

Leicester
City Council

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

DATE: WEDNESDAY, 4 AUGUST 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, Thalukdar, Valand and Whittle

One unallocated Labour group place

One unallocated Non group place.

Members of the Committee are summoned to attend the above meeting to consider the items of business listed overleaf.

A. Thomas.

For Monitoring Officer

Officer contact:

Ayleena Thomas, tel: 0116 454 6369 / Aqil Sarang, tel: 0116 454 5591 / Jacob Mann, tel: 0116 454 5843

e-mail: ayleena.thomas@leicester.gov.uk / aqil.sarang@leicester.gov.uk

Democratic Support, Leicester City Council, City Hall, 115 Charles Street, Leicester, LE1 1FZ

Information for members of the public

Attending meetings and access to information

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

Members of the public are welcome to attend meetings in person, but please note that due to COVID restrictions, public access in person is limited within the meeting room to ensure social distancing. If you wish to attend in person, you are advised to contact the Democratic Support Officer in advance of the meeting regarding arrangements for public attendance. A guide to attending public meetings can be found here on the Decisions, meetings and minutes page of the Council website

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

Making meetings accessible to all

Wheelchair access – Public meeting rooms at the City Hall are accessible to wheelchair users. Wheelchair access to City Hall is from the middle entrance door on Charles Street - press the plate on the right hand side of the door to open the door automatically.

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

Induction loops - There are induction loop facilities in City Hall meeting rooms. Please speak to the Democratic Support Officer using the details below.

Filming and Recording the Meeting - The Council is committed to transparency and supports efforts to record and share reports of proceedings of public meetings through a variety of means, including social media. In accordance with government regulations and the Council's policy, persons and press attending any meeting of the Council open to the public (except Licensing Sub Committees and where the public have been formally excluded) are allowed to record and/or report all or part of that meeting. Details of the Council's policy are available at www.leicester.gov.uk or from Democratic Support.

If you intend to film or make an audio recording of a meeting you are asked to notify the relevant Democratic Support Officer in advance of the meeting to ensure that participants can be notified in advance and consideration given to practicalities such as allocating appropriate space in the public gallery etc..

The aim of the Regulations and of the Council's policy is to encourage public interest and engagement so in recording or reporting on proceedings members of the public are asked:

- ✓ to respect the right of others to view and hear debates without interruption;
- ✓ to ensure that the sound on any device is fully muted and intrusive lighting avoided;
- ✓ 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 or Aqil Sarang, tel: 0116 454 5591 / Jacob Mann, tel: 0116 454 5843, Democratic Support Officers.

Alternatively, email ayleena.thomas@leicester.gov.uk / aqil.sarang@leicester.gov.uk, or call in at City Hall.

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

PUBLIC SESSION

AGENDA

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.

NOTE:

This meeting will be webcast live at the following link:-

<http://www.leicester.public-i.tv>

An archive copy of the webcast will normally be available on the Council's website within 48 hours of the meeting taking place at the following link:-

<http://www.leicester.public-i.tv/core/portal/webcasts>

- 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 23 June 2021 are a correct record.

4. REVISED TERMS OF REFERENCE AND REVISED PLANNING PLANNING GOOD PRACTICE GUIDANCE FOR MEMBERS [Appendix A](#)

The City Barrister and Head of Standards submits a report in relation to the Planning and Development Control Committee revised Terms of Reference and revised Planning Good Practice Guidance for Members.

It is recommended:

- 1) That Members note the revised Terms of Reference for the Committee (attached as Appendix A),
- 2) That Members note the revised Planning Good Practice Guidance for Members (attached as Appendix B).

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

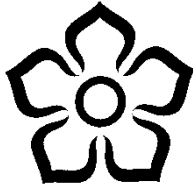
The Committee is asked to consider the recommendations of the Director, Planning, Development and Transportation contained in the attached reports, within the categories identified in the index appended with the reports.

- | | |
|--|------------------------------------|
| (i) 20210881 26 COLWELL ROAD | Appendix B1 |
| (ii) 20190377 32, 34 & 36 BARKBYTHORPE ROAD | Appendix B2 |
| (iii) 20210988 305 NEW PARKS BOULEVARD | Appendix B3 |
| (iv) 20211307 96 KERRYSDALE AVENUE | Appendix B4 |
| (v) 20211037 15A EVINGTON LANE | Appendix B5 |
| (vi) 20202182 115 UPPINGHAM ROAD | Appendix B6 |

6. ANY URGENT BUSINESS

7. CLOSE OF MEETING

Appendix A



Leicester
City Council

WARDS AFFECTED:
ALL

Planning and Development Control Committee

4th August 2021

Planning and Development Control Committee revised Terms of Reference and revised Planning Good Practice Guidance for Members

Report of the City Barrister and Head of Standards

1. PURPOSE OF REPORT

1.1 To note the adoption by full Council of the above

2. RECOMMENDATIONS

2.1 That Members note the revised Terms of Reference for the Committee (attached as Appendix A)

2.2 That Members note the revised Planning Good Practice Guidance for Members (attached as Appendix B)

3 SUMMARY

3.1 That Members note the revised provisions above which have been approved by full Council

4.0 REPORT

4.1 The Monitoring Officer worked closely with Key Officers over the previous 12 months to review the Constitution, and in turn Key officers consulted with appropriate Elected Members, including the Chair of Planning Committee and the Portfolio Holder. The proposed amendments included the updating and amending of the Terms of reference of Planning and Development Control Committee (“TOR”) and of the Planning Good Practice Guidance for Members. These amendments were approved by Full Council 8th July 2021.

4.2 The TOR required updating as they reflected a time when the Council had a Planning Committee that decided Policy. Under the Council’s Executive system

of governance, Planning Policy documents which form part of the Local Plan are adopted by Full Council, but other aspects of Planning Policy are undertaken under Executive Powers. Functions which relate to development control and management, planning enforcement and planning applications being the most common, are Council functions which are undertaken by PDCC or delegated to Officers and so there is no change to the TOR in this regard. Members will recall that the Scheme of Delegation which was approved at PDCC on the 23rd June 2021 anticipated the proposed changes to the TOR

- 4.3** The amended TOR omits the long list of operational items that were included in the previous TOR as these were either (i) inaccurate or (ii) not performed or (iii) absorbed within the powers and duties that flow from being the “Local Planning Authority”. A comprehensive list of matters that must be determined by the Committee (and may not be discharged by the Executive) are set out in law (The Local Authorities (Functions and Responsibilities) (England) Regulations 2000) and the current list risks obscuring these functions by misreferencing functions or missing some functions off altogether. The TOR was therefore updated to focus upon the actual work of the Committee, as defined in law and as carried-out in practice.
- 4.4** The only substantive change was that Opposed Traffic Regulation Orders no longer come to PDCC “to consider and make recommendations...” The determination of TROs had always been, and remains, an Executive function discharged either by the Director or, where significant Transport Schemes include TROs, through the Executive Decision making mechanism. Objections, where received, are fully considered by the Director before making a decision on whether to confirm or reject a TRO. For Executive Decisions which include TROs, the power of call-in remains.
- 4.5** The Planning Good Practice Guidance for Members was also reviewed and updated. The main changes are as follows ; Section 13.4 of the previous version has been deleted to avoid duplication of circulation of correspondence; Section 16 (Departures from Officer recommendations) has been expanded to provide more guidance and to improve the robustness of decision-taking; and Section 23 (gifts and hospitality) added to align with recent Local Government Association Guidance
- 4.6** Members are asked to note the amended provisions which are attached as Appendix A and Appendix B

5.0 FINANCIAL, LEGAL AND OTHER IMPLICATIONS

5.1 Financial Implications

There are no direct financial implications arising from this report.

Stuart McAvoy Finance Manager

5.2 Legal Implications

There are legal implications as this report is for noting only

Jane Cotton Solicitor Planning and Highways

6 CLIMATE CHANGE IMPLICATIONS

None

7 OTHER IMPLICATIONS

OTHER IMPLICATIONS	YES/NO	Paragraph references within the report
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

8 BACKGROUND PAPERS

None

9. REPORT AUTHOR

Jane Cotton, Solicitor Planning and Highways

APPENDIX A:

Planning and Development Control Committee Terms of Reference

Appendix B:

Planning Good Practice Guidance for Members

Appendix A

PLANNING AND DEVELOPMENT CONTROL COMMITTEE

All matters within the Terms of Reference of the Planning and Development Control Committee are delegated to the Director of Planning, Development and Transportation under the Scheme of Delegation approved by the Committee.

Functions of the Committee

To exercise the powers and duties of the Council with regard to development control and to exercise all Non-Executive powers and duties as the Local Planning Authority and those Non-Executive Highways functions of the Council which are not within the remit of the Licensing and Public Safety Committee.

