Gwendolen to Ethel Rd. If these were to be introduced, it would be interesting to see how this affect traffic movement in the whole area. We may need to consider other proposals if it has a detrimental impact. However, it is hoped that it would have a more positive affect.



- I would be happy to discuss this with you on Teams for on Zoom. If you want to remove your objection, please let me know. If I do not hear from you, I will assume you want your objection to stand.

2.1 Objector 'B' comments:

- I am in receipt of your letter dated 29 January 2021 regarding the above proposal. I, together with several residents are totally opposed to your proposals for the one way arrangement and the ridiculously costly idea of 5 speed cushions on a very small stretch of road between Gwendolen Road and the junction of Dorothy Road. My reasons for this opposition is that if your colleagues or even yourself had made some effort to understand the traffic issues - it would have been clear that it is the traffic from the top of Gwendolen Road, and between Evington Valley Road to the junction between Dorothy Road and Gwendolen Road that is the issue. Clearly not the stretch you wish to restructure.
- There are 2 schools, a college and to add a further Academy on Evington Valley Road causing the chaos on Gwendolen Road - there are also industrial sites in the area which causes additional traffic chaos. The safety of the children should be your foremost priority and not the ill thought one way system. Additionally, your proposed one way system will make matters worse not only for the permanent resident drivers in the area of concern but for the local ambulances attending to patients on this part of the road causing a further obstruction with the one way system, the emergency vehicles, the refuse collectors will cause further chaos, and delivery vehicles some of which are very long car carriers will increase along this smaller stretch of road causing more pollution and damage to our houses with the vibrations from these HGV's.
- At present because of the pandemic and closure of schools and colleges there is a lesser hindrance on this side of the road which will emerge again once schools etc are back to some normality proposed in March. As mentioned above the idea of the speed cushions has been very ill thought of - these would be better laid from the top of Gwendolen Road to its junction with

Dorothy Road not down the bottom end towards East Park Road. This in turn would reduce the road rage and traffic issues and the proposed one way alterations will be obsolete. Of course, speed cushions on the proposed stretch would also be useful maybe 2 or 3 but most certainly not 5 especially when there is already a parking space issue which your cushions will most certainly reduce the much needed spaces. If you proceed with your current proposal, the residential car owners will have at least an additional 10 minutes added to their travel time to access East Park Road. Your proposal would involve driving to and turning left at Dorothy Road then left into Moat Road then left into East Park Road during peak travel times where there is already congestion present on these roads with school and industrial traffic, with a further length of the road to reach the point of access to Gwendolen Road as opposed to a very straight few minutes run that is currently in place.

- If lockdown conditions allow, I will gladly run the route with you or your colleagues to stress my point. The 'real' residents in this part of your restructure are quite happy to attend a reconvened meeting this time with all invited please. It may have escaped your notice, but you are looking at least 13 houses which are occupied by short term tenants on very short term tenancy agreements and a few houses where there are non-drivers who also will not be affected by your proposal.
- I understand a residents meeting was previously held to discuss the above matter. I for one and several other residents were not aware of or invited to any such meeting. I therefore suggest you give more thought to my suggestions above before even considering the one way restriction as an option and consider speed cushions for the whole road instead. This would likely be a much safer consideration with a lesser cost to the council, so a win, win for everybody. The affected residents are concerned that despite our real concerns and objections, the council will proceed with the proposals which I trust will not be the case and you will keep with your stance- that the 'council is working with you for you'. I look forward to an acknowledgment of receipt of this communication and hearing from you in the very near future.

Second Email: -

- Firstly, my objections still stand as stated in my earlier email and more so after today's incident.
- 1. I returned from work this afternoon at 17.10 and driving into Gwendolen from East Park Road I saw three cars reversing and some turning around to get back onto East Park Road as there was an Emergency Ambulance parked in the middle of the stretch of the road you wish to convert. We all had to manoeuvre back to East Park Road with great difficulty, turn right into Moat Road and then right into Dorothy Road and again right into Gwendolen Road to hunt for a parking spot and access our homes. This is exactly the point I am trying to get across if this stretch of the road is made one way and several neighbours and drivers were witness to today's incident. Today's incident resulted in my parking around my house although an additional 10 minutes was added to my drive time and I was able to access my road - This access will not be available when the road is made one way - the only way to access the road if converted would be to reverse into the one way stretch which I'm sure is not legal but how else are we going to be able to park and access our homes when such obstructions are inevitable? It's now more than 30 minutes and the ambulance has yet to move away. The one way idea is an absolute nightmare and I dread to think of the chaos, road rage etc this will ensue especially when this stretch of the road is not accessible both ways.
- 2. I'm not clear about your 2 minutes' drive but my statement of the added 10 minutes' drive still stands and will be worse when the pandemic is over, and the roads are back to normal with the daily commuters. The residents living closer to East Park Road will not face this inconvenience as they will probably carry on with their reversing into East Park Road as currently is in practice.

- 3. Doncaster Road is at least a car and a half wider than Gwendolen Road so is therefore not comparable.
- Finally, I rest my case that the one way idea for this stretch of the road is absolutely ridiculous and the speed cushions will be the only practical way forward for the whole of the road. I thank you for your consideration of 4 instead of the 5 cushions which will be appreciated. A photo of the obstruction in my point 1 is shown below which unfortunately and regrettably is a common occurrence on this stretch of the road.



2.2 Officer comments:

- Thank you for your email, in which you have submitted an objection to the proposals. I would just like to take this opportunity to confirm some of the issues where you have raised concerns. It should be noted that residents on this section of Gwendolen Road, have requested the One-way street and support the proposed direction of travel. They have concerns of driver conflict and damage to other vehicles on the road. The image below was sent in from one of the residents on this section of Gwendolen Rd. They were asking when the council going to act, as the road is not wide enough to cope with two-way traffic and vehicles parked on both sides of that road.



- As you may be aware, one issue with the introducing One-way Street restriction is that drivers become more confident that they will not face any oncoming traffic. So, they can have a tendency of increasing their vehicular speed.

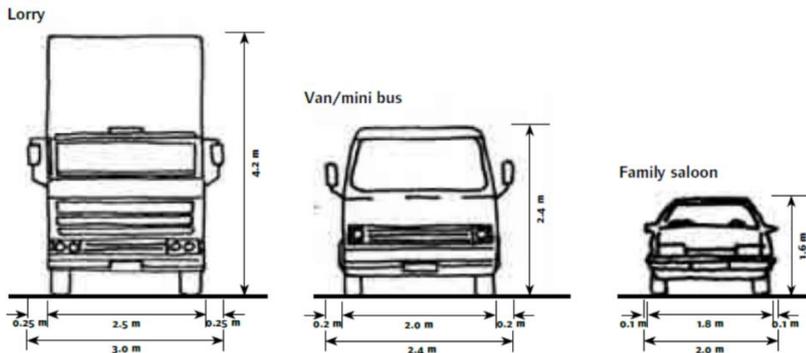


Figure 6.18 Private and commercial motor-vehicles – typical dimensions.

- The proposals for traffic calming are to install one 1.9 metres square speed cushion in the centre of the road. Please see the image below of one on Doncaster Road in Leicester. We are looking at the same approach as this still allows parking either side of the cushion whilst allowing motorised vehicle to travel down the centre of the road. It should be noted that the cushion is only 1.9 metres wide, when you look at the wheelbase of average vehicle dimensions (as shown above). You will see that for lorries they can straddle this type of feature and as such has no impact and should not add to road noise thuds when traveling over the cushion. For cars, vans, and minibuses they should slow down to go over the cushion at about 20mph. For people with certain medical conditions would normally go a little bit slower as per their needs. Please note, that the height of the cushion would not be greater that 75mm.



- The concern would be to introduce a one-way restriction without any traffic calming. Vehicular speed could increase making road safety a greater issue, with vulnerable road users such as pedestrian (children) crossing the road and cyclists being put at greater risk. Currently we are proposing 5 speed cushions, I am looking at this with a view to reducing them down to four. However, in line with Government guidance, there is a minimum and maximum spacing between features. This is to try and keep the speed limit down of 20mph. Therefore, I would not be able to reduce the number to less than four.
- On the issue to getting onto East Park Road from this section of Gwendolen Road. In the worst-case scenario, the distance travelled would be approximately 770 metres. Traveling this distance in a motor vehicle at 20mph, should not take more than a couple of minutes and is not seen as unreasonable.
- Regarding the issues at the top end of Gwendolen Road near the two schools, we are looking at a proposed One way one-way on Nansen Road. This is to try and sort out driver conflict and congestion at that road and at the junction especially at school pick up and drop off times. By

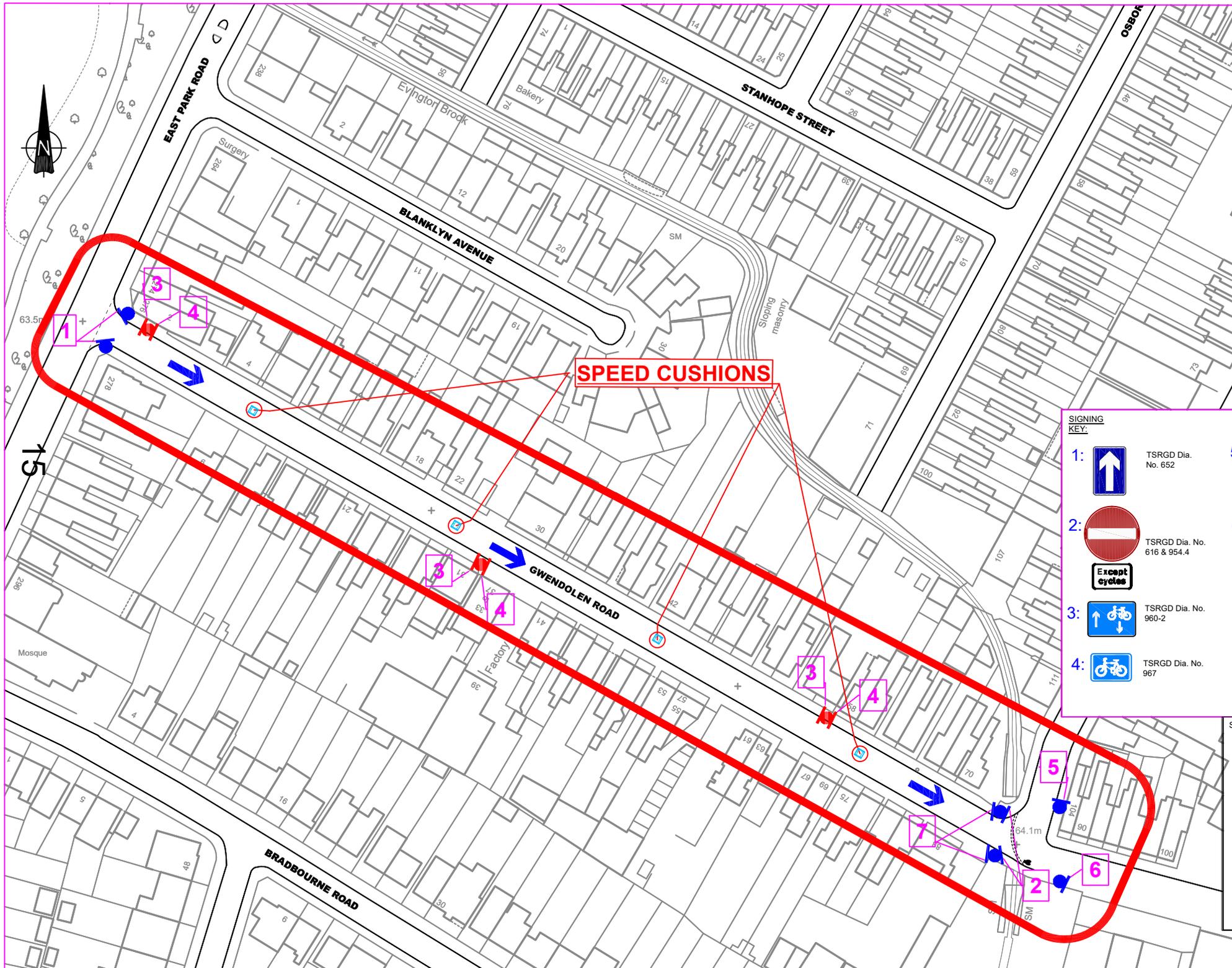
removing any two-way congestion traffic on Nansen Rd, means that movement at the junction of Nansen and Gwendolen should be improved. This could lead to freeing up the traffic movements and flow on both on Nansen Road and on Gwendolen Road.

- I hope that this gives you a bit more information about the proposed one-way with traffic calming. We need to balance your need and the needs of vulnerable road users. If you feel I have answered your concerns and would like to withdraw your objection, could you please let me know in writing. If I do not hear from you within the next 14 day, I will assume you would like your objection to stand. As such it will for part of an objection report. I am more than happy to discuss your objection once the consultation period has finished.

Second Email

- Would just like to update you on where we are with the one-way street proposals. As you are aware, the formal advertising period has been completed. As part of the TRO process, you have raised an objection to the proposals. I wrote back to you to try and resolved your concerns, but you have confirmed that you are not withdrawing your objections.
- As part of the Order process, I am now drafting an objection report. Your comments will be added. However, before the report is submitted, I wanted to see if you would like to talk about your concerns either my phone or on MS Teams. This is entirely up to you and there is no pleasure on you to talk to me about this subject. If you are happy with your written comments, I can continue with the report to the Planning Committee for their comments. This will then it will be sent to the Director for a decision, on wither to either overrule objections, make amendments, or abandon the proposals.
- As part of the objection report, the issue around traffic calming features will also be included. However, the number of proposed features will be reduced from five down to four and ensuing that it is still in line with Government guidance.

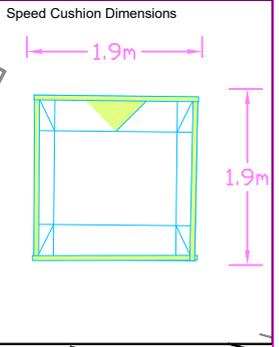
A	For discussion purposes only	FEB 20	
Initial	For discussion purposes only	OCT 19	
Revision	Amendment		Date
 Leicester City Council Planning, Transportation & Economic Development			
CLIENT Leicester City Council			
TITLE Review of Existing Streets for Potential Conversion to One Way Streets Gwendolen Road Area			
DRAWING No.	REV	SCALE	
LCC/GR/2944/03/090/002	A	NTS	
DRAWN BY	HG	DATE	FEB 2020
CHECKED	IN	SIZE	A3
ACAD FILE	OWSR	UPPR	OWSR
KEY:			
		Proposed one way system.	
		Scheme boundary.	
 Reproduced from the Ordnance Survey Map with the permission of The Controller of H.M. Stationery Office. Crown Copyright Reserved. Licence No. LA 100019264.			



SPEED CUSHIONS

SIGNING KEY:

1: TSRGD Dia. No. 652	5: TSRGD Dia. No. 612
2: TSRGD Dia. No. 616 & 954.4	6: TSRGD Dia. No. 609 & 954.4
3: TSRGD Dia. No. 960-2	
4: TSRGD Dia. No. 967	



15

Mosque

Factory

STANHOPE STREET

BLANKLYN AVENUE

GWENDOLEN ROAD

BRADBOURNE ROAD

EAST PARK ROAD

OSBOR



Evngton Brook

Surgery

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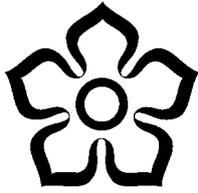
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108

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Leicester
City Council

Wards:
See individual reports.

Planning & Development Control Committee

Date: 2 June 2021

REPORTS ON APPLICATIONS, CONTRAVENTIONS AND APPEALS

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 2017 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.
- 3.5 Chapter 14 of the National Planning Policy Framework – Meeting the challenge of climate change, flooding and coastal change – sets out how the planning system should support the transition to a low carbon future, taking full account of flood risk and coastal change. Paragraph 149 states “Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.”
- 3.6 Paragraphs 155 - 165 of the National Planning Policy sets out the national policy approach to planning and flood risk.

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

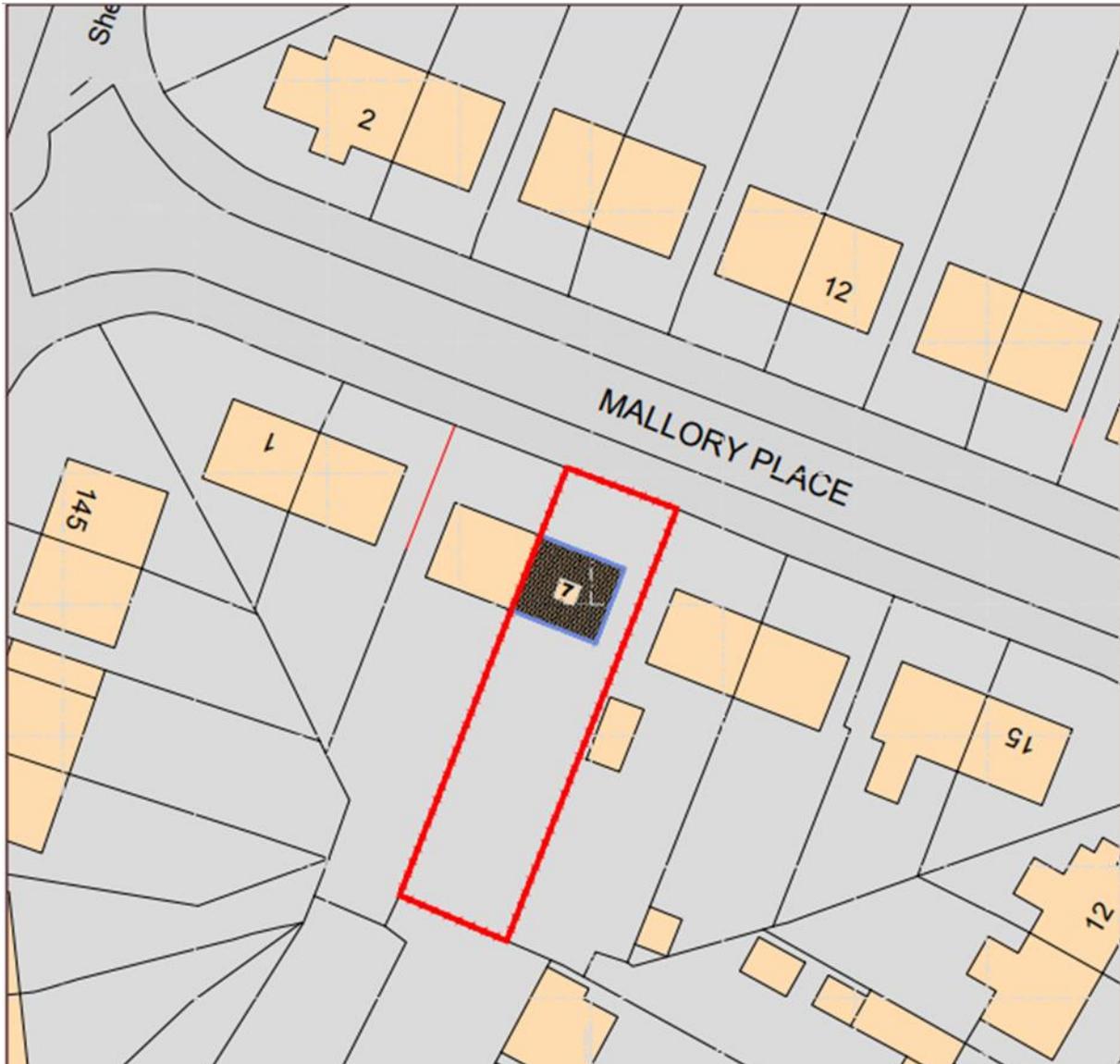
- 7.1 Where impacts arise from proposed development the City Council can require developers to meet the cost of mitigating those impacts, such as increased demand for school places and demands on public open space, through planning obligations. These must arise from the council's adopted planning policies, 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 (Amendment)(England) Regulations 2019.
- 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.

Appendix B1

20210414	7 Mallory Place	
Proposal:	Change of use from house to three flats (2 x 1 bed & 1 x 2 bed) (Class C3); construction of a two storey rear extension	
Applicant:	PASTOR ISIAKA	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	11 May 2021	
SS1	TEAM: PD	WARD: Evington



Summary

- The application is brought to committee as the planning agent is related to a councillor.
- The main considerations are design, neighbouring residential amenity, living conditions for future occupants, highways and drainage.

- Recommended for refusal on the grounds of harm to neighbouring residential amenity and poor living conditions.

The Site

The application relates to a two-storey semi-detached dwelling within a primarily residential area. The site is within a critical drainage area, flood zone 2 and an area with a 1 in 1000 year risk of surface flooding.

Background

No planning history at the site.

The Proposal

The proposal involves the change of use from the single dwelling to 3 self-contained flats.

Flat 1 (1 bed) would be to the rear of the property on the ground floor and be 28m² in floorspace.

Flat 2 (1 bed) would be to the front of the property on the ground floor and be 40m² in floorspace.

Flat 3 (2 bed) would be on the first floor and be 60m² in floorspace.

The proposal also involves a single and two storey rear extension. The extension would be partly 4m in depth with part a further c1.9m in depth although the two storey element would only be 3m in depth. It would be c.6.9m in width. The extension would accommodate the entirety of flat 1 on the ground floor and part of a bedroom and living room on the first floor.

The eaves height would be 5m and ridge height would be 6.7m.

Materials would be brick cavity walls, clay tiles and uPVC windows and doors.

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 110 requires applications for development to give priority to pedestrians and cycle movements; address the needs of people with disabilities and reduced mobility; create place that are safe, secure and attractive; allow for the efficient delivery of goods and; be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

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.

Development plan policies

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

Other documents

LCC Corporate Guidance – Achieving well-designed homes (2019)

Residential Amenity SPD

Appendix 01 – City of Leicester Local Plan (2006)

Consideration

The principle of residential development is acceptable in the area. The proposal would make a small contribution to Leicester's housing need by providing 2 extra properties.

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

It is noted that there was a pre-application planning enquiry at this site for a rear extension and the Council planning officer advised the applicant of the likelihood of an extension harming the light and outlook of the rear windows of the neighbour.

The submitted plans do not show heights of the eaves and ridges, the proposed rear elevation appears incorrect when compared with the proposed ground floor plan, and there are no internal floor measurements of the rooms on the plans. Given that the application is being recommended for refusal, it would be unreasonable to seek these accuracy amendments.

Design

The bricked walls, clay tiles and windows and doors would be suitable to match the existing house. I consider that this is an appropriate material response and could be secured as a condition of planning permission if approval were to be granted.

The development would introduce hard landscaping into the front of the property including the removal of the hedge. This would not be ideal but would not conflict with the appearance of other frontages in the area and would not warrant a reason for refusal.

The extension would increase the size of the building by a large percentage of the existing building. However, overall, I consider the development would comply with Core Strategy policy CS03 and be acceptable in terms of design.

Neighbouring Residential Amenity

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

It is acknowledged that the proposal may result in greater comings and goings from the site. However, I consider the proposal would not result in significant harm in terms of noise and disturbance to warrant refusal on this basis.

5 Mallory Place

I consider that the single and two storey rear extension would intersect a line drawn at a 45 degree angle taken from the centre of the nearest rear first floor window and a line drawn at a 45 degree angle taken from the closest edge of the rear ground floor window of no.5 Mallory Place. It appears from online marketing information that the ground floor window would be to a living room that is dual aspect. I therefore consider that the impact on this window would not be so substantial as to warrant a reason for refusal. However, it appears that the first floor window is to a bedroom and this is unlikely to be dual aspect. The extension would overshadow this window to an unacceptable degree.

9 Mallory Place

The extension would be within 2.2m of the boundary with no.9. I am satisfied that the two storey element of the extension would not intersect a 45 degree line drawn from the centre of the closest first floor window at no.9. The extension also wouldn't overshadow any windows on the ground floor at no.9 – the closest opening is a door.

The bedroom window at flat 1 would be directly facing across to the rear yard of no.9 and only be 2.2m from the shared boundary. Despite the hedge, trees and fence providing some screening, I consider this would result in a sense of overlooking to no.9 and a sense of loss or privacy to the neighbours.

Neighbouring Residential Amenity Conclusion

I consider that the extension would have an overbearing impact on the light received by and, the outlook from, the nearest first floor window at no.5, and that the bedroom window of Flat 1 would overlook the garden of no.9, and the both these issues would cause a detriment to neighbouring amenity contrary to policy PS10.

Living Conditions

Local Plan policy H07 sets out criteria that must be considered for new self-contained flats to be satisfactory. Criterion d) states that a satisfactory living environment must be created (for future occupiers). The amenity factors described above in policy PS10 are also relevant to creating suitable residential amenity for the future occupiers of the flats.

Flat 1

The internal floorspace of flat 1 would be below the relevant minimum requirement given within the nationally described space standards (NDSS) (37m²). I consider it would not provide adequate space for future occupants resulting in cramped living conditions.

At 6.6m² in floorspace, the bedroom would also be below the minimum requirement within the NDSS (which is 7.5m²). The size of the bedroom would not provide adequate space for future occupants resulting in cramped living conditions.

Whilst the living room/kitchen would have light and outlook to the rear, the bedroom window would suffer from poor light and outlook due to its position adjacent to the fence and hedge at the boundary with 9 Mallory Place, and from the overshadowing from 9 Mallory Place itself. It would also suffer from lack of privacy due as it would only be 2.2m from the shared boundary with the garden of no.9.

Flat 1 would suffer from poor living conditions and poor residential amenity for the above reasons, contrary to policies H07, PS10, and CS03, and NPPF paragraph 127.

Flat 2

I am satisfied that the internal floorspace of flat 2, and of the bedroom itself (at 8m²), would be sufficient to allow suitable space for the occupants.

However, the living room/kitchen window would suffer from poor outlook due to its position directly behind the car parking spaces at the front.

The bedroom window would suffer from poor light and outlook due to its position adjacent to the fence and hedge at the boundary with 9 Mallory Place, and from the overshadowing from the dwellinghouse 9 Mallory Place itself.

Flat 2 would suffer from poor living conditions and poor residential amenity for the above reasons, contrary to policies H07, PS10 and CS03, and NPPF paragraph 127.

Flat 3

I am satisfied that the internal floorspace of flat 3, and of the bedrooms themselves, would be sufficient to allow suitable space for the occupants.

I am satisfied that the windows to the living room/kitchen and both the bedrooms would receive sufficient natural light and enjoy sufficient outlook.

I conclude that Flat 3 would enjoy acceptable living conditions in accordance with policy H07.

Bin Storage

The plans do not show any space allocated for bin storage to the rear of the property. However, there would be space for this to be provided. Subject to a condition for provision/retention of secure bin storage if approval were to be granted, I conclude that the proposal would comply with policy H07 and be acceptable in terms of waste bin storage.

Amenity Space

I am satisfied that the occupants of the 3 flats would enjoy sufficient rear amenity space in line with policy H07 and PS10.

Highways & Transport

Appendix 01 Parking Standards suggests 1 space each for the ground floor flats and 2 for the first floor flat in Zone 4. 3 parking spaces are proposed at the front of the curtilage. There is unrestricted parking along Mallory Place. I consider that the lack of vehicle parking provision is acceptable given that the site is located in a sustainable location within 70m of the Victoria Road East Local Centre.

Appendix 01 Parking Standards suggests 1 space per 2 bedspaces for cycle parking. The plans do not show cycle storage however there would be space for suitable cycle parking arrangements, and this could have been conditioned were the development to be approved.

Subject to a condition for provision/retention of cycle parking if approval were to be granted, I conclude that the proposal would comply with policies CS14 and CS15 of the Core Strategy (2014) and with saved policies AM02 and AM12 of the Local Plan (2006), and is acceptable in terms of parking.

Drainage

I consider that a requirement for a scheme of sustainable drainage would be onerous and that the impact of the proposal in terms of increased surface water runoff is unlikely to be significant. I conclude that the proposal would not conflict with

Policy CS02 of the Core Strategy (2014) and is acceptable in terms of sustainable drainage.

Conclusion

Whilst the proposal would make a small contribution to addressing the lack of housing land supply in Leicester, the development would harm the residential amenity of no.5 and no.9 Mallory Place and provide poor living conditions for future residents of flats 1 and 2.

The proposal conflicts with Core Strategy policies CS03 and CS06, saved policies H07 and PS10 of The City of Leicester Local Plan (2006) and the Residential Amenity SPD (2008).

As such, any benefits of the proposal would be significantly and demonstrably outweighed by the adverse impacts of the proposal when assessed against policies in the NPPF taken as a whole, as well as local policies.

I recommend that the application be REFUSED for the following reasons:

REASONS FOR REFUSAL

1. The proposal, by reason of the poor levels of useable internal floor space, natural light, outlook and privacy would result in an unacceptable living standard for future residents contrary to National Planning Policy Framework (2019) paragraph 127, Core Strategy (2014) policies CS03 and CS06, saved policies H07 and PS10 of The City of Leicester Local Plan (2006) and the Residential Amenity Supplementary Planning Document (2008).
2. The proposed extension, by reason of its siting, height and design, would adversely affect daylight to and outlook from a principal room window of 5 Mallory Place contrary to National Planning Policy Framework (2019) paragraph 127, Core Strategy (2014) policy CS03, and saved policy PS10 of The City of Leicester Local Plan (2006).
3. The bedroom window of Flat 1, by reason of its aspect, would adversely affect privacy of the rear amenity space of 9 Mallory Place contrary to National Planning Policy Framework (2019) paragraph 127, Core Strategy (2014) policy CS03, and saved policy PS10 of The City of Leicester Local Plan (2006).

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 advice was given pre-application. Notwithstanding that advice 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 was clearly unacceptable and could not be reasonably amended it was considered that further discussions would be unnecessary and costly for all parties.

Policies relating to this recommendation

- 2006_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
- 2006_AM12 Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
- 2006_H07 Criteria for the development of new flats and the conversion of existing buildings to self-contained flats.
- 2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2014_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014_CS06 The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
- 2014_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
- 2014_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.

20202337	15 Stonecrop Road	
Proposal:	Construction of detached residential annexe at side of house (Class C3)(Amended plans received 14/04/2021)	
Applicant:	Mr Gurinder Singh Sandhu	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	2 February 2021	
AVB	TEAM: PD	WARD: Humberstone & Hamilton



Summary

- The applicant is a Member and committee decision is required.
- The main issues for consideration are the design, residential amenity, living conditions, parking, trees and flood risk.
- The recommendation is for refusal.

Introduction

The application relates to a detached dwelling house located within a residential area at the end of a cul-de-sac. It has a detached garage which has been converted to living accommodation (with consent 20141669) and is linked to the house.

The application site is almost 1m below the ground level of 43 Hollowtree Road along the common boundary to the south of the site. There are existing trees close to the western boundary of the site on the open green space.

The site is located within Flood zone 1 (1 in 1000 years).

Background

20140830 Single storey detached annexe approved (14/8/14) to side of house but not implemented.

20141669 single storey rear extension and conversion of garage to living accommodation approved and implemented.

20171588 - Construction of single storey detached residential annex at side of house was approved by committee on 22/11/2017 with conditions.

The Proposal

The original proposal was for a two storey detached annex at the side of the existing house.

The applicant has amended the proposal. The height has been reduced by 0.2m and the footprint increased from 6.6m x 5.1m to 8.9m x 4.3m. The proposed first floor living accommodation is removed and replaced with storage with an amended roof design.

The proposed roof as amended would be a pitched roof with flat top design with three roof lights at front and one at rear. The proposed roof would measure approximately 5m high.

The ground floor level would comprise of a lounge, bedroom and bathroom. The proposed windows are located at the front and on two sides of the proposed annexe.

The proposed building would be set back by 0.2m from the common boundary with 43 Hollowtree Road. The proposed building would be located at an oblique angle with the host dwelling and it would be set back by approximately 4.7m, approx. 2.8m from the front boundary and approximately 3m from the side boundary.

Policy Considerations

National Planning Policy Framework (NPPF, 2019)

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. For decision taking, this means approving development proposals that accord with the development plan without delay.

Where the development plan is absent, silent or relevant policies are out of date, this means granting planning permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so

would significantly and demonstrably outweigh the benefits, when assessed against policies in the NPPF taken as a whole.

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

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

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

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

Development Plan policies

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

Supplementary Planning Documents (SPD)

Residential Amenity SPD (2008)

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

Representations

Trees and Woodlands – No impact on the trees on adjacent open spaces.