MATTERS RESERVED TO THE PLANNING AND DEVELOPMENT CONTROL COMMITTEE:-

1. Matters of strategic significance relating to the Committee's Terms of Reference.
2. To keep under review, comment and advise on policies proposed or made through executive powers
3. To recommend to Council the making of bye-laws within the Committee's Terms of Reference.
4. Making opposed regulations, orders, plans and schemes within the Committee's terms of reference.
5. Such other matters as the Committee may from time to time reserve to itself for decision.

Appendix B

LEICESTER CITY COUNCIL

GOOD PRACTICE GUIDANCE FOR MEMBER INVOLVEMENT IN PLANNING AND DEVELOPMENT MANAGEMENT DECISIONS

1. WHY GOOD PRACTICE GUIDANCE IS REQUIRED

1.1 As an Elected Member one of your key tasks may be to get involved in planning matters through representing your Constituents; or as a Member of the Council's Planning & Development Control Committee deciding planning matters (e.g. applications and enforcement); as an Executive Member considering development of the Council's planning policies; or when considering these at Full Council

1.2 The key purpose of Planning Committee decision making is the consideration of private proposals and balancing these against the wider public interest. Committee Members should consider themselves strategic decision makers. Planning decisions can be controversial and sometimes questions are raised about planning decision making. The aim of this Guidance is to demonstrate that in the planning process in Leicester there has been objective transparency and any decision is justified based on material and relevant planning considerations.

2. WHEN THE GOOD PRACTICE GUIDANCE APPLIES

2.1 This Guidance applies at all times to Committee Members involved in the planning decision making process. This includes meetings of the Committee, meetings in connection with any pre-application process, meetings with Officers or the public e.g. consultative meetings.

2.2 It also applies to non-Committee Members when they have any involvement in a planning matter be it either their own Planning Application, or that of somebody else's (whether it affects their own property or not), or through being lobbied.

2.3 If you have any doubts about the application of the Guidance, you should take advice from the Head of Planning and/or the Monitoring Officer.

3. RELATIONSHIP WITH THE MEMBER CODE OF CONDUCT

3.1 The City Council's Member Code of Conduct (this is the document which, by law, must set out expected standards of behaviour of all Elected Members, breaches of which are reported to the Monitoring Officer and are dealt with under the Standards arrangements) must be complied with throughout the Committee decision making process therefore:

- Do apply the rules in the Member Code of Conduct first at all times. Members should pay particular regard to the rules concerning declaration of interests.
- Do then apply the advice contained in this Guidance which seeks to supplement the Members Code of Conduct for the purposes of planning decision making or involvement in planning matters as a non-Committee member.

3.2 If you do not follow this Guidance the following risks arise:

- The City Council is at risk of legal proceedings (Judicial Review) on the legality of any decision taken; and/or a complaint to the Ombudsman for maladministration and
- As a Member a complaint could be made against you regarding your conduct.

3.3 In the event of a conflict between this Good Practice Guidance and the Members' Code of Conduct the latter will prevail.

4. MEMBERS' OWN PLANNING APPLICATIONS

4.1 For obvious reasons any person who has a significant interest in the outcome of a planning decision should not take part in the decision making process. There is no objection to a Member (as a citizen) making their own planning application, but they should be open and transparent about it and declare the existence and nature of their interest.

4.2 Where a Member intends to submit a planning application the following applies:

- Consider employing an agent to act on your behalf in dealing with Officers and in relation to any public speaking at the Committee (but see below).
- Do not allow the application to be submitted on your behalf in a third parties name (including that of any agent engaged by you). Use your own name as the applicant.
- Ensure that you complete the Authority Employee/Member section of the planning application form
- Notify the Council's Monitoring Officer in writing of the application no later than submission of the proposal.

4.3 Once the application has been submitted, or where Pre-application advice is sought from the local authority:

- Do not participate or give the appearance of trying to participate in the making of any decision on the application by the City Council. This is a Disclosable Pecuniary Interest (DPI) and under the Localism Act 2011 participation is a criminal offence.
- Do not get involved in the processing of the application.
- Do not seek or accept any preferential treatment or place yourself in a position that could lead the public to think you are receiving preferential treatment because of your position as a Member.
- Always be open and transparent about the application particularly in your dealings with Planning Officers and do not assume the Officer knows that you are a Member.
- Note that the application/other relevant planning matter will always be reported to the Committee for decision. It is permissible for you to make written representations to Officers about your proposal.
- Think very carefully about whether you attend the Planning Committee that considers the matter. In circumstances where an Applicant has a right to speak, you will need to arrange for someone to speak on your behalf, save in

circumstances where the Monitoring Officer has granted you a dispensation in accordance with the Member Code.

4.4 For obvious reasons any person who has a significant interest in the outcome of a planning decision should not take part in the decision making process. As such members should also follow the above guidance where they have a significant interest in a planning application which has been submitted but which is not their own application.

4.5 If you are unsure whether you have a significant interest in the outcome of a planning application you should seek advice from the Council's Monitoring Officer prior to taking any steps in relation to such an application.

5. COMMITTEE MEMBERS' OTHER INTERESTS

5.1 For Committee Members, and depending on the factual circumstances, an interest arising may require declaration or mention in accordance with the Member Code of Conduct, either as a DPI, an Other Disclosable Interest (ODI) or a concern about apparent bias or predetermination.

5.2 In accordance with the Code of Conduct and the Council's Constitution where a Member has a DPI or a 'prejudicial' ODI you may not vote or participate in a decision on the matter in respect of which the interest arises and must leave the room unless they have been given a dispensation by the Monitoring Officer in accordance with the Member Code of Conduct.

5.3 Declarations of bias and predetermination should also require the Member to refrain of taking part in decision-making, or the influencing of decisions (see section 8 below).

5.4 A declaration of a non-prejudicial ODI will merely require the Member to declare the interest but they may lawfully remain in the meeting and proceed to contribute to the decision-making.

5.5 Where a planning matter directly affects a Committee Member or their family/friends (e.g. a Planning Application next door to where the Member lives; or an application lodged by a family member), then advice should be taken from the Council's Monitoring Officer about involvement.

5.6 There are obvious dangers in the Member taking part in the planning decision-making process (see 5.1). Where a Committee Member has a DPI (note that a DPI can arise not only from a Member's own application but also one that directly affects them e.g. next door neighbour's application) or prejudicial ODI, as well as leaving the room they will also be unable to address the Committee on the application.

5.7 The Member can arrange for a representative to address the Committee on their behalf and such representations should be expressed as being made on behalf of Councillor X as a person directly affected by the application.

5.8 Similarly if the Committee Member wishes to submit a written representation, it should be expressed to be submitted from or on behalf of Councillor X as a person directly affected by the application. This practice should also apply to Committee Members who make declarations in respect of predetermination and apparent bias (see section 8).

6. ATTENDANCE OF NON-COMMITTEE MEMBERS

6.1 Elected Members who are not Members of the Planning Committee do, in certain circumstances, have the right to speak at a Committee meeting.

6.2 Where a non-Committee Member wishes to make representations to the Committee s/he needs to notify the Committee Chair and Democratic Services no later than 12 noon of the day of any Committee Meeting. It is a matter for the Chair's discretion to allow non-Committee Members to speak if they have not given the required notification.

6.3 Non-Committee Members will be required to make an appropriate declaration. Members who have a DPI or prejudicial ODI may only attend and speak if they have received a dispensation granted at the discretion of Monitoring Officer in accordance with the Member Code.

6.4 Non-Committee Members will sit in the public gallery and the Chair will call them to the Committee table to sit in the designated place.

6.5 A Member who wishes to speak must follow the public speaking protocol where applicable. A non-Committee Member is expected to keep his/her representations within 5 minutes, as are all public speakers. After the non-Committee

Member has spoken, the Chair will invite Officers as appropriate to respond but the non-Committee Member will not have a right of reply.

6.6 Subject to the DPI/ODI provisions of paragraph 6.3 above, exceptionally a Committee Member may wish to stand down to make representations to Committee as a Non-Committee Member. The same provisions as above will apply to Committee Members in these circumstances. The Committee Member will need to take extra care to ensure that they make the appropriate declarations.

6.7 Where a planning matter directly affects a non-Committee Member as an individual, such that they have a DPI or prejudicial ODI, it is not permissible for the Member to address Committee. As with clause 5.4 above (in respect of Committee Members) the Member can arrange for a representative to address Committee on their behalf.

7. MEMBER INVOLVEMENT IN WARD ISSUES

7.1 All Members will respect the expectation that in relation to planning issues in any Ward the primary responsibility for dealing with them is on the relevant Ward Members.

7.2 In the case of a Member who is also a Committee Member, and who intends to take part in the decision on the application if it comes before Committee, it is suggested that they should not deal with planning issues in their Ward. In such circumstances a fellow Ward Member should be asked to assist. Should the issue result in a Member attending at a Committee to make representations, the Chair will enquire of the Member whether or not they have had contact with the relevant Committee Member

7.3 There are circumstances where an applicant or objector may want to contact a Member outside of their Ward (e.g. in a situation where an objector does not have the support of Ward Members). Where any Member is approached to make representations to, or attend a Planning Committee meeting on behalf of any one individual in relation to any planning issue not in their Ward, they are expected as a matter of courtesy to notify the Ward Members concerned. In the absence of such notification, the Chair has discretion whether or not to allow the Member concerned to attend and speak for that purpose at any Committee Meetings.