Consideration

The main issues under considerations relate to design, residential amenity, living conditions and flood risk.

Design

Policy CS03 of the Leicester Core Strategy (2014) states that high quality, well designed developments that contribute positively to the character and appearance of the local built environment are expected. It goes on to require development to respond positively to the surroundings and to be appropriate to the local setting and context and, to contribute positively to an area's character and appearance in terms of *inter alia* urban form and high quality architecture. Saved Policy PS10 of the Local Plan (2006) sets out a number of amenity factors to be taken into account when determining planning applications including the visual quality of the area and the ability of the area to assimilate development.

The local area is dominated by two storey properties mainly detached on this part of the street with hipped roofs or pitched roofs. The proposed two storey building would be located to the west of the host dwelling closer to the open green space.

The revised scheme has reduced the depth by 0.2m from the original proposal but has increased the footprint by approximately 15sqm. I consider that the proposed development by virtue of its size would appear cramped on site and it fails to appear as an annexe to the host dwelling.

Furthermore the proposed building due to its size, scale and design would appear dominating and an incongruous feature within the street scene adversely affecting the character of the area.

I conclude the proposed development would result in a cramped form of development which would not positively assimilate within the local area. The proposed design, size, siting and scale fails to respect the size of the plot and aesthetic of the suburban site. The design also fails to make a positive contribution to the existing built form and would be appear overdominant in the street scene.

I therefore consider the scheme is contrary to Core Strategy policy CS03, saved policy PS10 of the Local Plan and paragraphs 127 and 130 of the NPPF 2019.

Living conditions:

Policy CS03 of the Leicester Core Strategy (2014) states that new development should, *inter alia*, create buildings and spaces that are fit for purpose and achieve the highest standards of accessibility and inclusion.

The amenity factors set out at saved Policy PS10 of the Local Plan (2006) apply to the future occupiers of proposed development as well as to the occupiers of existing neighbouring property.

Section 3 of the Council's *Residential Amenity* SPD (2008) sets out more detailed design guidance for development in the outer areas (which would include the application site) of the City.

The proposed annexe would be located at the side of the host dwelling. There is an existing large window and a door to the west elevation of the host dwelling which would be facing proposed annexe. The proposed annexe would be set back by approximately 4.7m from the side of the existing host dwelling. It appears that the proposed window to the side elevation of the host dwelling is a principal room window but it is not an original window. Furthermore this window could be a secondary window as there are windows to the front and rear elevation. I therefore consider that the proposed annex due to its location and separation distance will not have an unacceptable detrimental impact on the light and outlook of the host dwelling .

The proposed annexe would have an entrance door to the front facing the street with windows to the front and side, roof lights at front and rear. All principal room windows would be at the front facing Stonecrop Road. The windows to the side elevations (east and west) would serve bathroom or be secondary windows to the lounge.

There is an existing high boundary wall facing the front and side of the proposed building. The proposed building would be approximately 2.8m away from the front wall.

If the existing wall is retained than the proposed lounge and bedroom window would be facing the existing brick wall and the proposed light and outlook to the principal rooms would be compromised resulting in poor living conditions. However this could be addressed by removal of the existing wall. I therefore consider that the refusal on this ground alone cannot be sustained.

The proposed annexe as revised would be 8.9m wide and 5.5m deep which would cover significant garden area at the side of the host dwelling. The host dwelling has an existing single storey extension to the rear with a little amenity area to the rear.

According to SPD, a 3 bed dwelling should provide 100sqm of the private amenity area. However, the proposed annexe due to its size and footprint would cover the majority of the amenity area to the side of the host dwelling..

I consider the proposal due to its size would reduce private amenity area of the host dwelling resulting in poor living conditions for the occupiers of the host dwelling contrary to Policy PS10 of the Local Plan, CS03 of the Core Strategy and SPD Residential Amenity.

Residential amenity (Neighbours)

Saved Policy PS10 of the Local Plan (2006) sets out a number of amenity factors to be taken into account when determining planning applications, including: noise and air pollution; the visual quality of the area; additional parking and vehicle manoeuvring; privacy and overshadowing; safety and security; and the ability of the area to assimilate development.

The site is a corner property and the proposal would have direct impact on only one neighbour at 43 Hollowtree Road. 43 Hollowtree Road is located at a higher level than the site and it has existing front garden and principal room windows to the front elevation.

The proposed building would be 5m high and would be set back by 0.2m from the common boundary with No. 43. I do acknowledge the level differences, however I consider that the proposed building due to its size, height and location will have an unreasonable impact on the outlook to the principal room window at the ground floor level at front of No. 43. Furthermore the proposed building due to its size, scale, design and location will have an overbearing impact on the front garden of the No. 43.

The proposed annex would have one roof light to the rear elevation which would be serving first floor storage and there are no other windows to the rear elevation. I consider that it will not have impact on No. 43 in terms of loss of privacy and overlooking.

The proposed building by virtue of its height, size and location is likely to have overbearing impact and will result in loss of outlook to the front principal room window at 43 Hollowtree Road. I therefore consider the proposal is contrary saved policy PS10 of the City of Leicester Local Plan and SPD- Residential Amenity.

Parking

Two off-road vehicle parking spaces are currently provided at the front drive of the host dwelling. The proposed one bedroom annexe is unlikely to lead to a significant increase in parking demand in the area. Furthermore the site is within sustainable location with local amenities within walking distance.

I therefore consider that the proposal will not have adverse impact on the highway safety and complies within saved policy AM12 of the Local Plan and CS15 of the Core Strategy.

Drainage

The proposal is located within an area of low flood risk. As the property is already used for residential purposes, there would be no objections in principle. I consider that any requirement for sustainable drainage measures could be met via suitable conditions if the proposal was otherwise acceptable.

Trees

There are trees close to the western boundary of the site on the open green space. The proposed development would be set back by 3m from the side boundary wall; however trees to the west are willow species and this species could cause significant problems with foundations if the trees are not considered at the design stage.

The applicant has shown trees on the revised plans and said that the NHBC foundation tree guide will be used by structural engineer to design the foundation. I consider that this could be dealt with by condition if the application were approved.

Conclusion

The proposal reflects a cramped form of development which would fail to assimilate in the local built environment. The property would appear at odds within the local area and represent a dominantly incongruous feature in the street scene.

The proposed development would reduce the private amenity area of the host dwelling resulting in poor living conditions for the occupiers of the host dwelling.

The proposal would have detrimental impact on the residential amenity of the neighbouring property at 43 Hollowtree Road.

I recommend REFUSAL for the following reasons:

REASONS FOR REFUSAL

1. The proposed two storey building, by virtue of its incongruous design, siting, and scale, would appear at odds with the character and appearance of the area and would appear overly dominating from the street scene. The proposed development fails to make a positive contribution to the surrounding area, contrary to the objectives

of Chapter 12 the NPPF and Core Strategy policy CS03 and saved policy PS10 of the City of Leicester Local Plan.

2. The proposed development, by virtue of its size, would significantly reduce the private amenity area of the host dwelling resulting in poor living environment for the existing and the future occupiers. As such it would not offer sustainable accommodation over time, which would be contrary to the aims of the National Planning Policy Framework, saved Local Plan policy PS10 and CS03 of the Core Strategy and Supplementary Planning Document - Residential Amenity Guide.

3. The proposed building by virtue of its height, size and location would have an overbearing impact and will result in loss of outlook to the front principal room window at 43 Hollowtree Road. This would result in significant detrimental impact on the residential amenity of the occupiers of 43 Hollowtree Road, contrary to paragraph 127 of the NPPF, saved policy PS10 of the City of Leicester Local Plan and SPD-Residential Amenity.

NOTES FOR APPLICANT

1. For avoidance of doubt, this application is refused on the basis of the application form received on 23rd November 2020 by the City Council as local planning authority and amended plans received on 14/04/2021.

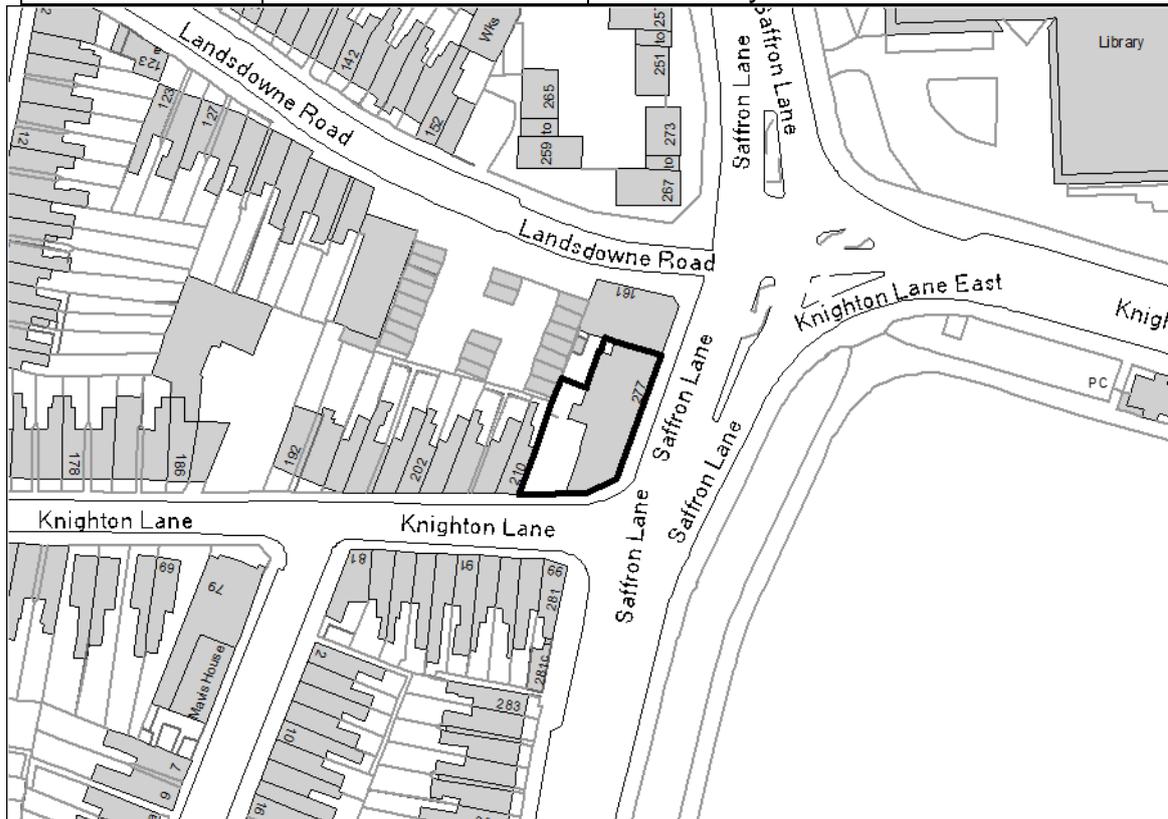
2. The City Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application advice was given during the application process. Notwithstanding that advice the City Council 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 was clearly unacceptable and could not be reasonably amended it was considered that further discussions would be unnecessary and costly for all parties.

Policies relating to this recommendation

2006_AM12	Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
2006_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
2014_CS02	Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
2014_CS03	The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
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 B3

20200252	277 Saffron Lane	
Proposal:	Change of use from drinking establishment (Sui Generis) to educational establishment, place of worship and community centre (Sui Generis); construction of a single storey extension at rear; alterations	
Applicant:	Mr Ibrahim Gokce	
App type:	Change of use	
Status:	Change of use	
Expiry Date:	23 June 2020	
TB	TEAM: PD	WARD: Aylestone



Summary

- Brought to Committee as more than 6 objections received.
- Fifteen objections including from Councillor Porter, concerning the inappropriateness of the location, the principle of the development, noise and general disturbance, vehicle parking and highways safety.
- The main considerations are the principle of the use, design, residential amenity, parking and highways.
- The application is recommended for conditional approval.

The Site

The application relates to a single storey building located within an area characterised as primarily residential, a Critical Drainage Area Final Hotspot, an Air Quality Management Area and Flood Zone 3b.

It is next to a main road with Knighton Lane also being located to the south of the site, and there is a park on the other side of that road. The rear of the site is a yard for bin storage and vehicle parking that is accessed via wooden gates and a dropped kerb from Knighton Lane.

Background

The building was last used as a pub.

Permission was granted for the two-storey part of the building next to Lansdowne Road to be converted to seven flats in 2011 (20101698). It appears to have been converted to three one bed studio flats (Class C3) on the ground floor and one six bed roomed flat (Class C4) on the first floor.

Change of use from public house to fourteen flats with ground floor extension and extension to roof was refused in 2015 (20150460). The reasons were flooding, nature conservation, detriment to residential amenity, poor living conditions, poor design and inadequate parking.

The Proposal

The proposal aims to meet the social, education and religious needs of Turkish community.

Associated is the construction of a single storey extension at the rear which will provide shelter to the existing staircase to the basement toilets. The only external alteration proposed is the installation of a window to the front elevation that would replace an infilled door.

A Flood Risk Assessment has been submitted with the application. During the course of the application a Noise Statement, Travel Plan and Parking Strategy, Business Plan, Management Plan and Business Flood Plan have also been submitted. The business flood plan has been amended with additional information on access and egress routes in the case of a flood.

The Management Plan has been amended to remove from the proposal any additional opening times for religious or festive reasons. The revised noise statement additionally notes that management and staff will ensure no portable music equipment is brought on site and that this will form part of condition of premises hire.

Policy Considerations

National Planning Policy Framework (NPPF) 2019

Paragraphs 2 and 11 (Presumption in favour of Sustainable Development)

Paragraph 86 (Ensuring the vitality of town centres)

Paragraph 92 (Promoting healthy and safe communities)

Paragraphs 108, 109 and 110 (Highways)

Paragraph 118 (Making effective use of land)

Paragraphs 124 and 127 (Good design)

Paragraphs 155, 163 and 164 (Flood Risk)

Paragraphs 180 and 181 (Pollution control)

Development plan policies

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

Supplementary Planning Documents (SPD)

Residential Amenity SPD (2008)

Other legal or policy context

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

List of assets of community value (2019)

Consultations

Lead Local Flood Authority (Post-additional info)

The site is at high risk to both fluvial and pluvial sources of flooding. It is understood that no alterations to the existing drainage system on the site are proposed. A Flood Risk Assessment and accompanying Business Flood Plan have been provided, which confirm the flood resilience measures to be incorporated into the development and the safe access/egress routes from the site. No objection, subject to the following recommended condition that the proposal be carried out in accordance with the approved Flood Risk Assessment and Business Flood Plan and their mitigation measures (safe access/egress, emergency flood plan and flood resistance and resilience measures).

Pollution (Noise/Light/Premises) (Post-additional information)

No objections in principle. There are a number of flats that are directly attached to the premises and residential properties to the rear and side. There is an increased likelihood of noise complaint from the use of the premises for functions late at night / early morning and from events involving amplified music and voice.

The applicant has indicated that the hours of opening for the premises will be 09.00 hours to 22.00 hours daily. The hours applied for should be conditional upon any approval granted.

It is therefore recommended that if planning permission is granted that a suitable condition with respect to amplified music be attached to protect the amenity of occupiers of nearby properties.

Traffic and Travel Planning (post-additional information)

The transport information provided within the draft Travel Plan appears to confirm that the capacity of the new centre would be somewhat less than first thought. Initial concerns were that the additional visitor numbers would be focussed around relatively short time periods and could result in increased pedestrian crossing risks. The numbers envisaged, however, are of lesser concern than initially assumed.

Furthermore, as the Travel Plan has been developed with advice and input from a City Council Transport Development Officer, it is likely to be a credible means of mitigating any residual impacts.

There remains one relatively minor issue, that being the use of the parking area accessed from Knighton Lane. The Local Highway Authority officer is not convinced this area is sufficient to accommodate more than 2 independently accessed parking spaces including one disabled space. The layout indicated in the Travel Plan would prevent independent access to and from the disabled space when the space nearest to the street is occupied. All spaces would only be accessible forward in/reverse out (or vice versa). However, there would be no requirement for any visitor parking spaces for the proposed use. Furthermore, it must be acknowledged that this is an existing parking / service area accessed via an existing vehicular access. While it would have been preferred to see the access improved, there would be no basis to oblige the applicant to do so. That said, the applicant is advised to consider improving the access in due course.