7.4 Any non-ward Members speaking at Committee in this capacity shall be speaking as a Member. According to law Members cannot choose to shed their elected Member status when addressing a Committee of their Council.

8. DECISION MAKING - BIAS AND PREDETERMINATION

8.1 Planning Committee decisions must only be made on the basis of material and relevant planning considerations/merits.

8.2 Predetermination arises when someone has a closed mind so that they cannot consider any subsequent information presented and they have made their mind up. This can lead to legal challenges.

8.3 To participate in decision making on planning matters, Committee Members must not have a closed mind. Decisions can only be taken once all Committee Members present have read, seen and heard all the information presented including the Officers Report, any Addendum Report and information provided under the public speaking provisions.

8.4 The Localism Act 2011 makes it clear that a Member does not have a closed mind on a particular issue just because they have indicated what view they may or may not take before the issue is decided. This means that a Committee Member is not prevented from participating in decision making in relation to a matter which they have campaigned on a particular issue or have made public statements about any approach provided at the time of decision making the Committee Member has not closed their mind.

8.5 For Committee Members to refrain from having a closed mind they must be amenable to changing their views in the light of all the information presented to them. In order to avoid perceptions of and challenges of pre-determination it is advisable for Committee Members to avoid making categorical public statements in relation to applications for Planning Permission, Listed Building and conservation area matters if they subsequently intend to participate in the decision making process at Committee.

8.6 Great care is needed where any application before the Committee involves the Council as developer/landowner. Council applications should not be given any preferential treatment.

8.7 Although a Committee Member can make representations (either on their own behalf or on behalf of a constituent) on an application that is anticipated to be decided by officers under delegated powers, should this application in the event be referred to Committee then the Councillor should not take part in the decision making.

8.8 Where an Elected Member makes representations or contact on a planning application (whether orally or in writing) which is to be decided either by Committee or by Officers, that Elected Member shall always make it known that they are a Member of the Council. If the purpose of the representation/contact is to articulate a view in a personal capacity they shall identify themselves as a Member, but go on to make it clear that they are writing in a personal (i.e. non-Council) capacity.

9. PRE-APPLICATION PRESENTATION/MEETINGS WITH APPLICANTS, DEVELOPERS AND OBJECTORS

9.1 It is recognised that pre-application discussions assist with the planning process provided they take place within clear parameters and governance arrangements.

9.2 Member engagement in pre-application discussions on major developments (10 or more dwellings or 1,000 square metres commercial or other floor space) is legitimate. The following safeguards have been developed to prevent any allegation of bias or predetermination being made against Committee Members:

- Do not agree to any formal meeting with applicants, developers or groups of objectors without consulting the Head of Planning (for ad hoc/informal meetings refer to Section 11 “Lobbying” below).
- A Planning Officer must always be present at any planned meetings (note that pre- application meetings with developers/ applicants are likely to be subject to a charge) It will be for the Officer to explain the constraints on Members. The Officer will prepare a written note of the meeting which will be publicly available (in circumstances where any applicant/developer asked for proposals to be treated as confidential any public note will cover non-confidential issues only and general advice given).
- Remember to follow the advice on lobbying (see below).

- Committee Members can ask questions and make preliminary comments on any proposals but should not give the impression/appearance from any such questions etc. that they have a predetermined view.
- Do report any prior significant contact with any applicant or other parties to the planning case officer or Head of Planning and explain the nature and purpose of the contacts and your involvement .. This will be recorded on the relevant file.
- Do make it clear that at any meeting/presentation it is not part of the formal decision making process and any view expressed by you as a Member is both personal and provisional since not all relevant information will be to hand and the views of other interested parties may not have been obtained.

9.3 The Head of Planning may arrange for appropriate presentations to be made in respect of significant Planning Applications which will be open to all Members. Such presentations will be of a fact finding nature to enable all Committee Cabinet Members to become familiar with what the application proposes and to ask questions. As mentioned above Committee Members can ask questions and make preliminary comment on any proposals but should not give the impression/appearance from any such questions etc. that they have a closed mind. In this way there is no objection or bar to them subsequently sitting on the Committee and making a decision on the application as presented.

10. REFERRAL OF APPLICATIONS FOR DECISIONS TO THE PLANNING AND DEVELOPMENT CONTROL COMMITTEE

10.1 Members should contact the Head of Planning about any applications included on the weekly list of applications circulated to them that they consider should be the subject of a Committee decision. Under the current Scheme of Delegation this needs to be before the publicity period has expired (normally 21 days .) This should be because they consider that there is a planning reason why the matter needs to be considered by the Committee rather than under delegated powers. The referral process should not be used simply to produce a different outcome from that anticipated from an officer delegated decision. It is unlikely that there would be a good planning reason for relatively minor and straightforward proposals to be a matter for the Committee eg house extensions unless they raised wider issues relating to principle and/or policy .

10.2 This request is separate from the making of representations – for or against - that a Member may also make on their own or another’s behalf. A committee referral request does not in itself indicate the Member’s own view on the application. A member may or may not choose to express their own view on the proposals (see also 8.7 and 8.8 above). Contact should be written and by e-mail. The planning reasons for the request must be given. Where appropriate a Planning Officer is able to assist Members with the formulation of reasons which can include design, highway issues and impact on amenity of local residents.

10.3 Members need to be aware that to meet Government targets decisions on applications are taken quite quickly after the circulation of a weekly list and they are advised therefore to check with case officers of timescales to ensure any requests they make can be considered.

10.4 If any Member wishes their particular view to be considered and included in the Planning Officer’s Report such representations must be made in writing to the planning officer as soon as practicable normally within the publicity period to ensure it can be considered before determination of the application.

11. LOBBYING OF COMMITTEE MEMBERS

11.1 Lobbying by the public or other Members is a legitimate political activity. When Committee Members are lobbied, care needs to be taken to avoid any challenge of predetermination or bias or an allegation of breaching the Member Code of Conduct.

11.2 So:

- While you can listen to what people want to say to you about planning proposals and you can always give procedural advice as to how applications should be taken forward and agree to pass any comments on, it would be better when contacted directly to pass the matter on to a fellow Ward Member not on the Committee or indicate that contact be made with the Head of Planning or appropriate Planning Officer (see section 7).
- Do not favour any person, company, group or locality or make any commitment to a particular point of view on a planning application prior to its consideration by the Committee.

- Do not make up your mind or give the impression of making up your mind (particularly in relation to an external interest or lobby group) prior to the Committee Meeting and to hearing the Officer presentation and all information presented to the Committee. You should carefully consider whether accepting membership of, or attending external interest, advisory or lobby groups might lead to a position of conflict, or appearance of conflict, with your neutral decision making responsibility as a Committee Member (see 12.1 below).
- When you have received any direct representations in connection with any Planning Application before the Committee you should forward to planning officers copies of any representations or lobbying material you receive (either for or against a proposal) where planning officers have not been copied into the material. You also need to declare the nature of all the representations and lobbying materials (e.g. e-mails) received, photographs or drawings received, attendance at meeting, any presentations, any meetings with the applicant or third party etc. You should also disclose to the Committee the general tenor of your response (i.e. supported/opposed/remained neutral and gave procedural advice/referred to another Councillor etc). If time is short you need not pass on the lobbying material to planning officers but can just declare this at Committee. Where the lobbying results in your having a closed mind you should, in addition, withdraw from sitting on the Committee for that item, preferably by prior arrangement.

11.3 Political group meetings prior to the Committee Meeting should not be used to determine how you or other Members should vote. The Ombudsman has ruled that the application of a group whip to a planning matter could constitute maladministration.

12. MEMBERSHIP OF OUTSIDE BODIES

12.1 If you are a Committee Member do not become a member of any organisation whose primary purpose is to promote, oppose or advise on development proposals, in Leicester, whether generally or specifically. The reason for this is the obvious risk of bias or predetermination.

12.2 As a Member there is no prohibition on joining general interest groups which might reflect your areas of interest and which concentrate on issues beyond particular planning proposals such as CPRE or local groups such as the Civic Society. Where you are a Committee Member it is suggested that you do not get

involved in any representations made by an external interest groups you are involved in and make the appropriate declaration at any subsequent Committee Meeting. Such a declaration should explain the precise nature of your involvement or engagement with the item/application and should include a description of the views that you expressed on the matter.

13. COMMITTEE ADDENDUM REPORT

13.1 To enable any last minute issues to be considered, the Director prepares an Addendum Report. Committee Members will be provided with the report by e-mail and it will be available in Group Rooms in City Hall from 16.00 hours on the date of the Committee. Where the last minute issues lead to a fundamental change of recommendation (e.g. from refusal to approval or vice versa), the Addendum Report will recommend deferral unless the possibility has already been identified in the original report.

13.2 As necessary the Head of Planning or Planning Officer presenting the Report will refer to the Addendum Report when relevant as part of the oral presentation in connection with reports before the Committee.

13.3 Representations received after the Addendum Report has been finalised, may be summarised orally.

14. RUNNING ORDER OF COMMITTEE AGENDA

14.1 The Chair has discretion to determine the order in which Committee Reports are considered and s/he will consider this in relation to the number of members of the public/Members who are present who wish to speak on any particular report.

14.2 The Council has introduced public speaking protocol for public speaking the Planning Committee. This sets out the process and procedure to be followed including the Order of speakers. Prior to any summing up by the Committee Chair, the Head of Planning will be entitled to provide final Officer comment.

14.3 Members of the Committee may seek points of factual clarification on the application under consideration from applicants (or their agents), Statutory

Consultees or people making representations to the Committee meeting. It is not appropriate for Committee members to seek to negotiate to secure amendments to the application as the application is presented for determination at the meeting. In the event that the Chair feels a point of clarification is not appropriate then they will have the discretion to intervene.

14.4 Other than in accordance with the protocol for public speaking and in the circumstances described at 14.3 above an applicant shall have no general free-standing right to speak at Committee.

15. VOTING

15.1 Voting at the Planning Committee will be by a show of hands or by other appropriate method at the discretion of the Chair. The other provisions in the Council's Constitution with regard to voting (request for recorded vote, chair's casting vote etc.) will apply.

16. DEPARTURES FROM OFFICER RECOMMENDATIONS

16.1 Decisions on planning applications must be taken in accordance with the Development Plan unless material considerations indicate otherwise. From time to time The Committee may give different weight or take a different view of the planning considerations and, therefore, take a decision which differs from the officer recommendation. Sometimes this will relate to conditions or terms of a S106 obligation. Sometimes it will change the outcome, from an approval to a refusal or vice versa. In cases where the recommendation is to refuse but members indicate they may be minded to grant planning permission the conditions attached to the permission or heads of terms for a s106 Obligation should also be considered.

16.2 In the above situations Members must be able to give a clear basis and reason for not accepting the officer recommendation. This is important to ensure, as far as possible, that any decision made will be capable of surviving a legal challenge or is defensible on appeal. In the event that this occurs the Chair is advised to ensure the following steps are taken before the Committee decision is made.

16.3 The planning reasons for taking a different view reasons are clear and included as part of the mover's motion

16.4 Where the officer recommendation is to refuse but the mover' s motion is to grant the application, the reasons will explain why the officer suggested reasons for refusal can be overcome and why the planning balance weighs in favour of the Application.

16.5 Officers are given the opportunity of advising on the reasons proposed, and if necessary to explain the implications of the contrary decision, including an assessment of a likely appeal outcome, and chances of a successful award of costs against the council, should one be made. In some cases Officers may suggest a short adjournment before they provide the advice to Members, and in exceptional cases (including where the Officer recommendation is to refuse planning permission and members are minded to grant permission,) Officers may advise that a report is brought back to Committee to include Officers understanding of the reasons, and any conditions or heads of terms for a s106 Obligation

16.6 A detailed record of the committee's reasons should be included in the minutes.

16.7 Where no amendment is moved and seconded but the Committee votes to reject the Officer recommendation, the Chair will ask the committee to clarify the planning reasons for the vote and seek to follow the above process. If this is not possible, the application will be deferred until the next meeting of the Committee. At that subsequent meeting the Director will table his understanding of the reasons why the Committee rejected the recommendation and the Committee will then vote to confirm the reasons put forward by the Director or not as the case may be.

17. DELEGATION OF DECISIONS TO OFFICERS

17.1 The Committee may agree to delegate any further decision (e.g. finalisation of the wording of conditions or the detailed heads of terms of section 106 Agreements to be attached to the grant of Permission) to the Head of Planning even where the decision would normally be reserved to the Committee under the Scheme of Delegation of Development Control Decisions to Officers.

18. SITE VISITS

18.1 Officers will seek to ensure that full details and context of proposals can be reasonably ascertained from the information in the Committee Report and the photographs and plans available from the screen presentation.

18.2 Exceptionally site visits may be required where there is a need to view particular site factors in terms of the weight to be attached to them in making the decision.

18.3 Where, in such circumstances, a Committee Member feels a site visit is necessary it must make the request for a site visit to [the Head of Planning] no later than two days after the publication of the Agenda Papers (ie by 1700 on the Thursday) to allow arrangements to be made for the visit to be undertaken on the Monday preceding the meeting of the Committee.

18.4 All requests for site visits must detail the planning reasons and aspects of the site or the proposal which are considered to merit a site visit; the requests will be determined by the Head of Planning in consultation with the Chair with respect of the availability of appropriate presentational material and photographs.

18.5 Exceptionally, where there is a recommendation by Members during a meeting of the Committee Meeting to defer the application to allow for a site visit to take place, this must be moved and seconded and agreed by the Committee with valid planning reasons being given for the decision, which will be minuted. Information gained from the site visit should be reported back to the Committee so all Members have the same information

18.6 Site visits do not have decision making status and will be arranged by the Head of Planning. All Committee Members will be notified of the visits by Democratic Support. A Planning Officer will be present throughout. Site visits are for Committee Members only, and no other Members or the Public will be permitted to participate (although applicants may attend to facilitate access only)

18.7 On no account should any Committee Member present at a site visit express a view on the merits of the application and wherever possible not engage in any dialogue with the Applicant/Owner, or any other third parties during the visit.

18.8 Committee Members should try and attend site Visits if at all possible 1300hrs the Monday preceding each Planning Committee will be the time generally reserved

for visits. Where a Committee Member is not able to attend the site visit s/he may visit the site separately although Members should not enter onto the site without the Owner's consent. As with an organised site visit an individual Member should not engage in any dialogue about the application etc.

19. ATTENDANCE AT COMMITTEE

19.1 Planning Applications may in some cases come before the Committee on more than one occasion. For example, the Committee may decide to defer an application for further information.

19.2 It is important that Committee Members taking decisions are in possession of all the facts. Attendance of Members on all occasions when an application has been considered by Committee will not only demonstrate that Committee Members are fully informed but will also ensure high quality consistent and sound decisions are made minimising the risks of any legal challenge.

19.3 If as a Committee Member you have not been able to attend meetings in connection with an application that has been deferred you should only take part in such a decision making process if you are satisfied that you can reasonably and properly do so in all the circumstances. Advice on involvement can be obtained from the Head of Planning and the Monitoring Officer.

20. OFFICERS

20.1 Members and Officers have different but complementary roles. Both serve the public but Members are responsible to the electorate while Officers are responsible to the Council as a whole. Accordingly:

- Do not put pressure on Officers to put forward a particular recommendation. This does not prevent you from asking questions or submitting views to the Head of Planning or the Director.
- In the first instance any contact by Members (Committee or non-Committee) about planning issues should be with the Head of Planning or other Officers authorised by the Director to have contact with Members. Note that any contact between a Member and Officer will be recorded.

21. APPEALS

21.1 The Director will prepare and where necessary present the City Council's case in an appeal based on the terms of the decision and the material considerations on which the decision was made. The best possible arguments and available evidence in support of the decision will be presented whether or not the Committee's decision was in accordance with the Director's recommendation.

21.2 Where the Committee's decision was not in accordance with the Director's recommendation and any subsequent appeal is to be determined at a Hearing or Public Inquiry, the Chair or, as appropriate, an alternative Committee Member may be required to be the Council witness. The Head of Planning will arrange appropriate Officer support but in accordance with professional requirements, this will be provided in a way so as Officers are not put in a conflict of interest situation arising from their professional opinion on the matter in question.

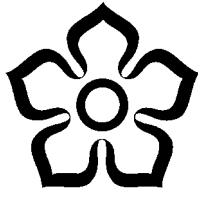
22. TRAINING

22.1 It is mandatory that Members serving on the Committee must attend annual refresher training and where appropriate initial training. Substitute Members have to comply with the training requirement.

22.2 Mandatory Training will be provided when a Member is appointed to the Committee. This includes mandatory annual refresher training, which will be arranged to take place as soon as possible after annual appointments to the Committee have been made . . .

23 GIFTS AND HOSPITALITY

In addition to complying with the Council's Member Code of Conduct on gifts and hospitality, Members involved in planning decisions should not accept over frequent or over generous hospitality, especially from the same organisation or where offered by lobbyists. Members should ensure that the acceptance of hospitality does not constitute a conflict of interest.