Highways have considered comments in representations on accidents in the vicinity.

In practice, as on-street parking on Saffron Lane, Lansdowne Road and Knighton Lane is very limited, it is envisaged that a significant proportion of car-based users of the centre would opt to park on Knighton Lane East or in the leisure centre car park. This could in turn increase the number of pedestrians crossing at the traffic signals at Saffron Lane. The casualty statistics here are not untypical of this type of junction and they do not raise any specific concerns about pedestrian safety, which are likely to be low in this case. The accident referred to involved one slight casualty only, with a car turning right into Knighton Lane East colliding with another car travelling south on Saffron Lane. This is the most common type of accident at this junction.

Representations

Twelve objections from ten different City addresses and an objection from Councillor Porter were received prior to the additional information concerning the following: -

- The proposal would not benefit the whole community, neither reflect its diversity.
- Exclusive and limited access to a certain group.
- Already other community centres and a church in close proximity.
- Its close proximity to the Aylestone Leisure Centre may reduce visitor numbers
- Insufficient parking.
- Excessive congestion, especially for nearby residents.
- Located at a treacherous junction. Concern for illegal parking on the double yellow lines at this junction. Associated highways safety risks.
- Noise pollution to nearby residents.
- Lack of proper publicity of the application.
- Internal works and works to the roof of the premises without consent.

Following the additional information submitted, four objections from four different City addresses were received concerning the following: -

- Section of Saffron Lane close to the site has had many major road accidents and fatal deaths and so is not a suitable location for busy activities.
- Existing local residential parking issues, which would be worsened by the proposal.
- Despite the Travel Plan, people want to park as close as they can.
- The Travel Plan and Parking Strategy is vague and offers no real, viable solution to the parking problem.
- Works to the site during the lockdown and without planning permission.
- Originally undisclosed use of the site as a place of worship.
- Inadequate publicity of the application.

Consideration

Principle of development

Core Strategy policy CS16 states that *“we will work... to develop culture and leisure facilities and opportunities which provide quality and choice and which increase participation among all our diverse communities. We consider that new developments should create an environment for culture and creativity to flourish by:... Creating or retaining cultural facilities and opportunities, including places of worship, ... that help people who live here to develop a sense of belonging, to value the cultural diversity and heritage of our City and become more confident and proud of Leicester, seeing it as a good place to live”*. I consider that the proposal complies with CS16.

Core Strategy policy CS08 Existing Neighbourhoods states that *“The Council will work closely with a range of partners including... community groups... to ensure*

that each neighbourhood will have access to a local centre... and other community and leisure facilities. We want our neighbourhoods to be sustainable places that people choose to live and work in and where everyday facilities are available to local people. To achieve this the following will apply: The provision of new community facilities will be supported where they meet the identified needs of local communities and have a viable long-term management and funding proposal.”

A business plan has been submitted with the application stating that the Leicester Turkish Centre was established in 2018, has a management committee which meets on a regular basis and has currently 40 families listed as members who financially contribute to cover the overheads as a not-for-profit organisation. The centre will provide services to meet the educational, cultural, social, and religious needs of Leicester’s Turkish community. Previously, the centre has hired other centres and has now acquired 277 Saffron Lane. Details of income and expenditure have been given in the business plan. A management plan has also been submitted with the application.

I consider that the proposal complies with policy CS08.

The business plan also notes proposed centre intends to make use of Aylestone Leisure Centre for sports services to the north east of the site.

The former pub was sold in April 2019 according to online marketing sources and is now vacant. The proposal will make use of an under-utilised building. The existing public house is not listed as an asset of community value.

The proposal will maintain a use that will enhance the sustainability of communities and residential environments in accordance with NPPF paragraph 92 and the proposal is acceptable in principle subject to the following considerations.

Design

The original windows have been replaced and there have been white upvc windows to the front since at least October 2008 according to mapping images.

The installation of a window to the front would be positive in design terms by increasing on-street surveillance/building front activity and replacing the existing infill of the door which has been carried out insensitively and not in-keeping with the historic character and appearance of the host building. The bottom of the proposed window would align horizontally with the frame of the other windows of the front. The window would be similar in width and design to the existing windows and would be appropriately heighted so as to align horizontally with the console brackets either side.

The rear extension is proposed with a conservatory-like appearance made of upvc windows and a door. Whilst this may not be in-keeping with the historic character and appearance of the host building, it will be located to the rear of the site with limited visibility from the public realm and is a minor extension in scale. I therefore consider the design of the extension to be acceptable.

Waste would be stored within the rear yard. I consider this to be reasonable and that the proposed use will be unlikely to generate significantly more waste than the existing use.

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

Residential amenity (neighbouring properties)

The Noise Statement states that the occupancy will be 60 people and that additional insulation and boarding will be used during refurbishment. The building will not be fitted with speakers for amplified music. Management and staff will ensure no congregation on Saffron Lane or in the rear yard area. The opening hours indicated on the application form are 09.00 to 22.00, however, it is envisaged that all activities will commence mid-morning and end around 8.30pm.

In terms of planning conditions, I consider that the use should be restricted to no later than 23.00 given the nearby residential properties. It should be noted that the lawful use has no hours of use restrictions.

I consider it onerous to condition that non-portable music equipment shall not be brought on site as stated within the revised noise statement. I do however consider it reasonable to recommend a condition for no live or amplified music or voice played.

I also recommend a condition for a noise insulation scheme in the interests of the surrounding residential amenity and protection from noise pollution, especially for the flats that are attached to the north of the site and the house at 210 Knighton Lane that is located to the west of the site.

The small single storey extension proposed will not have a significant impact on neighbouring residential properties by reason of light, outlook or privacy.

Subject to the recommended conditions, 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.

Highways and Parking

While it appears technically possible for the rear yard to accommodate six cars as stated within the application form, no more than two would be able to enter or leave independently of the others. Given the site's vehicle access is so close to the Knighton Lane / Saffron Lane junction any increased use of the parking area by users of the premises has the potential to create some hazard for other road users.

The Travel Plan now includes three vehicle parking spaces and five cycle parking spaces to the rear yard area. Whilst it is acknowledged that the spaces would only be accessible via a forward in/reverse out (or vice versa), which is not ideal with

regards to highways safety, it must be acknowledged that this is an existing parking/service area accessed via an existing vehicular access. The parking management strategy notes that reversing out of site would be marshalled. In addition, the Travel Plan and Parking Strategy has been submitted to mitigate demand for on-site visitor parking of this space, as well as on-street visitor parking on the adjacent and nearby residential streets.

It is reasonable to compare the proposed use with the site's current / former use as a public house when assessing how the proposal could impact demand for on-street parking and highways safety risks.

Subject to the recommended conditions, I do not consider that the proposal would present such an intensive and unacceptable use of the existing parking/service area to warrant refusal of the application on highways safety grounds and the residual cumulative impacts on the road network are unlikely to be severe in accordance with Core Strategy policy CS15.

Flooding

The proposed use would be a mix of a 'more vulnerable' and a 'less vulnerable' uses, with a lower vulnerability than the existing use of the site as a public house. A sequential and exception test is not required for the proposed development.

I consider that a requirement for a scheme of sustainable drainage would be onerous and that the impact of the proposal in terms of increased surface water run-off is unlikely to be significant. Subject to the recommended conditions, I conclude that the proposal would not conflict with Policy CS02 of the Core Strategy (2014) and is acceptable in terms of sustainable drainage and flooding.

Other Matters

Turning to other matters (not otherwise addressed above) raised by objectors:

- Publicity of the application has been carried out in accordance with the Statement of Community Involvement.
- Internal alterations and repairs do not require planning permission.

Conclusion

I consider that the proposed change of use is appropriate, acceptable and manageable.

I recommend APPROVAL subject to the following conditions:

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The use shall not commence until details of an insulation scheme to prevent the transmission of noise to adjacent properties have been submitted to and approved in writing by the City Council as local planning authority, and the scheme

shall be carried out in accordance with the approved details and maintained thereafter. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

3. The use shall not commence until five secure and covered cycle parking spaces have been provided in accordance with the submitted Travel Plan and retained thereafter. (In the interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan).

4. The use shall not be carried on outside the hours of 07.30-23.00 Monday – Saturday and 09.00-22.00 Sundays and Public holidays (In the interest of the amenities of nearby occupiers, and in accordance with policies PS10 and PS11 of the City of Leicester Local Plan.)

5. The use shall only take place in accordance with the approved Travel Plan and Parking Strategy. The plan shall be maintained and operated at all times. (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).

6. The use shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the Business Flood Plan, and the following mitigation measures detailed within the FRA and Business Flood Plan:

- Safe access/egress
- Emergency Flood plan
- Flood resistance and resilience measures

The approved mitigation measures shall be implemented in full prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme.

(To reduce the risk of flooding to the proposed development and future occupants and in accordance with National Planning Policy Framework (2019) paragraphs 155 and 163 and Core Strategy (2014) policy CS02).

7. There shall be no live or amplified music or voice played which would be detrimental to the amenities of occupiers of nearby properties. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)

8. This consent shall relate to the submitted plans ref no. 2019/277SL/001 rev B and 2019/277SL/0020 rev B received by the City Council as local planning authority on 28/04/2020, the submitted plans ref no. 2019/277SL/0030 and 2019/277SL/0040 and Flood Risk Assessment received by the City Council as local planning authority on 10/03/2020, the Noise Statement and Travel Plan and Parking Strategy received by the City Council as local planning authority on 19/02/2021, the Business Plan and Business Flood Plan received by the City Council as local planning authority on 15/03/2021 and the Management Plan received on 13/05/2021. (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 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_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
- 2006_AM11 Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01.
- 2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2006_PS11 Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
- 2014_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
- 2014_CS11 The Council supports a hierarchy of retail centres in Leicester. The policy sets out measures to protect and enhance retail centres as the most sustainable location for retail development.
- 2014_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
- 2014_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.
- 2014_CS16 The Council aims to develop culture and leisure facilities and opportunities which provide quality and choice and which increase participation among all our diverse communities. New developments should create an environment for culture and creativity to flourish.

The site lies within a critical drainage area, and the front of the dwelling also lies in a surface flooding area of 1 in 1000 years.

The dwelling fronts a classified road.

Background

According to council tax records the property became a House in Multiple Occupation before the Article Four Direction and it is therefore lawful within Class C4.

There have been two applications for prior approvals on this site:
Application 20202546 was withdrawn

Prior approval (20210240) was previously granted for an extension with depth 6m, and height 3m. This was an extension that met the permitted development conditions to be no wider than the existing rear projection

The Proposal

The application is for the removal of the existing outbuilding and construction of a single storey rear extension to create a larger kitchen and provide space for a dining room. The approximate extension measurements are 4 metres deep, 4 metres wide and 3 metres to the eaves ; height to the pitch will be 3.9 metres. The extension will have two roof lights, double doors to the rear, and have two uPVC sash windows to the side, with the panels under 1.8m from ground level obscure glazed. The existing rear side door would also be replaced with a uPVC obscure glazed window.

The application form states that the roof, walls and door will be constructed in materials to match existing and that the new windows will be uPVC woodgrain effect.

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. 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 39 states that 'Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good

quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.'

Paragraph 43 states that the right information is crucial to good decision-making. To avoid delay, applicants should discuss what information is needed with the local planning authority as early as possible.

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. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification. Section 12 of the NPPF focuses on requiring good design.

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 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.

Development Plan policies

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

Supplementary Planning Documents (SPD)

Residential Amenity SPD (2008)

Representations

Four objections have been received, three from a neighbour and one from Councillor Kitterick.

Councillor Kitterick also requested that the application decision should be considered by the Committee given the nature of the use.

The following concerns were made

- Concern about the noise and impact on quality of life
- Do not consent to party wall agreement
- Loss of light due to the pitched roof
- neighbours plants would be damaged during construction

- Objecting to the line of the property extending beyond theirs
- Roof lights would allow residents to overlook into their bedroom and vice versa
- Concerns about construction process including damage, dust, and noise pollution, along with congested roads from construction vehicles
- Concerns the extension will affect the stability of their home
- Concerns over the increase of bedrooms to the HMO and the erosion of the further mix of tenure in the area.

Consideration

An extension to a residential property is acceptable in principle subject to design, living conditions, residential amenity, and drainage.

It 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.

I consider that the extension of the existing property is acceptable in principle.

Design

The applicant has kept the same style doors and windows with their accompanying lintels and sills where appropriate. The pitched roof would be in keeping with the outrigger on properties 354 and 352 Victoria Park Road.

The application form states that the roof, walls and door will be constructed in materials to match existing and that the new windows will be uPVC woodgrain effect. I consider that this is an appropriate material response and can be secured through a condition

Living conditions (*The proposal*)

SPD Residential Amenity recommends 75sqm of residential amenity space for a terraced property in this area of the city. The outdoor amenity space is currently 71m². The amenity space now proposed would be 59m², which I consider is useable and adequate

Residential amenity (*neighbouring properties*)

352 Victoria Park Road:

The proposed extension would extend past the extension b to 352 Victoria Park Road by approximately 0.1m, which would not intersect any 45-degree line to windows on the neighbouring property.

The highest part of the extension would be approximately 3.9m. Due to the ground level difference, this would be around 0.2m higher than the neighbouring rear extension. As the highest part of the proposed roof is approximately 2m away from the neighbours rear extension I consider that the proposal would not have a substantial impact on sunlight or outlook for 352 Victoria Park Road.

The proposal has two roof lights on the proposed rear extension. Due to the orientation and angle of the two windows, it is unlikely that the windows would affect the privacy of the neighbouring residents nor the residents at 354 Victoria Park Road.

356 Victoria Park Road:

The proposed extension would extend past the existing extension at 356 Victoria Park Road and would include two new windows with separation distances of approximately 4.7m and 5.4m. Before amendments the separation distances would have been 4.6m and 5m which would have resulted in overlooking and loss of privacy to 356 Victoria Park Road. The most recent amendments show a reduction in width of approximately 0.4m with the windows being fully or partially obscure glazed. If approved I consider it appropriate to condition the two windows to be obscure glazed and non-opening with the exception of a top light 1.7m above ground level.

The proposed kitchen window would face onto the edge of the outbuilding and would be obscure glazed with the exception of the top light above 1.7m. The proposed dining room window would face onto the door of the neighbouring kitchen and would be obscure glazed also. Due to the current siting of the properties and their window, both properties have two existing glazed windows directly facing each other. Therefore, as the two proposed windows do not directly face onto neighbouring windows, and are obscure glazed, the effect on 356 Victoria Park Road would not be substantial enough to warrant a refusal.

I therefore conclude that the proposal, with the condition attached, 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.

Noise and Disturbance

The extension will improve the facilities at the property and the plans do not indicate additional occupation. Notwithstanding this, the current Class C4 use would only allow occupation by one more person as the current property has a HMO license for 5 people. I do not consider that this could be demonstrated to result in a significant increase in potential for noise and disturbance.

Drainage

The site is within a Critical Drainage Area. I consider that a requirement for a scheme of sustainable drainage would be onerous and that the impact of the proposal in terms of increased surface water run-off is unlikely to be significant.

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

Other matters

Any issues which arise due to the Party Wall Agreements including constructing an extension on a boundary wall, damage to vegetation damage to properties are not a material planning consideration.

Conclusion

I recommend APPROVAL with 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. Before the occupation of the proposed extension, the new ground floor side windows facing 356 Victoria Park Road shall be fitted with sealed obscure glazing (with the exception of top opening light) and retained as such. (In the interests of the amenity of occupiers of 356 Victoria Park Road and in accordance with policy PS10 of the City of Leicester Local Plan).
3. The external elevations shall be constructed in materials to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03.)
4. This consent shall relate solely to the amended plan ref. no. "539/P01-C", and received by the City Council as local planning authority on 29th April 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 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_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'. |

20202482	21 Elms Road	
Proposal:	Installation of 2.1m high railings and gate at front; Construction of first floor extension at side; single storey extension at side and rear; two storey extension at the rear; alterations to house (Class C3) (amended plans received 15/04/2021)	
Applicant:	Mrs M Lester	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	21 May 2021	
DJ	TEAM: PD	WARD: Knighton



Summary

- Brought to committee as more than 6 objections
- Seven objections on grounds of design, conservation area, privacy, light, construction concerns and loss of vegetation
- The main considerations are the impact of the proposal on the neighbouring properties and street scene, as well as the wider conservation area.
- recommended for approval

The Site

The site is a detached dwelling located in a residential area.