Leicester
City Council

**Wards:
See individual reports.**

Planning & Development Control Committee

Date: 04 August 2021

REPORTS ON APPLICATIONS AND CONTRAVENTIONS

Report of the Director, Planning and Transportation

1 Introduction

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

2 Planning policy and guidance

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

3 Sustainability and environmental impact

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

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

4 Equalities and personal circumstances

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

5 Crime and disorder

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

6 Finance

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

7 Planning Obligations

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

8 Legal

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

9 Background Papers

Individual planning applications are available for inspection on line at www.leicester.gov.uk/planning. Comments and representations on individual

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

10 Consultations

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

11 Report Author

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

COMMITTEE REPORT

20210881	26 Colwell Road	
Proposal:	Demolition of single storey building at rear; Construction of single storey extension at side and rear; canopy at front; installation of cladding at front and alterations to medical centre (Class E) (Amended plans received 08/07/2021)	
Applicant:	Dr Boora	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	14 July 2021	
AVB	TEAM: PD	WARD: Fosse



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

Summary

- Brought to Committee as more than 6 objections received
- 15 objections received including objections forwarded by Cllrs Waddington and Cassidy on behalf of their constituents and one letter of objection forwarded by Liz Kendall MP.

- The main concerns raised are design, residential amenity, traffic and parking issues.
- Recommended for APPROVAL.

The Site

The site is currently a medical centre within a primarily residential area and is situated approximately 150 metres north of the Blackbird Road/Groby Road/Woodgate Local Centre. The site has previously been expanded and altered several times.

The site is within Critical Drainage Area and Surface Flood 1 in 1000 years area.

Background

19910758 - Change of use from a ground floor doctors surgery with residential above to doctor's surgery incorporating single storey treatment room and reception/office extension to rear was approved and implemented.

19911447 – A single storey extension to form a treatment room and a reception/office at the rear and w.c. at side was approved and implemented.

20000872 -A single storey extension at the side and rear of a medical centre (Class D1) was approved but not implemented. Amongst other conditions the following was attached:

3. *Not more than three consulting rooms (which in this case shall be taken to include the 'health visitor room' and 'nurses' room') shall be permitted on the premises.*

(The site is incapable of accommodating the car parking requirements that would be generated by more consulting rooms, and which would be required under the terms of Policy T12 of the City of Leicester Local Plan.)

20201890 - Construction of a single storey extension at the side and rear; two storey extension at the rear of a medical centre (Class E) was withdrawn.

The Proposal

The amended proposal comprises demolition of the existing single storey outbuilding at the rear and the construction of a canopy at the front over the main entrance, single storey extension at the side and rear. The proposal would consist of the relocation of existing ramp at the front. The front elevation to be partly rendered.

The proposal has been further amended to reduce the depth of the rear extension, provide two cycle spaces at the front of the site and clarify the details of the front canopy.

The glazed canopy would be 1.5m deep and 2.2m wide. The supporting wall closest to the boundary with No. 28 Colwell Road would be approximately 2.7m high. The access ramp will be re-positioned at the front of the site.

The side extension would be 2.1m wide with a mono-pitched roof which would measure 3.7m high to the ridge and 2.7m high to the eaves. The side extension would wrap around and join the rear extension. The rear extension as amended would be 6.3m deep and 7.3m wide with M-shaped pitched roofs which would measure 2.7m high to the eaves and 3.6m to the ridge.

There are two rooflights to the single storey side extension and one roof light to the rear extension.

The extended ground floor comprises office/reception area, large waiting area, three consultation rooms, toilet facilities and a store. The proposed first floor would comprise meeting room, office, kitchen and toilet facility.

One car parking space is proposed at the front with corresponding alterations to the dropped kerb. Colwell Road is a non-classified road and the proposed alterations to dropped kerb will not require planning permission.

The front wall would be partly demolished to provide 2 cycle parking spaces at the front.

The proposed hours of opening would be 0830 till 1800 Monday – Friday.

It was originally stated that there would be an increase in staff numbers from 6 to 9 full time employees, but the agent has confirmed there will be no increase in staff numbers nor patient numbers.

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 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 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 163 requires local planning authorities to ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

Paragraph 92 states Councils should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments

Paragraph 92 also states Councils should ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

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.

Appendix 1 of the City of Leicester Local Plan

Consultations

Local Highways Authority – The depth of the proposed car parking space would be less than the recommended 5.5m depth and could lead to vehicles overhanging the footway. Whilst not ideal, it is recommended that the one-off street parking is preferable to allow additional drop kerb space for vehicles to pass where there are parked cars restricting flow.

It is accepted that the expansion of the surgery would not lead to an increase in the number of patients, so whilst there are parking concerns already along Colwell Road, the proposals would not create additional parking demand.

Trees and Woodlands – No objection

Representations

15 letters of objections received including the representations forwarded by Cllr Waddington, Cllr Cassidy and Liz Kendall MP's raising the following concerns:

- Congestion and traffic to surrounding roads due to lack of parking;
- The proposed one car parking space would overhang the highway causing obstruction to pedestrians/wheelchairs/pushchairs causing safety issues;
- Emergency vehicles when required to attend the centre would block the roadway;
- Noise pollution created by the doctor's surgery itself affecting immediate neighbours and increase in staff would further increase the noise;
- Loss of privacy and loss of light to the neighbouring properties;
- Blocking driveways on numerous occasions which would worsen with the proposal;
- Noise and air pollution from increased traffic and road works would further worsen this;
- Impact on the health of the residents;
- Covid restrictions will be over most likely until the proposed would be built.

The agent has stated that the centre has been closed since the start of the pandemic due to the inability to operate safely to meet COVID requirements. For the centre to re-open the clinical rooms have been increased to the current Health Technical requirements, all located on ground floor to ease access and the waiting area increased in size to allow spacing between those in the waiting room.

Consideration

The lawful use of the property is a medical centre within a primarily residential area. The principle of extensions to the centre are acceptable subject to design, residential amenity, highways and parking and drainage.

Design and Residential Amenity (neighbouring properties)

The siting and design of the glazed canopy to the front elevation would be a subservient addition to the building and would not detrimentally affect the appearance of the property and the street scene.

The applicant proposes part render to the front elevation. The proposed render would project 25mm from the existing wall. The applicant has not specified the colour of the render. However, I consider that the proposed part render will not have significant impact on the visual amenity of the surrounding area and I consider it to be acceptable.

The demolition of the outbuilding at the rear is acceptable.

The proposed side extension due to its size and design would be in keeping with the existing building and the surrounding area. The proposed materials are in keeping with the existing property.

Signage is included on the plans, but this would require a separate advertisement consent and I have attached a note to the applicant in this respect.

24 Colwell Road has an existing single storey extension at rear. The additional rear extension will intersect a 45-degree line from the rear principal room window on the ground floor of 24. However, the proposed rear extension is set back from the common boundary with No. 24 by 2.3m and it would be 2.7m high to the eaves with a shallow pitched roof sloping away from the common boundary. Furthermore 24 Colwell Road is located to the south of the site, has a high wooden fence on the common boundary with the site and therefore the impact in terms of the loss of light to and outlook from a principal room and overshadowing would be minimal. I therefore consider that the proposed rear extension due to its size, location, design, separation distance and orientation will not have significant detrimental impact on the residential amenity of No. 24.

The proposed rear extension will have two windows to the rear and a door to the side elevation facing No. 24. To protect the privacy of the occupiers of No. 24 I recommend obscure glazing to the proposed door.

The rear extension has a M-shaped pitched roof which although is not entirely in keeping with the existing roof typology this cannot be seen from the public realm and I therefore deem this an acceptable response to keep the overall height to a minimum.

28 Colwell Road has an existing single storey extension and a garage to the rear. The proposed wall which supports the glass canopy would be approximately 2.7m high close to the boundary with No. 28 and the existing ramp is relocated in front of the side extension. I consider that the proposed wall and access ramp due to its design and location will not have significant detrimental impact on the residential amenity of No. 28 in terms of loss of light and outlook.

The proposed side and rear extension would replace the existing side extension and the existing outbuilding to the rear. The proposed single storey side and rear extension due to its size, design and location will not have significant detrimental impact on the residential amenity of No. 28 in terms of light, outlook, and privacy.

I am satisfied that there would be minimal outlooking into the properties at the rear due to the proposal being single storey and enclosed by boundary fencing.

Concerns were raised in regards with the increase in noise and air pollution from the proposed development. The proposal would not increase the number of consultation rooms and there will be no increase in number of patients or staff. I am therefore satisfied that the proposed development will not result in significant increase in noise or air pollution compared to the existing lawful use to warrant a refusal. Furthermore, the hours use as specified would be 0830 till 1800 hours Monday to Friday which are the same as what has been operating from the premises. A

condition has been attached to reflect this and to protect the amenities of nearby occupiers.

I consider that the proposed development will have minimum impact on the character & appearance and residential amenity of the surrounding area and would comply with Policy CS03 of the Core Strategy (2014) and saved Policy PS10 of the Local Plan (2006), the Residential Amenity SPD (2008).

Highways and Parking

Colwell Road is a residential road in nature, with mixture of some dwelling having access to off-road parking with front garden driveways, and other properties reliant on parking within the carriageway. The carriageway is relatively wide at approximately 7.5m wide, with footways provided on both sides. There are no parking restrictions along Colwell Road, apart from at the junctions at either end. However, on street parking is prevalent and there are advisory H-bar markings protecting vehicle accesses in the vicinity of the site.

The site benefits from an existing dropped kerb and footway crossing serving the existing parking space within the site. It is proposed to relocate the parking space within the site to accommodate the extension of the building with relocation of access ramp and change the position of the dropped kerb within the highway accordingly. The depth of the proposed car parking space at the front would be approximately 4.7m which is less than 5.5m that would be required in new development. However, I consider that the proposed depth of the car parking would be acceptable in this instance as it would provide one off street parking and allow kerb space on the highway to provide free flow of vehicles along Colwell Road.

The parking requirement is set out in the Vehicle Parking Standards, appendix 1 of the City of Leicester Saved Local Plan Policies. The site is within Zone 4 of standards, and as such would expect 1 space per 22 sqm. The proposal would increase the gross floor area of the existing surgery by 49sqm. Therefore, the proposed development would require an additional 2 to 3 car parking spaces but only 1 space can be provided.

The proposed development would be similar to the earlier approved application (20000872). The applicant has not increased the number of consultation rooms (3 rooms) but have provided additional space for safer COVID working practices to be implemented and is only a modest extension to the existing practice. I therefore consider that the impact on the parking, traffic generation, access by emergency vehicles would be similar to the existing. To maintain this, I recommend a condition similar to the one attached to planning approval 20000872 to restrict the use to 3 consultation rooms.

Furthermore, the applicant proposes 2 cycle parking spaces at the front and this inclusion would help to promote sustainable transport and less reliance to travel by motor vehicles, which is welcomed.

I consider, the additional floor area to provide safer working practices would not create a severe highway safety impact to justify a refusal.

I therefore consider that the proposal would comply with policy AM11 of the Local Plan and CS15 of the Core Strategy.

Flooding/Drainage

The site is within a Critical Drainage Area. The applicant proposes combination of soft and hard landscaping to the rear of the site including removal of the trees. The Trees and Woodlands Officer has raised no objections in removal of trees. 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. It therefore complies with CS02 of the Core Strategy.

Conclusion

The proposal will have minimum impact on the character and appearance including residential amenity of the surrounding area. It will not result in a severe impact on parking and traffic congestion within the area.

I therefore recommend APPROVAL subject to the following conditions.

CONDITIONS

1. START WITHIN THREE YEARS
2. The new walls and roof shall be constructed in materials to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
3. Not more than three consulting rooms shall be permitted on the premises. (The site is incapable of accommodating the car parking requirements that would be generated by more consulting rooms, and which would be required under the terms of Policy AM11 of the City of Leicester Local Plan and CS15 of the Core Strategy.)
4. The use shall not be carried on outside the hours of 0830 - 1800 hours Monday to Friday. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
5. Before the occupation of the proposed extension the new door facing 24 Colwell Road shall be fitted with obscure glazing and retained as such. (In the interests of the amenity of occupiers of 24 Colwell Road and in accordance with policy PS10 of the City of Leicester Local Plan.)
6. No part of the development shall be occupied until secure cycle parking as shown on approved plans shall be provided and retained thereafter. (In the interests of the satisfactory development of the site and in accordance with policy AM02 of the City of Leicester Local Plan).
7. No part of the development shall be occupied until footway crossing(s) have been provided at each vehicular access in accordance with the Leicester

Street Design Guide, June 2020. (To ensure a satisfactory means of access to the highway, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)

8. No part of the development shall be occupied until the redundant footway crossings has been reinstated and associated H-bar marking removed in accordance with the Leicester Street Design Guide, June 2020". (For the safety and convenience of pedestrians and other road users, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)
9. This consent shall relate to the amended plans reference nos. 1462-HCD-XX-ZZ-DR-A- 007 Rev G, -10 Rev D, -11 Rev E, -15 Rev D, -16 Rev B received by the City Council as local planning authority on 08/07/2021 and location plan reference no. -005 Rev B received on 30/06/2021. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. No consent is granted or implied for the advertisement shown on the submitted plans, for which a separate application may be necessary.
2. 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_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.
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.

COMMITTEE REPORT

20190377	32, 34 & 36 BARKBYTHORPE ROAD	
Proposal:	DEMOLITION OF EXISTING 3 DWELLINGS; CONSTRUCTION OF 18 DWELLINGS INCLUDING ASSOCIATED EXTERNAL WORKS (AMENDED PLANS). (S106 agreement)	
Applicant:	MRS P.P. WALKER	
App type:	Operational development - full application	
Status:	Smallscale Major Development	
Expiry Date:	16 April 2021	
AS	TEAM: PM	WARD: Troon



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

Summary

- A resolution to approve this application subject to the signing of the s106 agreement was made in July 2020 under delegated powers. At that time only 5 objections were received.

- Negotiations over the content of the s106 agreement have been taking place since then.
- Due to the length of time since the original neighbour notification (July 2019) it was considered that the resolution may now be unsafe as circumstances may have changed in the locality. Therefore, neighbours were re-notified of the application in 10th July 2021.
- A total of 7 objections have now been received raising concerns regarding loss of light, highways, loss of trees/wildlife.
- The key issues are residential amenity, highway, ecology and pollution issues.

Introduction

This application relates to an area of land located to the north/west side of Barkbythorpe Road. It is in a residential area with a play area to the rear (north/west) of the site. To the opposite side of Barkbythorpe Road is the Melton Brook which is also classed as Green Space. Existing housing is to the north and south of the site. Immediately to the west boundary is a builders' yard located to the rear of dwellings on Barkbythorpe Road. The site is currently vacant and appears to have been used for car storage. Included within the site is a bungalow and to the front are a further two bungalows.

The site is within 250m of landfill buffer, within a critical drainage area and within flood zone 2.

Background

There is no relevant history relating to this piece of land.

The Proposal

It is proposed to demolish the three existing bungalows, one towards the rear of the site and two to the front.

The proposal has been amended by reducing the number of houses from 20 down to 18. The site would be developed to include a new access road leading to the 18 new dwellings. There would be a turning head at the far end of the new road.

The housing mix consists of 16 x 3 bed and 2 x 2 bed. There would be 7 detached houses, 8 semi detached houses and 3 terrace houses all being two storeys' in height. All the properties would each have 2 off street parking spaces- either directly on their drive, or as for the 3 terrace houses, a dedicated area to the front.

Policy Considerations

National Planning Policy Framework (NPPF) 2019

Section 2 – achieving sustainable development

Paragraph 11 – the presumption in favour of sustainable development

Section 5 – Delivering a sufficient supply of homes.

Paragraph 64 – affordable housing should be provided.

Section 9 – Promoting sustainable transport

Paragraph 102 – transport issues should be considered from the earliest stage.

Section 11 – Making effective use of land.

Paragraphs 122 – 123 – Achieving appropriate densities

Section 12 – Achieving well designed places.

Paragraph 124 – creation of high quality buildings.

Paragraph 126 – design expectations.

Paragraph 127 – visually attractive, create places that are safe, inclusive and accessible and which promote health and well-being.

Paragraph 128– Design quality considered throughout the evolution and assessment of individual proposals.

Paragraph 130 – Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area

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

Section 15 – conserving and enhancing the natural environment

Paragraphs 170, 175, 178,179

Section 16 – Conserving and enhancing the historic environment

Paragraph 189.

Development Plan policies

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

The most relevant policies are PS10, CS03, CS07, and CS08

Supplementary Planning Documents (SPD)

Residential Amenity SPD (adopted 2008)

Green Space SPD

City of Leicester Local Plan Appendix One – Vehicle Parking Standards

Development Plan policies

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

Further Guidance

Consultations

Local Highway Authority (LHA): The site is currently occupied by 3 dwellings but one of these has also been used for commercial purposes. The commercial uses have included auto repairs / breaking and skip hire. The proposed development is therefore more consistent with the surrounding neighbourhood which is predominantly residential in nature. Subject to a number of relatively minor issues raised below being addressed, the proposal is generally acceptable to the local highway authority.

Vehicle access: Number 32 Barkbythorpe Road currently has vehicle access onto Barkbythorpe Road, and it is this property that has been used for commercial purposes. Numbers 34 and 36 do not have vehicular access to Barkbythorpe Road. The proposed cul-de-sac will replace the existing private access to number 32, albeit relocated several metres north of its current position. Any part of the existing footway crossing that becomes redundant will need to be reinstated by the developer, and this is covered in one of the recommended conditions below. The TA indicates that a visibility splay of 2.4m x 47m is to be provided in both directions at the mouth of the access. Reference is made in paragraph 5.4 of the TA to the proposed splay is “based on observed vehicle speeds” but no observed speed data has been included in the TA. A 47m splay is suitable for an 85%ile speed of 30mph but in the absence of measured speeds one would normally set the splay length for the next speed step up. However, in this case it appears that visibility well in excess of the minimum requirement can readily be achieved.