The site is located within Stoneygate Conservation Area which is subject of an Article 4 direction restricting alterations and extensions without planning permission.

There is a beech tree on the north eastern boundary of the site which subject to a Tree Preservation Order.

Background

None relevant

The Proposal

The proposal is for:

- The construction of a first-floor extension at the side of the dwelling. The extension will be 5.2m wide, 11.3m deep, 1.5m to the eaves and 4.5m high to the ridge.
- The construction of a single storey extension at the side and rear of the property. The extension will be 5.6m wide, 10m deep, 2.5m high to the eaves and 4.7m high to the ridge.
- The construction of a single storey extension at the rear of the property. The extension will be 12.2m wide, 3m deep, 2.7m high to the eaves and 3.8m high to the ridge.
- The construction of a perimeter metal railings and gate with brick pillars facing onto Elms Road. The railings will extend the length of the eastern perimeter of the site (25m) and will be 2.5m tall, the 2 brick pillars will be 0.9m wide and 3.3m tall. The 2 gates will be 3.2m wide and 3.9m tall.

Amended plans have been received which include the reduction in height to the 1st floor side extension, a reduction in depth to the rear extension and a reduction in the proposed ground floor side extension.

Policy Considerations

National Planning Policy Framework (NPPF) 2019

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

Paragraphs 127 and 130 (Good design and amenity)

Paragraph 185 (Significance of heritage assets)

Paragraph 170 (Biodiversity)

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

Stoneygate Conservation Area Character Appraisal

Consultations

Trees Advice: satisfied with additional information, request a condition protecting the TPO tree in accordance with tree plan

Conservation Advisory Panel (CAP) (comments made to original plans) 17th March 2021 – seek amendments - concerns include details and height of the proposed gates however comparable boundary treatment was noted and it was also noted the proposed gate would not notably harm the special significance of the Conservation Area.

Inconsistencies within the plans were also referred to along with the lack of clarity on materials

The principle of the side extension above the garage was not objected to, however the design of the front gable was criticised specifically regarding the gaps between the windows, a recommended alternative was suggested. There was also concerns about the single storey extension which the members wished to see reduced and rationalised with improvements to the glazing.

The two-storey extension to the central rear gable was critiqued as unbalanced and incongruous with the existing building. It was recommended that the width and integral features of the gable are replicated to match, to sustain the proportions and interest of this element. The members highlighted the lack of clarity on design and finish of the proposed alterations.

The Panel concluded that insufficient and inaccurate information has been submitted, requesting that these matters be addressed as part of the application. The members also noted that the scheme is excessive and fails to read as subsidiary and complimentary to the existing building and the Conservation Area. They requested that the design is substantially improved, with the footprint and scale of the side and rear extensions reduced.

Amendments have been received which have reduced and rationalised the scheme as suggested.

Representations

There have been objections received from 7 City addresses:

Design

- Size of 1st floor extension too large to be a bedroom
- 1st floor extension will be over dominant on neighbouring property and garden
- Infilling of gaps can harm character of the street
- Minimum gap of 1m between side wall of extension and boundary is desirable
- Extensions above garages should be set back by 1m.
- No external access to the rear of the site (*not the case*)

Amenity

- Substantial loss of privacy to neighbouring garden from 1st floor extension
- Juliet balcony (*now removed*) would make loss of privacy worse
- Loss of light to dormer windows and utility room
- Risk of overlooking to Nos. 19 and 23
- Not in accordance with the Councils Residential Amenity SPD
- Risk of boundary works undermining neighbouring foundations

Conservation Area

- Nos 21 & 23 will no longer appear detached dwellings diminishing the character and appearance of the area
- No 23 will no longer appear a substantial property in its own right and its elaborate chimney stacks will be diminished
- Extension will block views from Elms Road and Shirley Road of the mature trees in private open space behind dwellings causing a loss of backdrop of vegetation
- It will no longer be able to maintain heritage aspects on Number 23s cast iron gutters.
- Gate and railings are not in keeping with the character of Elms Road

Nature

- Loss of existing Yew Hedge and replacement wall

Inconsistencies within plans

- Incorrect neighbouring address on Location Plan
- Inclusion of tree on elevation plans suggests larger space between properties
- No measurement showing distance between extension and proposed retaining wall
- Existing bathroom window not shown on plans and unclear if being retained.

Other

- Request for works be conditioned to be completed between 8:00-5:30 Monday to Friday
- Concerns with the future use of the site

Consideration

Principle of development

Being a residential area, the proposal is acceptable in principle provided it does not have a detrimental impact on the amenity of neighbouring properties and does not have a detrimental impact on the character and appearance of the neighbouring area.

Design

The application site comprises a detached property set within a spacious plot with generous spaces between buildings. Much of the site is screened from the front boundary treatments and mature trees.

Whilst the relationship between the existing properties is spacious, it should be noted that there are a number other dwellings within close proximity to the site which are closely located detached dwellings or semi-detached. These include the properties on Elm Tree Gardens which are located to the north east of the site. It is therefore considered that as the street scene contains a variety of architectural styles with varying spacings between dwellings, the proposed first floor extensions would not harmfully reduce the gap between properties.

The Residential Amenity SPD states that:

“If a garage is level with the front of the house, as is common, then the first floor should be set back by at least 1 metre, possibly incorporating a pitched roof over the set back.”

The existing garage and first floor extension are set 1.8m forward of front elevation of the main building. Whilst proposed extension does not provide the 1m set back; considering the set-back of the dwelling within the site I consider in this instance a set-back of the extension is not required. The proposed extension would not appear overly dominating, nor would it appear disproportionate to the main house as it would be set back from the street by 18 metres and the ridge height of the extension would be significantly lower than that of the original part of the host property.

The single storey side and single and two rear extensions are of a modest size and would not be visible from the public realm. I consider these elements to be well designed.

The application form and plans indicate the extensions would be built of matching materials. I consider a condition could be attached to secure this.

Overall, whilst it is considered that the proposal will have a visual impact on the site and surrounding area, it is considered that the impact is not severe enough to justify refusal. It is therefore considered that the proposal is in accordance with Policy CS03 of the Core Strategy.

Heritage Assets

It is considered that because of the use of materials to match and architectural features which relate to the original building and neighbouring properties, along with the fact that the extension is subordinate to the original building, the proposal will sustain the special significance of the Stoneygate Conservation Area and the dwelling house under consideration.

It is also considered that the boundary treatment will not affect the special significance of the site or the wider Conservation Area and will sustain and protect the private/public distinction that contributes to the designated area's character.

Overall, it is considered that subject to conditions for matching materials, the proposed extension and boundary treatment works acceptable from a conservation perspective and therefore in accordance with Policy CS18 of the Core Strategy.

Residential amenity (neighbouring properties)

19 Elms Road

Where the extensions are located along the boundary with no.19, the extensions would be single storey only. Therefore, I consider the proposal would not result in any significant impact in terms of light to and outlook from principle room windows. Similarly, I consider the extensions are unlikely to result in any significant overshadowing or overbearing impacts.

On the north elevation of No.21 (facing onto No.19) there is currently a single window on the first-floor level and another on the ground floor which are to be retained. As existing windows, I do not consider these would alter the privacy enjoyed by the occupiers of no.19.

There is also to be one side new window on the ground floor which is to be used for the office. This window will be located 1.3m from the site boundary and 4.4m from the elevation of No.19 Elms Road. As a ground floor window it would face the existing boundary treatment between the properties and I do not consider it would harmfully impact the privacy of the adjacent occupiers.

23 Elms Road

The dormers are no.23 are north facing and the proposed first floor side extension is set significant below the ridge height of the host dwelling; therefore, I consider the extension would not result in any significant loss of light to and outlook from these windows. The utility room at no.23 is not a principle room and so the loss of light is not a material consideration.

The proposed first floor extension, by virtue of its first-floor rear window is unlikely to result in any harm in terms of the privacy of the occupiers of that property. First floor rear windows are commonplace for residential properties and allow only oblique views. Moreover, the common boundary has a number of mature trees which would further screen any potential overlooking.

General amenity

The proposed extensions, by virtue of their siting are unlikely to result in any impacts on other properties to the front and rear.

Overall, it is considered that the proposal is acceptable in terms of the neighbouring amenity and is therefore in accordance with Policy PS10 of the Saved Local Plan.

Nature conservation/Trees/landscaping

The applicant has agreed to a condition protecting the tree in accordance with the tree plan during construction. I consider this reasonable.

With regards to the loss of the yew hedge on the site boundary, planning permission is not required to remove a hedge. It should be noted that within the submitted Arboricultural Survey and Impact Assessment, it is stated that the hedge will be replaced by either a fence or a hedge.

It is therefore considered that subject to condition for tree protection, the proposal is acceptable with regards a natural environment perspective and is in accordance with Policy UD06 of the Saved Local Plan.

Other matters

Turning to matters (not otherwise covered in the report) by objectors:

- There have been objections to the application which relate to the future use of the site. In the current application there is no indication that the use of the dwelling is to change. The current proposal is for the site to remain as a single dwelling and is therefore acceptable.
- There has also been a comment requesting that the start and finish times during construction be conditioned. Whilst this is something that can be conditioned within planning decisions, it is considered that due to the scale of development, this conditions would not be reasonable as standard working hours are controlled in other legislation.
- There has been one objection which relates to the size of the bedroom within the first-floor extension. Planning permission is not required for the final internal layout, it is therefore considered that the bedroom is acceptable.
- There has been a concern raised regarding the desirable gap between a side extension and the boundary. This requirement is specifically to allow for access for refuse bins and maintenance. External access to the site can still be achieved via the north of the site (adjacent to the boundary with no.19) where sufficient space has been left for external access to the rear.

Conclusion

This application is acceptable in terms of design, heritage, neighbouring residential amenity, trees and other matters.

I recommend that this application is 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. Prior to the commencement of the development, details of all external surfaces of the new extensions shall be submitted to and agreed in writing by the City Council as local planning authority. The works shall be carried out in accordance with the approved details. (To preserve the character and appearance of the Stoneygate Conservation Area, and in accordance with Core Strategy policy CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

3. Prior to the commencement of the development, details of the front boundary treatment, including details of the coping stones and bricks, shall be submitted to and approved in writing by the City Council as local planning authority. The approved boundary treatment shall be installed in accordance with the approved details and retained as such. (To preserve the character and appearance of the Stoneygate Conservation Area, and in accordance with Core Strategy policy CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

4. Prior to the commencement of the development, full joinery details including horizontal and vertical cross sections of windows (scale 1:5 / 1:10 as appropriate) proposed to front shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be carried out in accordance with the approved details and retained as such. (To preserve the character and appearance of the Stoneygate Conservation Area, and in accordance with Core Strategy policy CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

5. Prior to the commencement of development all trees on the site subject to a Tree Preservation Order shall be protected from damage during building operations, in accordance Arboricultural Report received by the City Council as local planning authority on 11/02/2021 and the supporting email received by the City Council on 15/02/2021. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3 and to preserve the character and appearance of the Stoneygate Conservation Area in accordance with Core Strategy policy CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

6. This consent shall relate solely to the amended plans received by the City Council as local planning authority on 15/04/2021. (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 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.

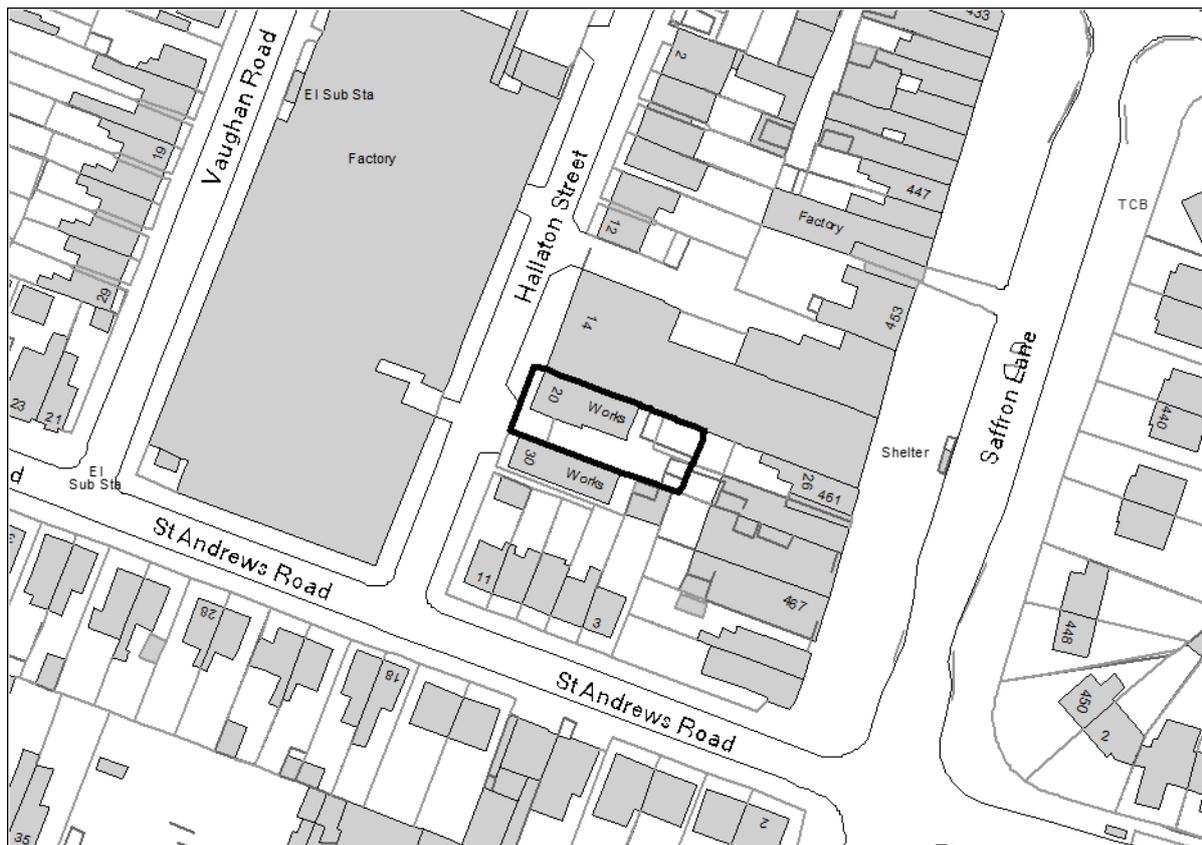
The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019 is considered to be a positive outcome of these discussions.

Policies relating to this recommendation

- 2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2006_UD06 New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
- 2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014_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 B6

20210527	20 Hallaton Street	
Proposal:	Change of use from offices and industrial (Class E) to education and training centre, place of worship and local community meeting place (Sui Generis)	
Applicant:	Mr Faizal Osman	
App type:	Operational development - full application	
Status:	Change of use	
Expiry Date:	3 June 2021	
RB	TEAM: PD	WARD: Aylestone



Summary

- Brought to Committee due to the number of objections.
- 48 objections concerning the inappropriateness of the location, the principle of the development, noise and general disturbance, vehicle parking and highways safety.
- 166 expressions of support
- The main considerations are the principle of the use, design, residential amenity, parking and highways.
- The application is recommended for conditional approval.

The Site

The application relates to a single storey building located within an area characterised as primarily residential. There are a number of industrial units to the north, south and west of the site. The Saffron Lane/Duncan Road Local Centre is adjacent to the site to the north and east.

Background

The building was constructed in the early 1960s as a builders store, workshop and offices. I understand that it was last used primarily as offices.

20171164 - Prior approval for change of use from offices to house (Class C3) was refused on grounds that the surrounding commercial uses would unreasonably impact on amenity for residential occupation

The Proposal

The proposal aims to meet the social, education and religious needs of the Muslim community and is for change of use only.

A Flood Risk Assessment, Noise Impact Assessment, Travel Plan and Parking Strategy have been submitted with the application.