Internal layout: The proposed layout is conventional in nature with kerbed carriageway and footways on both sides in front of dwellings. It incorporates traffic calming measures both vertical and by contrasting surfacing. This is acceptable.

Vehicle parking:

With the exception of one block of three dwellings, which will have a shared block of 6 parking spaces, all of the proposed properties are to be provided with individual vehicle accesses from the new cul-de-sac to their own parking spaces. All the proposed dwellings will have at least 2 car park spaces, predominantly in tandem arrangement. The Council’s current highway design standards require a 2m x 2m pedestrian visibility splay where driveways meet the back of the footway.

Traffic, pedestrian and cyclist impacts: Given the previous uses of the site, trip generation is unlikely to raise any concerns as a result of this proposal. However, in order to improve the transport sustainability of the proposal, our response to an earlier consultation recommended creating a footpath link to the footpath that currently runs from Christopher Drive to the play park adjacent to the north-west of the site. The latest revised layout has incorporated this into the proposal directly off the turning head at the end of the cul-de-sac. This should noticeably improve connectivity from the site for pedestrians/cyclists to nearby services and facilities. Cycle parking is not specifically indicated on the layout drawings but, given the design and layout of the individual dwellings, it is anticipated that cycle storage can be provided by residents within individual properties.

The applicant is advised to provide new residents with advice about sustainable travel options available to them. This would normally be done through a 'Travel Pack'.

No objections subject to conditions.

Lead local Flood Authority (LLFA): no objection subject to conditions.

Environment team (Energy): acceptable subject to condition requiring full design details of the proposed heating system prior to commencement of development.

Waste: There must be hard standing with adequate space for residents to store up to a 360 litre bin and orange recycling bags at the property. The plans do not indicate where collection of the refuse will be from the properties. Access roads to all bin stores should be able to safely accommodate collection vehicles: surfaces, utilities and utility covers should be constructed to withstand the weight of waste collection vehicles (i.e. 32,000 kg). Clearance of overhead fixtures and fittings must be allowed for. A turning assessment should be made with use of the appropriate software (such as Auto Track), taking into account the vehicle dimensions and submitted with the planning application. Reversing of collection vehicles should be avoided, to address traffic and public safety issues. If reversing is unavoidable, the maximum vehicle reversing distance of 12m should be accounted for. There should be a designated management agent who we can contact to deal with any excess waste or general maintenance issues. The management agent should be willing to assist with encouraging correct use of refuse bins and recycling bags (e.g. signage, distribution of LCC literature to new tenants etc.)

Pollution (land contamination): it is a known landfill site. Therefore, a land contamination condition and a landfill gas condition should be attached to any approval.

Pollution (Noise): no objection subject to conditions being attached to any approval.

Housing: Either of following two options:

Affordable Housing Mix to include Intermediate Affordable Housing: Total 4 units:

A. HEDNA Mix (with Intermediate Affordable Housing): total 4 units (100%)

Rented affordable housing: 3 units (81%) comprising:

2 x 2 bed/4 person homes to National Accessible and Adaptable Standard M4(2)
1 x 3 bed/5 person home to National Accessible and Adaptable Standards M4(2)

Intermediate Affordable Housing: 1 unit (19%) comprising:

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

Or

Affordable Rent (without Intermediate Affordable Housing): total 4 units:

B. All Affordable Rent (without Intermediate Affordable Housing): total 4 units.

3 x 2 bed/4 person homes to National Accessible and Adaptable Standard M4 (2)
1 x 3 bed/5 person home to National Accessible and Adaptable Standard M4 (2)

Housing: 4 x 3 bed/ 5 person houses, as this would still help achieve the affordable housing needs for LCC. The Type C semi detached properties as these properties fit our criteria regarding M4(2) compliance as well as compliance to NDSS whilst also not appearing any different to the regular housing being provided. For this we would accept any two pairs of the type C semi detached properties. If you could also please ensure them that the affordable housing sought is secured via a section 106 Agreement. In order for these units to be classed as affordable housing, they need to be let via a Registered Provider.

Parks (Open space): I can confirm that the revised open space contribution for the amended scheme is £28,036.00. This contribution is required for improved play facilities, provision of outdoor gym equipment, and refurbished seating at Appleton Park.

Education: The contribution for the net gain of housing towards primary education would be £54,822.47 and the contribution towards secondary education would be £44,687.67. The total would be £99,510.14. The contribution would go towards providing facilities at primary schools within 1 mile of the development and secondary schools within 2 miles all within the boundary of Leicester City.

Archaeology: I recommend that an archaeological desk-based assessment is undertaken as per Para 189 of the NPPF followed by evaluation of the application site. Within 700m of the site archaeological finds and features have been found, including an Anglo-Saxon cemetery, c.600m northwest of the site, and a possible Roman settlement c.550m to the west-northwest of the proposed development.

Trees and Woodlands: No objection subject a condition requiring protection for the existing trees and shrubs during construction.

Environment Agency: no comment.

Representations

Seven letters of objection have been received from occupiers of nearby properties.

The concerns they have raised are:

- Loss of light.
- Overlooking. The development would be better if they were bungalows.
- Disturbance during construction.
- The effect on their well-being.
- Loss of family home.
- The land is contaminated.
- Highway issues: insufficient visibility splays, safety of vehicles, pedestrians, cyclist, congestion during rush hour. Existing property would have issues

regarding visitors to their property and safety when leaving their drive. Therefore, increasing the risk of accidents for the family and visitors.

- Impact on wildlife
- loss of trees.
- Increase in crime.
- Drainage.
- Maintenance of existing property.

Consideration

Principle

The site is located in a residential area and therefore the principle of the proposal for 18 dwellings is accepted subject to residential amenity, highway, ecology and pollution consideration.

The proposed development includes a new road (cul-de-sac) with a turning circle at the end. The proposal includes the demolition of two bungalows to the front facing Barkbythorpe Road and one bungalow within the site. Other workshops / sheds within the site will also be removed.

To the rear of the site would be a pedestrian access direct to Appleton Park where access is currently gained from Christopher Drive.

Design

To the front of the site would be one detached house with its principal elevation facing the new road. There would be a further six detached house, 4 pairs of semi-detached houses and three terraced houses. All properties would be two storeys' in height with gable roofs. The design of the plots allows tandem parking to the houses along the length of the drive allowing green frontages to these houses. I consider that the design of the new road and dwellings is characteristic of a small infill development within the local environment. A condition should be attached to agree the materials.

Residential amenity (proposed development)

The depth of the gardens has a range of 9m (3 dwellings) up to 30m (2 dwellings). The majority of the gardens however have a depth of around 11m. The smallest rear gardens would have an area of approximately 70sq.m., with the largest being over 280sq.m. The rear outlook from the proposed dwellings would be towards existing gardens or the adjacent builder's yard. I consider the rear amenity provision to be an acceptable level for the future occupiers of the development.

Residential amenity (neighbouring properties)

The closest existing dwellings to the proposal would be 2 properties off Donald Close and the distance between the proposed rear elevations to the existing rear elevation would be over 22m. That distance is in accordance with guidance in the Residential Amenity Guide SPD which requires a distance of 21m between two rear elevations with facing principle windows. The other property that would be close to the

development would be 31 Christopher Drive, however the proposed dwelling would be located alongside that property, therefore there would be minimal impact upon the dwelling in terms of loss of outlook. The remainder of the existing houses that surround the site have existing long gardens and therefore there would be a minimal loss of amenity to the occupiers of those properties.

Highways / waste

The arrangement of the number of street car parking spaces is accepted in that there are two spaces per property. The car parking spaces for 12 of the properties would be in tandem formation to the side of their property. It is likely that visitors would park on the highway.

The drawings indicate that there would be areas in the rear gardens for the storage of the waste bins. Each occupier would put the appropriate bin to the front of their property on bin collection days. The bin lorry would access the development along the new road.

Sustainable Drainage

The Lead Local Flood Authority requires further information. However, it is considered that these details can be addressed through the use of a pre-commencement of development condition.

Housing

A total of 4 units to be affordable are required. The applicant has agreed to that provision and details to secure it will form part of the S106 agreement. The properties that will be affordable will be 2 pairs of Type C semi-detached properties but the actual two pairs are not currently identified. The applicant has stated that a condition requiring the properties to be category M4(2) is acceptable.

Landscape / Trees / Ecology

There are a few issues that need addressing with regards to the hard and soft landscaping and boundary treatment. The applicant has agreed to a condition requiring the provision of all of these details. The proposed footpath from the development to the play area off Christopher Road connects to an existing footpath within the play area. The poplar trees to the rear boundary can be removed at any time by the owner as they are not protected. They do offer wildlife habitat and the applicant will have to be mindful of the implications when felling the trees.

Archaeology

As the site lies within 700m of a site where there are archaeological finds, I will attach a condition requiring a desk-based assessment to be undertaken as per Para 189 of the NPPF.