Policy Considerations

National Planning Policy Framework (NPPF) 2019

Paragraphs 2 and 11 (Presumption in favour of Sustainable Development)

Paragraph 92 (Promoting healthy and safe communities)

Paragraphs 108, 109 and 110 (Highways)

Paragraph 118 (Making effective use of land)

Paragraphs 124 and 127 (Good design)

Paragraphs 155, 163 and 164 (Flood Risk)

Paragraphs 180 and 181 (Pollution control)

Development plan policies

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

Other legal or policy context

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

Consultations

Pollution (Noise/Light/Premises):

No objections in principle but have concerns about noise that could affect nearby residents particularly noisy activities late at night or early morning.

They conclude that the scheme could be acceptable subject to conditions.

Traffic and Travel Planning:

No objections, providing conditions are attached regarding the provision of a travel pack for users of the building and the retention of cycle parking.

Representations

136 letters of support have been received including a letter of support from the chairman of the Saffron Community Trust who are the applicant for the proposal. 48 objections have been received on the following grounds

- The change of use would increase the amount of traffic along Hallaton Street and surrounding residential roads.
- No room for lorries to make deliveries to the businesses in the locality
- The gate to the residential and commercial parking area directly to the south and east of the site may be blocked by additional traffic.
- The Travel Plan and Parking Strategy were made during lockdown, so the amount of traffic shown in the data would not be representative.
- The increase in the number of people using the site would result in an adverse impact on the number of on street parking for local residents, as well as for employees of businesses in the area.
- Noise and general activity from the use would disrupt the residential properties in the vicinity.

Consideration

Principle of development

Core Strategy policy CS16 states that *“we will work... to develop culture and leisure facilities and opportunities which provide quality and choice and which increase participation among all our diverse communities. We consider that new developments should create an environment for culture and creativity to flourish by:... Creating or retaining cultural facilities and opportunities, including places of worship,... that help people who live here to develop a sense of belonging, to value the cultural diversity and heritage of our City and become more confident and proud of Leicester, seeing it as a good place to live”*.

I consider that the proposal complies with CS16.

Core Strategy policy CS08 Existing Neighbourhoods states that “*The Council will work closely with a range of partners including... community groups... to ensure that each neighbourhood will have access to a local centre... and other community and leisure facilities. We want our neighbourhoods to be sustainable places that people choose to live and work in and where everyday facilities are available to local people. To achieve this the following will apply: The provision of new community facilities will be supported where they meet the identified needs of local communities and have a viable long-term management and funding proposal.*”

The centre will provide services to meet the educational, cultural, social, and religious needs of the community. I consider that the proposal complies with policy CS08.

The proposal will maintain a use that will enhance the sustainability of communities and residential environments in accordance with NPPF paragraph 92. I consider that the proposal is acceptable in principle subject to the following considerations.

Residential amenity (neighbouring properties)

The Noise Statement submitted with the application says that the building will be used at any one time by a maximum of 50 people during the month of Ramadan and a maximum of 30 people during the rest of the year.

The building is set approximately 22 metres away from the residential properties to the south and approximately 23 metres away from residential properties to the north. There are existing industrial buildings directly to the north and south and west of the site and retail within the Saffron Lane/Duncan Road Local Centre is located to the east of the site. Some of the retail units have first floor flats above the retail. The site is therefore surrounded by a mix of both commercial and residential uses.

The opening hours indicated on the application form are from 06.00 hours to 23.00 hours and to 22.00 hours on Sundays and Bank Holidays. I have some concerns about use before 07.30 hours and after 22.00 hours. Therefore, I consider that it is reasonable to attach a condition restricting the use outside of these times. I consider that this could allow for the observance of prayer times which is likely only to be early morning or late evening in late spring/early summer

It should be noted that the lawful use has no hours of use restrictions.

Given that the building currently would not contain high levels of noise I recommend conditions for a noise insulation scheme, that all external doors and windows must be kept closed, other than for access and egress, in all rooms when events could lead to noise escape. I also recommend a condition restricting amplified music or voice as an additional safeguard.

Subject to the recommended conditions, 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.

Highways and Parking

Paragraph 109 of the National Planning Policy Framework (NPPF) (2019) states that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

There is a loading only bay located on the opposite side of the road to the site. There is also on street parking available on Hallaton Street, as well as the surrounding residential streets such as Duncan Road, St Andrews Road and Vaughan Road.

No use of the yard to the side and rear is proposed apart from a small area for bin storage to the side of the building. As such, I consider that the change of use would not result in adverse impacts in terms of access to the yard to the side of the site.

The Leicester Street Design Guide refers to the Vehicle Parking Standards as set out in the Saved Local Plan Policies. These standards suggest for education uses a parking standard of 1 space per 5 pupils and 1 space for every 10 staff. Other uses to be considered on their merits.

It should be noted that there is no scope for on-site parking or servicing for either the existing use or the proposed use.

The travel and parking management plan state that surveys have been conducted on the levels of visitors to the site as well as the level of parking available. These surveys were completed during lockdown and car usage would be less than expected.

Due to the nature of the site, the scale of the building and the existing use, I consider that there is unlikely there would be no severe harm caused from additional parking.

There is a provision of 3 cycle storage spaces as stated in the travel and parking management plan, with more to be added if the proposed amount does not meet demand

The applicant has submitted a draft Travel Plan and indicated that they would operate this. Subject to further work on this I consider that this is an appropriate approach.

I am also recommending a management plan which could be linked to and supplement both the Travel Plan and the noise control measures.

Other Matters

Comments have been received stating that the use is not vacant as claimed by the applicant and the first floor is being used as a dwelling. The building is not registered as paying Council Tax and there is no evidence to suggest that this is the case.

It was brought to the attention of officers during the planning application process that the site notice had been taken down prior to the publicity expiry date. The site notice was replaced when officers were made aware and an extension of 7 days was added to the publicity expiry date.

Conclusion

The proposal is acceptable in principle and will provide local community facilities, which is a priority land use for the potential development area. There are no concerns regarding waste storage and collection (subject to condition) and drainage. Subject to the recommended conditions, I consider that the parking/highways and residential amenity concerns would not be significant as to outweigh the community benefits. On balance, I recommend that this application is APPROVED subject to conditions:

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The use shall not commence until details of an insulation scheme and noise management scheme to prevent the transmission of noise to nearby properties have been submitted to and approved in writing by the City Council as local planning authority, and the scheme shall be carried out in accordance with the approved details and maintained thereafter. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
3. The use shall not commence until three secure and covered cycle parking spaces have been provided in accordance with the submitted plans and Travel Plan and retained thereafter. (In the interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan).
4. Except for the observance of prayer, the use shall not be carried on outside the hours of 07.30-22.00 daily (In the interests of the amenity of neighbouring occupiers, in accordance with saved Policies PS10 and PS11 of the City of Leicester Local Plan).
5. There shall be no live or amplified music or voice played which would be detrimental to the amenities of occupiers of nearby properties. (In the interests of the amenity of neighbouring occupiers, in accordance with saved Policies PS10 and PS11 of the City of Leicester Local Plan).
6. Notwithstanding the submitted Travel Plan, before the use has commenced, a revised Travel Plan shall be submitted to and approved in writing by the City

Council as local planning authority and shall be carried out in accordance with a timetable to be contained within the Travel Plan, unless otherwise agreed in writing by the Council. The Plan shall: (a) assess the site in terms of transport choice for staff, users of services, visitors and deliveries; (b) consider pre-trip mode choice, measures to promote more sustainable modes of transport such as walking, cycling, car share and public transport (including providing a personal journey planner, information for bus routes, bus discounts available, cycling routes, cycle discounts available and retailers, health benefits of walking, car sharing information, information on sustainable journey plans, notice boards) over choosing to drive to and from the site as single occupancy vehicle users, so that all users have awareness of sustainable travel options; (c) identify marketing, promotion and reward schemes to promote sustainable travel and look at a parking management scheme to discourage off-site parking; (d) include provision for monitoring travel modes (including travel surveys) of all users and patterns at regular intervals, for a minimum of 5 years from the first occupation of the development brought into use. The plan shall be maintained and operated thereafter. (To promote sustainable transport and in accordance with policies AM01, AM02, and AM11 of the City of Leicester Local Plan and policies CS14 and CS15 of the Core Strategy. This is a PRE-COMMENCEMENT condition).

7. Before the use has commenced, a management plan aimed at minimising disturbance to nearby residents and maintaining highway safety shall be submitted to and approved by the City Council as local planning authority. The plan should include how each facility offered would operate, how people would be supervised and managed and the arrangements in terms of staffing and access. This plan to be operated at all times thereafter. (In the interests of the amenity of neighbouring occupiers, in accordance with saved Policies PS10 and PS11 of the Local Plan (2006). This is a PRE-COMMENCEMENT condition).
8. This consent shall relate to the Noise Statement and Travel Plan and Parking Strategy received by the City Council as local planning authority on 08/04/2021 and the amended plans received by the City Council on 12/05/2021. (For the avoidance of doubt.)

NOTES FOR APPLICANT

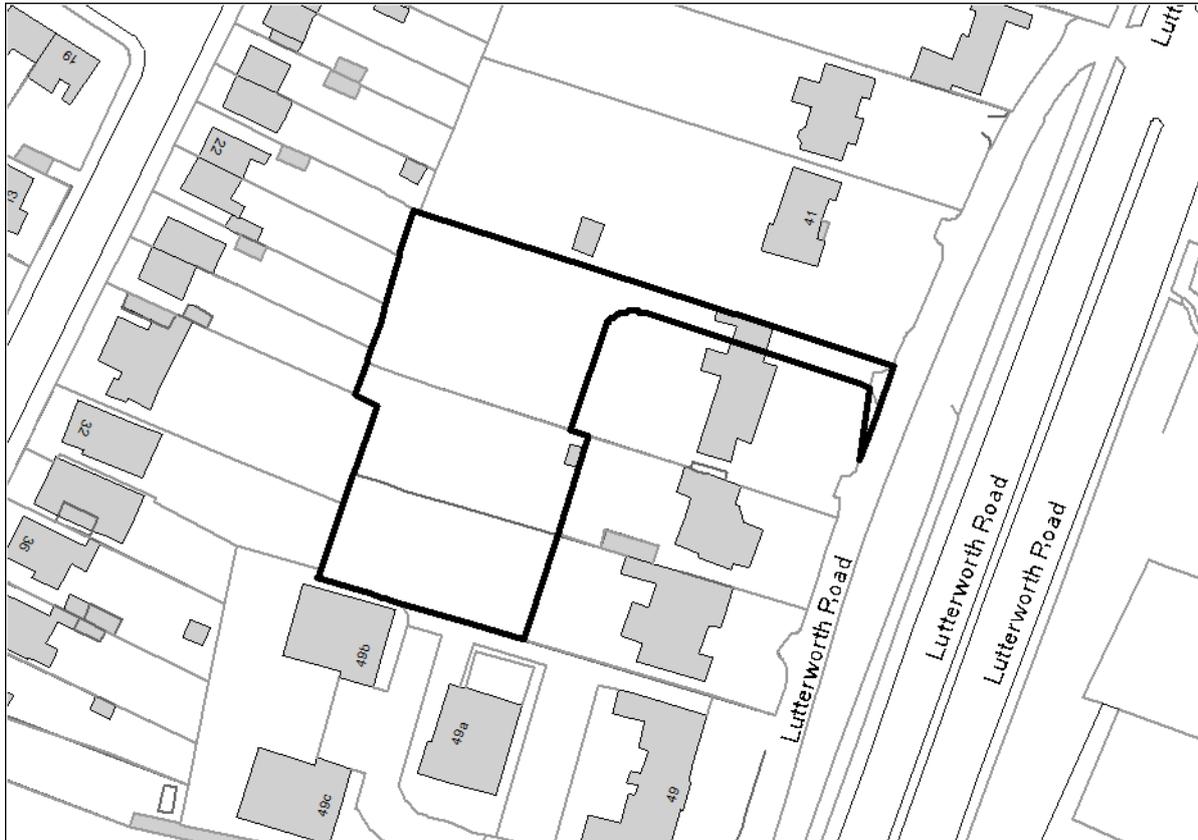
1. Installation of double doors (lobby system) at any entrance of the building to prevent noise breakout may need to be considered (seek advice from a noise consultant).
2. The provision of air conditioning may need to be considered in warm weather.
3. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process. The decision to grant planning permission with appropriate conditions taking

account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019 is considered to be a positive outcome of these discussions.

Policies relating to this recommendation

- 2006_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
- 2006_AM11 Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01.
- 2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2006_PS11 Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
- 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_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
- 2014_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.

20200668	Land to rear of 43-47 Lutterworth Road	
Proposal:	Construction of four dwellings (3x4 bed & 1x3bed) (Class C3); landscaping and alterations (amended plans)	
Applicant:	Juniper Developments Ltd	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	3 September 2020	
TB	TEAM: PD	WARD: Aylestone



Summary

- Brought to committee as more than 6 objections received.
- 18 objections received making a number of points relating to the form of development, impact on environment, impact on residential amenity, access, traffic scale, layout and design
- The main considerations are housing supply, design, access, amenity, drainage, ecology and landscaping.
- Recommendation for conditional approval.

The Site

The application relates to the rear gardens of 43 – 47 Lutterworth Road within an area that is largely residential in character. There are residential properties to the north,

south and west. To the east is Lutterworth Road (classified) and beyond this are further residential properties. Trees to the rear of the property that were not protected by a Tree Preservation Order were recently cleared

Background

Application site: 20152016 - Demolition of garage; construction of four dwellings approved by the in July 2016, but not implemented and now expired.

49 Lutterworth Road: 20120046 - three two storey detached dwellings to the rear approved and implemented as 49A-C Lutterworth Road.

The Proposal

The application proposes the construction of four detached dwellings of two storeys with an additional storey within the roof space, with associated landscaping.

Landscaping includes the installation of boundary treatments between the proposed houses, as well as between the application site and the surrounding houses. It also includes hard surfacing to provide rear patio areas and a bin storage area adjacent to the proposed access drive.

To provide both vehicular and pedestrian access to the proposed houses, a private access drive is proposed from the existing unadopted road running parallel to Lutterworth Road which currently serves the existing neighbouring houses along this section of Lutterworth Road.

Alterations include the demolition of the existing garage to 43 Lutterworth Road.

A Preliminary Ecology Appraisal was also submitted with the application.

During the course of the application the applicant has provided an amended Tree Survey Report and Tree Protection Plan, amended Landscape and Ecological Management Plan, Bat Survey, Biodiversity Impact Assessment and Calculator, Hard and Soft Landscaping Specifications, amended Drainage Strategy, Brick Specifications, Bin Collection Area Layout Plan and Site Management and Waste Management and Collection Schedule.

Amended plans have been submitted during the course of the application which altered the site layout, orientation of some of the dwellings and technical design matters.

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.

Presently, Leicester City Council does not have a 5-year housing land supply.

Paragraphs 59 to 79 sets out the housing policies of the NPPF. 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 110 requires applications for development to give priority to pedestrians and cycle movements; address the needs of people with disabilities and reduced mobility; create place that are safe, secure and attractive; allow for the efficient delivery of goods and; be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

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 118 sets out criteria on land use flexibility. It requires planning policies and decisions to place substantial weight on the use of under-utilised land and buildings whilst also using sites more effectively.

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

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).

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

Paragraph 127 sets out criteria for assessing planning applications and requires decision makers to ensure that development proposals:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

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

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

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

It further requires local planning authorities to seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

Para 170 states 'Planning policies and decisions should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils.....and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures'.

Para 174 – 'To protect and enhance biodiversity and geodiversity, plans should: Identify, map and safeguard components of local wildlife-rich habitats and wider

ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity’

Para 175 - ‘When determining planning applications, local planning authorities should apply the following principles: 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’.

Para 178 – ‘Planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation)....and where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner’ (Para 179).

Para 180 - ‘Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation’.

Development plan policies

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

Supplementary Planning Documents (SPD)

Residential Amenity SPD (2008)

Other context

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

Leicester Street Design Guide

Leicester City Council Corporate Guidance (2019) Achieving Well Designed Homes:

Consultations

Air Quality

No comment.

Trees Advice

There are a number of trees on adjacent land close to the boundary, in particular to the side of the proposed access road. No objection to the proposal, subject to conditions. Recommends a condition for tree protection in accordance with details of the Tree Protection Plan (Appendix 3B) of the Tree Survey Report.

Recommends a condition for further details of a no dig access road and for the hard landscaping to the rear of the house proposed for plot one in the interests of preventing impingement to neighbouring trees.

A condition for pile foundations to the rear and side elevation of the house proposed on plot one to ensure no future impact from or to T7 and ground protection

Waste Management

Do not object. It is expected that bin collection will be kerbside at the entrance to the original property on Lutterworth Road.

Local Highway Authority

The shared driveway layout proposed would be reasonable for the proposed number of dwellings. There appears to be sufficient space for vehicles to turn around within the site to avoid the need to reverse into or out of the site.

Full pedestrian visibility splays at the main access to the site from the service road. is good practice where pedestrian flows are heavy. Pedestrian activity here is light. The access already exists with some limited pedestrian visibility but there is no indication of any historic safety concerns.

The number and size of car parking spaces is satisfactory. The proposed development will generate some additional trips; however, these would be quite modest and unlikely to result in a severe impact on the local highway network.

The proposed bin collection point appears to be reasonable in that it is set back far enough along the proposed drive to allow cars to pass within the site but near enough to its entrance to facilitate collections.

The Highway Authority does not raise any objections to the proposal, subject to conditions

Noise Team

No objections to the proposals but suggest a construction management condition

Lead Local Flood Authority

The site is at low risk of flooding and no objection, subject to conditions for SUDS and Drainage.

Representations

Eleven objections from seven different City addresses were received to the original proposal:

- Detrimental impact on residential amenity by reason of noise, overlooking, smells, pollution and loss of privacy.
- Overcrowding and site density.
- Inappropriate layout
- Concerns of flooding that neighbouring properties experience and future subsidence.
- Traffic and parking
- Maintenance of the private road.
- Highway safety and access including for emergency services
- Adverse visual impact out of keeping with the area
- Nature conservation concerns.
- Impact on trees.
- Air quality impact
- Security.
- Arrangements for bin storage and access
- Local Amenities/accessibility

Following receipt of amended plans seven further objections were received repeating concerns already expressed and adding the following:

- Lack of lighting to the access road.
- No consideration of disabled access to the houses, roads and footpaths.
- Distance to the bin collection area from the houses.
- Lack of accessibility for disadvantaged residents.
- Loss of beautiful back gardens which offer sanctuary.
- Brownfield sites rather than garden grabbing/squeezing would be better to meet the city's housing targets.
- Two vehicle parking spaces insufficient for 4-bedroom homes proposed.
- Houses not suitable for disabled or elderly residents, aside from the garden with disabled friendly high beds.
- Car parking spaces are not eco-friendly as no electric car charging points have been made available.
- Primary schools are already full to capacity and health services already stretched.
- Local infrastructure is at its maximum.
- Unfair that area has already seen large housing developments be recently approved and under constructed at Franklyn Fields and 60 bed nursing homes.
- If approved, no works should be allowed between 9am-4pm.
- Fence doesn't provide adequate security or privacy.

Some objectors have also raised concerns about:

- Lack of publicity/public notices.
- Inaccurate Statements within the proposal.
- House devaluations.
- Out of date supporting documents.
- plans state 'Lutterworth Private Road' which suggests that it is part of Lutterworth Road).
- Insufficient pre-application consultation by the developer/applicant.
- Non-existent company on the Site Management, Waste Management and Collection Schedule.
- Objection to the way the Planning Department have managed the application through the practice of continually adding documents through the application process.

Consideration

Principle of development

The proposal would contribute towards Leicester's housing need with a mix of three and four-bedroom houses that would be suitable for family accommodation.

The land is not designated as green space. And I do not consider that four houses will have a significantly adverse impact on access to local amenities, infrastructure, schools and health services in the surrounding area.

Core Strategy policy CS08 *Existing Neighbourhoods* states that:

"Small scale infill sites can play a key role in the provision of new housing. However these should only be developed where damage can be avoided to the very qualities that make living in these neighbourhoods so desirable. Backland development is a significant issue in the suburbs, particularly in areas with larger gardens such as Aylestone, Evington, Knighton and Humberstone. The Council will therefore not permit development that does not respect the scale, location, character, form and function of the local area. Backland development should be compatible with the locality and any neighbourhood buildings and spaces in terms of design, layout, scale and mass. Development on garden land will not be permitted where it will have an unacceptable impact on levels of biodiversity in the neighbourhood."

In light of this policy context, I consider the proposal to be acceptable in principle, subject to the following considerations.

Design

The existing houses off the private road to which the application relates are detached, of individual designs and set within spacious plots.

I consider the proposal to be in-keeping with the scale of the two storey detached houses along this private road. The proposed houses would be set within reasonably sized plots, already below the expected densities of new development.

The proposal is also of an individual design, in keeping with the established individuality of the existing houses along the private road. The proposed houses themselves will be of a consistent design within the site.

The proposed houses do take cues from the existing houses along the private road, such as the projecting gables to the front and the steep dual pitched roofs that allow for roof lights and second storey living space. The projecting gables to the front will be clad to add detail and variety to the front elevations.

I have no concerns regarding the height of the proposal. The projecting gable at plot 4 has been reduced to a one storey eaves height, which should minimise the amenity impact on the houses at 49A and 49B Lutterworth Road.

Layout

A consistent front building line and east facing orientation is proposed, with the garage fronts of buildings 1 and 2 aligning with the principal front elevations of plots 3 and 4.

The improvements to the pedestrian access around the turning head are also welcomed. All homes have pedestrian access from parking spaces to the front door.

Two options were suggested for brick choice for the homes, with the Terca-Northgate Blend being the better-quality option, with better facing texture relative to the sand creased brick originally proposed and colour variation to prevent monotony. This brick has now been proposed, with specification detail provided.

Brick detailing is proposed to the front and rear elevations, to add interest and variety to the elevations.

Cladding is proposed to the front elevation of the projecting gables to the front, which I consider would add interest in contrast to the brick, subject to satisfactory additional details of the cladding for which I recommend a condition.

The removal of the closed border fencing towards to the front of the access to the site, as per the amended plans, is more appropriate. This combined with an increase in soft landscaping on the frontages, has benefitted the amended proposal both on the layout plan and the street elevations.

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.

Living conditions

The proposed houses will provide a good amount of internal floor space.

All rear gardens spaces will be 100 square metres, in accordance with the private amenity space standards of the Residential Amenity SPD. The houses will have a reasonable outlook.

The houses would provide satisfactory access to the street and amenity space and the main entrances are sufficiently sited to prevent safety and security concerns.

The house at 49B Lutterworth Road was approved with obscure glazed windows to its north side facing elevation and therefore will not cause a significant loss of privacy to the rear garden space of proposed plot four house.

No street lighting is proposed for the access road. Motion sensor lighting is proposed above the front door of each house. I do not consider these would have a significant impact on the neighbouring properties due to the small scale of the domestic lighting and the distances from neighbouring properties. There will be natural surveillance of the access road to the immediate front of the proposed houses as well as from the front of the existing house at 43 Lutterworth Road. In the interests of safety and security, I recommend a condition for a lighting scheme to be submitted and approved prior to occupation of the approved houses in the form of low-level lighting.

I recommend a condition that the dwellings and their associated parking and approach shall be constructed in accordance with 'Category 2: Accessible and adaptable dwellings M4 (2) Optional Requirement'.

Residential amenity (*neighbouring properties*)

Close boarded fencing is proposed to the boundaries, with the landscape plan stating that it will not exceed 2m in height. In the interests of screening, acoustic buffering, privacy and security, I recommend a condition that the boundary treatment shall be 2m in height.

Hedges are also proposed to the boundaries which would provide further security to the rear gardens of neighbouring properties from the proposed access road. The existing service road from which the site would be accessed has barriered access. No boundary treatment is proposed to the front section of the proposed access road to the site, but this section of the access road is already in use as an open driveway for the existing house at 43 Lutterworth Road. 41 Lutterworth Road already has a boundary hedge and high/dense soft landscaping thereafter to the boundary with this section of the proposed access road. There is already a significant amount of high/dense soft landscaping to the remainder of the boundary with 41 Lutterworth Road and existing boundary fencing between the two properties. Subject to the recommended conditions, I do not consider that the proposal would result in a significant loss of security to neighbouring properties.

As the proposal is for back land development via a single private service road within a primarily residential area. I therefore recommend a condition to restrict the hours of construction time and a condition for a construction management plan in the interests of minimising noise, general disturbance, environment health and traffic/parking issues to nearby residents.

The proposed boundary fencing and soft landscaping will also provide acoustic buffering to noise from the access road. 41 Lutterworth Road has an extensive garden at a length of approximately 54 metres and the main house is set away from the access road by approximately 12 metres. The rearmost elevation of 45 Lutterworth Road

would be located approx. 17m from the access road, whilst the rearmost elevation of 47 Lutterworth Road would be approx. 12m from the access road. 45 and 47 Lutterworth Road have garden lengths of approx. 18m. The rear elevation of 49A Lutterworth Road would be 13m from the access road. It also has an L-shaped rear garden that will be partially set away from the access road. I therefore consider that the occupants of these neighbouring properties are unlikely to be significantly adversely affected by activity along the access road. The application site is owned by the same owner as 43 Lutterworth Road, which will be left with a garden length of 19 metres in depth. Given the generous garden lengths of the existing low-density residential area, the acoustic buffering from the boundary treatments and soft landscaping and the benefit of the proposal of in providing needed housing, I do not consider that any harm to amenity as a result of the access road would be outweighed by the benefits of the proposal.

No street/flood lighting is proposed to the access road. I do not consider that the minor development with proposed boundary treatments of fencing and soft landscaping at considerable distances from the rear neighbouring houses and immediate rear garden areas would create a significant amount of car fumes or light pollution.

The Residential Amenity SPD advises a distance of 11m between principal room windows and neighbouring gardens to retain sufficient privacy. 11 metres will be retained or greater for the distance between all principal room windows and facing rear gardens. Whilst the houses and rear gardens along Franklyn Road are set at a lower land level than the proposed houses, these neighbouring houses along Franklyn Road have very long rear gardens ranging from approx. 34m length to 28m length. I therefore consider the 11m distance between the rear elevation of the proposed houses and the rear boundaries of the gardens along Franklyn Road to be sufficient.

The rear garden of 41 Lutterworth Road is set at a lower ground level than the northern side wall of proposed plot 1 house. In the interests of the privacy of the rear garden of 41 Lutterworth Road, I recommend a condition that the side facing windows shall be obscure glazed and retained as such with the exception of a top opener. These side facing windows are non-principal room windows and therefore acceptable with regards to outlook and living conditions.

The Residential Amenity SPD (2008) also guides a distance of 21m between facing principal room windows and 18m between non-direct facing windows in the interests of privacy. The proposed principal room windows will retain this distance from neighbouring principal room windows or greater.

The Residential Amenity SPD further guides a distance of 15m between principal room windows and facing walls in order to retain sufficient outlook. The proposal would exceed this distance. Even with the lower land levels of houses along Franklyn Road, I consider due to the large distances between the existing and proposed houses that the proposal would not have a significant impact on the light and outlook to windows of these neighbouring properties.

The rear garden of 41 Lutterworth Road is located to the north of proposed plot 1 house and set at a lower land level. However, due to the very large size of the rear garden of 41 Lutterworth Road at approximately 1500 square metres, I do not consider

that the proposed house plot 1 will have a significant impact on light and outlook for this neighbouring garden.

The proposed garage to the front of plot 4 house would intersect a 45-degree angle taken from the centre of the ground floor bay window to the front of the house at 49B Lutterworth Road. I do not consider the impact on the light and outlook to 49B Lutterworth Road would be significant given that the proposed house plot 4 will be set at a lower ground level. There will be a distance of approximately 11m before the garage intersects the 45-degree line and proposed house plot 4 is located to the north of 49B Lutterworth Road.

The existing house at 43 Lutterworth Road to which the land relates will retain sufficient rear garden space. Part of the land to the south once formed part of a large rear garden space to the bungalow at number 47 Lutterworth Road. 47 Lutterworth Road would also retain sufficient rear garden space, both exceeding the minimum private amenity space requirement of Appendix E of the Residential Amenity SPD (2008).

Subject to the recommended conditions, 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). It is acceptable in terms of the privacy and amenity of the neighbouring occupiers and future occupiers of the proposed houses.

Waste storage and collection

There would be adequate space to the waste storage areas to the side of the proposed houses, and the waste collection area on the access road, for a 360-litre bin and orange recycling bag for each house proposed.

It is not considered necessary to enclose the waste storage area due to the minor scale of the proposal and in the interests of minimising street clutter and minimising impact to the soft landscaping within the front garden of 41 Lutterworth Road. Ensuring the waste collection area remains clear would be the responsibility of future occupiers.

There is already a precedent for bin collection along the service road. A waste management company collect the bins from the service road by walking them out to the waste collection vehicle. Future residents will be responsible for waste management at the site.

The proposed bin collection area would be located approximately 11m from the side house at 41 Lutterworth Road. Furthermore, it is only intended to be for storage during collection days and the remainder of the time waste is proposed to be stored within the rear gardens of the respective houses. The bin collection area would also be separated from the front garden/driveway of 41 Lutterworth Road by a boundary hedge, albeit cut back where on the land of the application site. I do not consider that the proposed bin collection area would cause a significant problem for the residents of 41 Lutterworth Road.

Highways and Parking

Having regard to Appendix 01 vehicle parking standards, I consider that the level of vehicle parking provision proposed is acceptable. The parking spaces meet the required dimensions. Cycle parking can be accommodated within the garage or a shed to the rear garden if desired.

The service road is unadopted highway and as such is not maintained at public expense. Road markings and signing have been provided at the entrance to the service road to reinforce this to drivers.

The proposed access road would be 5m width, which is sufficient. A visibility splay is proposed to the south of the access road at 25m. The developer has no control of land at 41 Lutterworth Road to create an additional visibility splay to the norther side of the access. It is acknowledged that vehicle flows are low along the service road, and generally most of the traffic approaches the site from the south. The line of vision from the access road is considered to be acceptable.

I do not consider that 2m by 2m visibility splays to each side of the parking spaces is required given that this would reduce the amount of landscaping that could be accommodated on the site, and is not necessary for the low amount of traffic that would occur on the access road.

The number of vehicles using the existing service road would increase as a result of the development of additional dwellings. I do not consider, however, that the amount of vehicles using the access road would result in additional congestion or traffic to the detriment of highway safety given the low number of new dwellings proposed. The access road is considered an acceptable width, allowing emergency vehicles to use it.

The development is situated more than 45m from the highway. A turning facility has been provided so that emergency vehicles and any other vehicles such as delivery vehicles should not have to reverse considerable distances.

No separate provision has been made for pedestrians and the drive would therefore operate as a shared surface. This is acceptable as the drive would only serve four dwellings and as such would only have low levels of traffic. Due to the low levels of traffic, additional street lighting is also not considered to be necessary.

Whilst Lutterworth Road itself is an air quality management area (AQMA), the service road and the proposed application site are not within an AQMA. The service road is separated from Lutterworth Road by tall and dense vegetative screening, whilst the application site itself is also set back from Lutterworth Road by the large surrounding gardens.

Subject to the recommended conditions, 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

Permeable paving is proposed. A landscaping scheme is proposed to compensate for the loss of existing vegetation on site. Subject to the recommend conditions for an updated Sustainable Urban Drainage Strategy and Drainage Strategy to secure Lead Local Flood Authority requirements regarding an exceedance statement, drainage and

water quality control assessment, I conclude that the proposal would not conflict with Policy CS02 of the Core Strategy (2014) and is acceptable in terms of sustainable drainage and preventing subsidence and/or flooding to neighbouring properties.

Nature conservation/Trees/landscaping

Objectors have noted that former trees and vegetation on the site have been removed. These trees were not protected through the planning system and therefore were able to be removed without planning consent. There were also formerly two ponds on the site, which have since been infilled.

The site comprises of hard and soft landscaping made up of pathways, a small garage and mature rear gardens.

During the course of the application, an amended Tree Survey Report and Protection Plan, amended Landscape and Ecological Management Plan, Bat Survey, Biodiversity Impact Assessment and Calculator and Hard and Soft Landscaping Specifications have been submitted.

The Biodiversity Impact Assessment quantified the loss of recent vegetation cleared as well as any further loss because of the proposal. The applicant's ecologist has put forward a rational case to support the viability of the proposed habitats within the site and I am assured that the proposal has demonstratable benefit. The habitat mitigation proposals are reasonable. I am also satisfied that the applicant's ecologist has reasonably accounted for habitat losses.

Great crested newts are unlikely to use the site and no further surveys are required for this species. A desk-top study found no evidence of badgers or grass snakes. The Bat Activity Survey is satisfactory and no further ecological surveys are required. A single bat emergence survey was undertaken in June 2020 as a result of a preliminary bat roost assessment which concluded that the garage structure that is proposed to be demolished was of low bat roosting potential. No bats were observed emerging from the structure during the survey and it was determined that the demolition of the garage would have a negligible impact on roosting bats.

The procedure put forward for what must be done in the event of finding bats during works, is accepted. I recommend a condition to this effect.

The proposed landscaping scheme has been enhanced by amendment during the application process and is now acceptable. Additional information has been submitted to clarify and confirm the management and maintenance of the proposed landscaping. A plant schedule including the size and species of the trees has been submitted. Trees are now proposed to the front gardens in addition to the rear gardens. The landscape plan now references to hedgehog gaps in fences and an amended tree pit detail has been submitted with mulch layer to help with establishment.

The tree survey has been revised for accuracy purposes and to state that temporary ground protection in the form of heavy-duty ground guards over semi-permeable geotextile for the construction phase will be installed to minimise harm to the tree T7 during construction works.

The roof protection area of T7 is within one metre of the corner of proposed plot one house, but the roots of the tree will extend further. I recommend a pre-commencement condition for details of pile foundations for the proposed plot 1 house.

In the interests of protecting neighbouring trees, I recommend a condition for the access road to be installed with a 'no dig' method, pile foundations for proposed plot 1 house and ground protection within the Root Protection Area of T7.

Other matters

Regarding other objections received, matters regarding access to and maintenance and repair of the private road are a private matter for the site owners. Matters relating to restrictive covenants are private matters. Devaluation of house prices is not a material planning consideration. The application has been publicised in accordance with statutory requirements.

Removal of Permitted Development Rights

The properties are large and set within their own plots; however I consider that additional alterations including extensions and outbuildings may be detrimental to visual and residential amenity whilst also impacting local ecology. On this basis, I recommend a condition is attached that removes permitted development rights for extensions and outbuildings

Conclusion

Leicester city Council does not currently have a 5-year housing land supply. The proposal would make a contribution to Leicester's housing need with four good quality houses. This benefit would not be significantly or demonstrably outweighed by any adverse impacts of the proposal when assessed against policies in the NPPF taken as a whole, as well as local policies.

I recommend that this application is APPROVED subject to conditions:

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the City Council as local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: (i) the parking of vehicles of site operatives and visitors; (ii) the loading and unloading of plant and materials; (iii) the storage of plant and materials used in constructing the development; (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) wheel washing facilities; (vi) measures to control the emission of dust and dirt during construction; (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works. (To ensure the satisfactory development of the site, and in accordance with policies AM01,

AM02, UD06, PS10 and PS11 of the City of Leicester Local Plan and Core Strategy policies CS3 and CS15. 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 full details of the Sustainable Drainage System together with implementation, long term maintenance and management of the system shall be submitted to and approved in writing by the City Council as local planning authority. No property shall be occupied 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).

4. Prior to the commencement of development details of drainage shall be submitted to and approved in writing by the City Council as local planning authority. No property shall be occupied until the drainage has been installed in accordance with the approved details. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

5. Prior to commencement of development, detailed plans and particulars of a no dig system to be used for the construction of the proposed access road shall be submitted to and approved in writing by the City Council as local planning authority and the works carried out in accordance with the approved details. (To minimise the risk of damage to trees and other vegetation in the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

6. Before the development commences a detailed design plan of 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, shall be submitted and approved in writing by the City Council as local planning authority and the approved lighting implemented and retained thereafter. The lighting should be designed to cause minimum disturbance to protected species that may inhabit the site with appropriate areas remaining dark and a maximum of 1 lux on vegetated/water areas where considered necessary. (In the interests of safety and security of existing and future residents in accordance with saved policy PS10 of The City of Leicester Local Plan (2006). To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

7. Before the development is begun, the materials to be used for the cladding to the front elevations shall be submitted to and approved in writing by the City Council as local planning authority and the development implemented in accordance with the

approved details. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

8. No construction work, other than unforeseen emergency work, shall be undertaken outside of the hours of 0730 to 1800 Monday to Friday, 0730 to 1300 Saturday or at any time on Sundays or Bank Holidays, unless a methodology has been submitted to and approved in writing by the City Council as Local Planning Authority. Leicester City Council's Local Planning Authority shall be notified of any unforeseen emergency work as soon as is practical after the necessity of such work has been decided by the developer or by anyone undertaking the works on the developer's behalf. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan).

9. Prior to the commencement of development to proposed plot one house, detailed plans and particulars of pile foundations to be used along the rear and northern side elevation of the house and a no dig system to be used to install the slabs/patio to the rear of proposed plot one house shall be submitted to and approved in writing by the City Council as local planning authority and the development carried out in accordance with the approved details. (To secure the satisfactory development of the site and to protect neighbouring trees from future felling risk in accordance with saved policy UD06 of The City of Leicester Local Plan (2006) and Core Strategy (2014) policy CS03. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

10. Before any equipment, machinery or materials are brought on to the site for the purposes of the development, protective fencing and temporary ground protection in accordance with British Standard BS 5837:2012 and Section 6 and the Proposed Tree Protection Plan of the Tree Survey Report shall be implemented and maintained thereafter until all equipment, machinery and any surplus materials have been removed from the site with the exception of the removal of the temporary ground protection required to install the rear patio to proposed plot one house. Nothing shall be stored or placed in any area fenced in accordance with this condition and no alteration to the ground level shall be made without the prior written approval of the City Council as local planning authority unless this is clearly indicated on the approved plans. (To minimise the risk of damage to trees and other vegetation in the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.

11. Prior to the commencement of any other development, the garage shall be demolished and the access road constructed in accordance with the approved details and plans (To minimise the risk of damage to trees and other vegetation in the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)

12. The dwellings and their associated parking and approach shall be constructed in accordance with 'Category 2: Accessible and adaptable dwellings M4 (2) Optional Requirement'. On completion of the scheme and prior to the occupation of the dwellings a completion certificate signed by the relevant inspecting Building Control Body shall be submitted to the City Council as local planning authority certifying

compliance with the above standard. (To ensure the dwellings are adaptable enough to match lifetime's changing needs in accordance with Policies CS03 and CS06 of the Leicester Core Strategy (2014)).

13. No part of the development shall be occupied until 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 CS3.)

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

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

16. There shall be no obstruction for at least two metres west of the line where the proposed vehicle access road to the site meets the existing service road. (In the interests of highways safety in accordance with saved policies AM01 and AM02 of The City of Leicester Local Plan (2006)).

17. Before occupation of the proposed house at plot 1, the new windows facing 41 Lutterworth Road shall be fitted with sealed obscure glazing (with the exception of top opening light) and retained as such. (In the interests of the amenity of occupiers of 41 Lutterworth Road and in accordance with policy PS10 of the City of Leicester Local Plan).

18. The proposed boundary fencing shall be 2 metres in height from ground level. (In the interests of the privacy, amenity and security of neighbouring properties and in accordance with saved policy PS10 of The City of Leicester Local Plan (2006)).

19. The approved landscaping scheme shall be carried out within one year of completion of the development. For a period of not less than five years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)

20. Notwithstanding the provisions of Classes A, B, E and F, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any subsequent re-enactment with or without modification), no enlargements, alterations or improvements or shall be undertaken without the prior permission of the City

Council as local planning authority. (The City Council as local planning authority would wish to give special consideration to enlargements and alterations falling within those classes and their impact on residential amenity in accordance with policy PS10 of the City of Leicester Local Plan.)

21. This consent shall relate solely to Section 6 (with the exception of the need for a further bat survey) and the specifications of page 22 of the submitted Preliminary Ecological Appraisal received by the City Council as local planning authority on 09/06/2020; the amended plans ref no. 24:20-HBA-101 and 24:20-HBA-102 and the submitted plan ref. no. 24:20-HBA-103 received by the City Council as local planning authority on 02/09/2020; the Landscape Softwork Specifications and Landscape Hardwork Specifications and amended plans ref no. 24:20-HBA-011 Rev J, 24:20-HBA-12 Rev B, 24:20-HBA-13 Rev A, 24:20-HBA-014 Rev B and KGA-003-05 received by the City Council as local planning authority on 30/09/2020; Section 3 of the Biodiversity Impact Assessment received by the City Council as local planning authority on 07/10/2020; Section 5 and Appendix 1 of the Follow-up Bat Emergence and Activity Survey and the Brick Specification received by the city council as local planning authority on 28/01/2021; the amended plan ref no. KGA-003-02-Rev D received by the City Council as local planning authority on 01/02/2021; the amended Landscape and Ecological Management Plan received by the City Council as local planning authority on 24/02/2021; the Site Management, Waste Management and Collection Schedule received by the City Council as local planning authority on 08/04/2021 and Section 6 and the Proposed Tree Protection Plan (Appendix 3B) of the amended Tree Survey Report received by the City Council as local planning authority on 16/04/2021. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. Regarding condition 8, it is unlikely that any construction or demolition work will be agreed outside of the hours detailed above unless the Local Planning Authority is satisfied that:

- a) the work will not be detrimental to occupiers of neighbouring properties
- or
- b) the developer is able to demonstrate that there is no practicable alternative to the proposed work taking place outside of these hours.

2. The Leicester Street Design Guide (First Edition) has now replaced the 6Cs Design Guide (v2017) for street design and new development in Leicester. It will apply to Highways Act S38/278 applications and technical approval for the Leicester City highway authority area. The guide can be found at:

<https://www.leicester.gov.uk/your-council/city-mayor-peter-soulsby/key-strategy-documents/>

The document will be subject to a review after 12 months. During the review period we invite comment from users to assist us in further developing the guide.

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

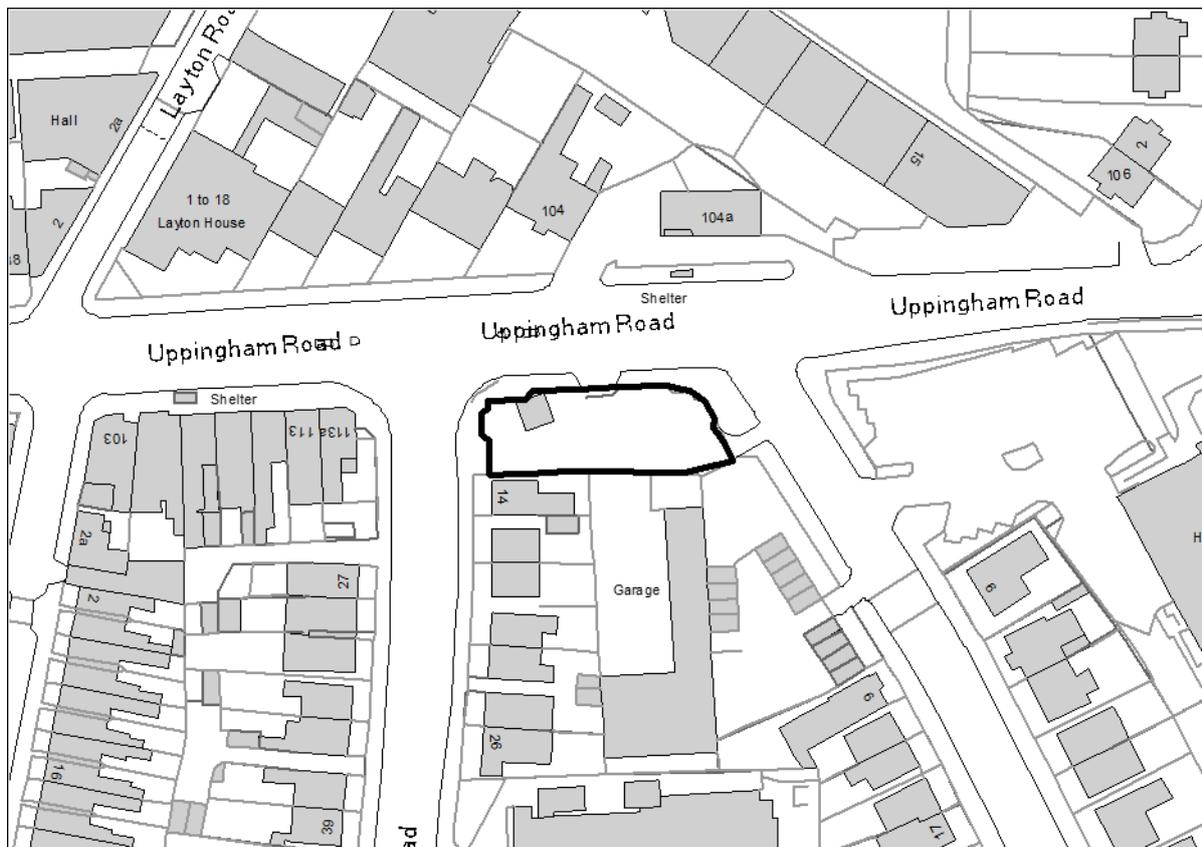
planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019 is considered to be a positive outcome of these discussions.

Policies relating to this recommendation

- | | |
|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2006_AM01 | Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations. |
| 2006_AM02 | Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations. |
| 2006_AM12 | Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01. |
| 2006_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents. |
| 2006_UD06 | New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria. |
| 2014_CS02 | Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City. |
| 2014_CS03 | The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'. |
| 2014_CS06 | The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents. |
| 2014_CS08 | Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City. |
| 2014_CS13 | The Council will seek to maintain and enhance the quality of the green network so that residents and visitors have easy access to good quality green space, sport and recreation provision that meets the needs of local people. |
| 2014_CS14 | The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development. |
| 2014_CS15 | To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads. |
| 2014_CS17 | The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network. |

Appendix B8

20202182	115 Uppingham Road	
Proposal:	Construction of single storey building to accommodate car wash, valet service and window tinting business (Sui Generis) (Amended plans received 6/5/2021)	
Applicant:	Mr N Okeke	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	23 April 2021	
ACB	TEAM: PE	WARD: North Evington



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.
- Application was due to be determined at the previous committee but was deferred due to receipt of amended plans.
- 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 and 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 a further application 20191799 for retrospective permission 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 that 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 as submitted is for the construction of a single storey building to accommodate a car wash, valet service and window tinting service. The submitted plans proposed a building that would be 6 metres high, 34 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.

Amended plans have been received which reduce the building to 15 metres wide and 11.7m deep with a height of 5.7m. The design of the building has also been changed so that it has two pitched roofs. The entrance to the building would now be closer to the site entrance from Kitchener Road and the building would now accommodate four vehicles. Two pedestrian doors have been added to the elevation facing Uppingham Road. The lower part of the building would be constructed in brick and the upper part would be timber cladding.

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.

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

Development Plan policies

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

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

Consultations

Service Director, Environmental Health – originally raised 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 noise 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.

On receipt of the amended plans the concerns have been withdrawn and they recommend an hours of use condition.

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.

Nine comments in support of the application have been received. These appear to be users of the facility and none of the addresses are in close proximity to the site.

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 a window tinting service. I consider that these uses would be more appropriately located within an industrial area and do 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 amended proposed building would be finished in brickwork and timber cladding and have a predominantly 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. The applicant states that the timber cladding would match the context of the area, however this is not typical in the immediate area.

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. The building's significance derives from being a historic landmark building. The former church remains a dominant feature in the area.

The proposed building would be 6 metres in height and finished in timber 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 saying that *the site is a prominent element within the Listed Building's foreground and has a significant visual relationship with the Listed Building.*

I consider that this still applies and that the proposed use and building provides an inappropriate setting for the listed building.

Residential amenity

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 and I have had no correspondence from the occupiers of this property to be able to verify its contents.

The original 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.

The amended proposal shows that the entrance would face Kitchener Road with the exit facing St Barnabas Road. Roller shutter doors would be located at the entrance with double doors on the exit. The building would be 0.9m from the boundary with 14 St Barnabas Road. Whilst the proposal to contain some of the within a reduced building would reduce the impact on the occupiers of this property I still consider that there would be a detrimental impact due to noise.

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.”*

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.

The amended proposal could result in vehicles queuing on Kitchener Road to enter the site however I consider that 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. If the application was 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 predominantly 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 and 200 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.