Pollution (noise)

To protect the amenity of the future occupiers in terms of noise from the industrial estate on the opposite side of Barkbythorpe Road and traffic noise from Barkbythorpe Road, I am suggesting a condition be attached requiring an acoustic survey which may conclude that a ventilation scheme is required which would enable the occupants to keep their windows closed if they chose to do so to minimise noise disturbance.

Pollution (land)

This is it is a known landfill site. I therefore will be attaching a land contamination condition and a landfill gas condition, both conditions would need to be pre-commencement of development conditions.

Energy

The proposal includes heat pumps and PV's and I suggest a condition be attached to secure the details prior to commencement of the development.

Developer Contributions / Section 106 agreement

The statutory tests for the use of section 106 obligations are set out in Regulation 122 of the CIL Regulations 2010. This states that obligations should be:-

- necessary to make the development acceptable in planning terms
- directly related to the development
- fairly and reasonably related in scale and kind to the development.

The applicant has agreed to contribute £28,036.00 which would be used to fund the following works at Appleton Park:

- improved play facilities.
- provision of outdoor gym equipment.
- refurbished seating

The applicant has agreed to contribute towards education facilities to the sum of £99,510.14, which would be divided between primary and secondary schools

A total financial contribution would be £127,546.14.

Given the number of dwellings proposed the Service Director for Housing has requested the proposal provide affordable housing in line with Policy CS07 of the Core Strategy which for this area the figure is 20% of the total number of units, which equates to 4 dwellings. The applicant has agreed for the details and number of the affordable units to form part of the s106 agreement.

Conclusion

I therefore consider that the proposal as amended is acceptable and that it is in compliance with the aims of the NPPF. I consider that the proposal would also contribute towards meeting the City's five year housing land supply. The level of accommodation that would be provided is acceptable and there would be no adverse impact on the amenity that the occupiers of neighbouring properties currently enjoy.

I therefore consider that the proposed development as amended is acceptable and is in accordance with the NPPF, Core Strategy and the City of Leicester local plan policies.

The details of the s106 agreement are now agreed between all parties but signatures are still required.

I therefore recommend APPROVAL subject to the following conditions and the SIGNING OF A S106 AGREEMENT to secure the agreed financial contributions and affordable housing provision.

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 the materials to be used for the development shall be submitted to and approved in writing with the City Council as local planning authority. The development shall be carried out in accordance with the approved materials. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

3. Prior to the commencement of any development a detailed landscaping scheme and ecological management plan (LEMP) showing the treatment and maintenance of all parts of the site which will remain unbuilt upon shall be submitted to and approved in writing by the City Council as local planning authority. This scheme shall include details of: (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed; (ii) new tree and shrub planting, including plant type, size, quantities and locations; (iii) means of planting, staking, and tying of trees, including tree guards; (iv) other surface treatments; (v) boundary treatments; (vi) any changes in levels; (vii) the position and depth of service and/or drainage runs (which may affect tree roots). The approved LEMP scheme shall contain details on the after-care and maintenance of all soft landscaped areas and be carried out within one year of completion of the development. For a period of not less than five years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03 and CS17. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

4. Before any equipment, machinery or materials are brought on to the site for the purposes of the development, all existing trees, shrubs or hedges to be retained on the site shall be protected by fencing in accordance with British Standard BS 5837:2012. The location of the protective fencing shall not be within the root protection area of any retained trees. The fencing shall be maintained until all equipment,

machinery and any surplus materials have been removed from the site. 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 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 CS03. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

5. Prior to occupation of each dwelling, bird and bat boxes/bricks shall be installed to that dwelling in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The boxes/bricks shall be retained thereafter. (In the interest of biodiversity and in accordance with Policy CS17 of the Core Strategy).

6. Prior to the commencement of the development a further protected species survey shall be carried out at the site by a suitably qualified ecologist. The survey results and any revised mitigation shall be submitted to and approved in writing with the local planning authority and any identified mitigation measures carried out in accordance with the approved plan. Thereafter the survey shall be repeated biennially and any mitigation measures reviewed by the local planning authority until the development commences. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRoW Act 2000), the Habitat & Species Regulations 2010 and CS 17 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.)

7. Prior to occupation of each dwelling, hedgehog boxes and gaps or holes within fences to allow free movement of hedgehogs shall be installed to that respective plot in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The boxes and gaps or holes in fences shall be retained thereafter. (In the interest of biodiversity and in accordance with Policy CS17 of the Core Strategy).

8. Prior to the commencement of the development adequate provision shall be made by the developer for a full site survey to ascertain the ground conditions and potential danger from landfill gas. Appropriate measures shall be taken as a result to protect the development from hazards associated with landfill gas. Those details shall be submitted to and agreed in writing with the City Council as local planning authority and the approved measures shall be installed in accordance with these details and retained thereafter. (The site is within 250m of a landfill site known to have accepted wastes and it is considered that there is a perceptible risk of landfill gas adversely affecting it and in accordance with policy PS11 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.)

9. No development shall be carried out until the site has been investigated for the presence of land contamination, and a Site Investigation Report incorporating a risk assessment and, if required, scheme of remedial works to render the site suitable and safe for the development, has been submitted to and approved in writing by the City Council as local planning authority. The approved remediation scheme shall be

implemented and a completion report shall be submitted to and approved in writing by the City Council as local planning authority before any part of the development is occupied. Any parts of the site where contamination was previously unidentified and found during the development process shall be subject to remediation works carried out and approved in writing by the local planning authority prior to the occupation of the development. The report of the findings shall include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This shall be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11". (To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy PS11 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).

10. Prior to the commencement of the development full details of the Sustainable Drainage System (SuDS) together with the implementation, long term maintenance and management of the system shall be submitted to and agreed in writing with the local planning authority. No property shall be occupied until the system has been implemented. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall include: (i) full design details, (ii) a 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 secure surface water runoff and to secure other related benefits in accordance with Core Strategy Policy CS02. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

11. Prior to the commencement of the development full design details of the proposed heating system shall be submitted to and approved in writing with the local planning authority. The approved scheme shall then be implemented and retained. (To ensure that the development reduces greenhouse gas emissions and contributes towards the mitigation of climate change and 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).

12. Prior to the commencement of the development an acoustic survey shall be carried out to assess noise from nearby industrial units, noise from Barkbythorpe Road and other identified noise sources. The developer shall then (subject to the findings of the noise assessment) carry out an insulation scheme, including ventilation arrangements, in accordance with details which shall have first been approved in writing the local planning authority. The sound insulation scheme shall be designed to comply with the relevant World Health Organisation Guidelines Community Noise for noise sensitive development and BS8233:2014. (In the interest of residential amenity

and in accordance with City of Leicester Local Plan policy PS10 and PS11 and Core Strategy Policy CS03.)

13. No part of the development shall be occupied until any redundant footway crossings and/or damaged or altered areas of footway or other highway have been reinstated in accordance with the Council's standards contained in the Street Design Guide. (For the safety and convenience of pedestrians and other road users, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)

14. No part of the development shall be occupied until the 2 metre by 2 metre sight lines on each side of each vehicular access have been provided, and they shall be retained thereafter. (In the interests of the safety of pedestrians and other road users, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)

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

16. 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 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, UD06 of the City of Leicester Local Plan and Core Strategy policy CS03. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

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

18. (A) No development shall take place until a programme of archaeological work including a Written Scheme of Investigation following the submission of an archaeological desk-based assessment has been submitted to and approved in writing by the City Council as local planning authority in respect of a supervised watching brief and excavation where required. The scheme shall include an assessment of

significance and research questions; and: (1) the programme and methodology of site investigation and recording; (2) the programme for post investigation assessment; (3) provision to be made for analysis of the site investigation and recording; (4) provision to be made for publication and dissemination of the analysis and records of the site investigation; (5) provision to be made for archive deposition of the analysis and records of the site investigation; (6) nomination of a competent person or persons or organization to undertake the works set out within the Written Scheme of Investigation.

(B) No demolition or development shall take place other than in accordance with the Written Scheme of Investigation approved under (A) above.

(C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under (A) above, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured, unless agreed in writing with City Council as local planning authority. (To ensure that any heritage assets that will be wholly or partly lost as a result of the development are recorded and that the understanding of their significance is advanced; 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).

19. The dwellings and the 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 dwelling is adaptable enough to match lifetime's changing needs in accordance with Core Strategy policy CS06)

20. This consent shall relate solely to the following plans:

- P001 site location
- P003d proposed site plan
- P004b visibility splays
- P005b speed table
- P006c landscape
- P101b type A1 & A2 plans
- P102c type A1 elevations
- P103c type A2 elevations
- P201a type B floor plans
- P202c type B elevations
- P301b type C plans
- P302c type C elevations
- P401b type S plans
- P402b type S elevations
- P501a type T plans
- P502c type T elevations
- P801b street elevations
- P901a plot 1 & 2 garage

P902a single garage

(For the avoidance of doubt)

NOTES FOR APPLICANT

1. The sound insulation scheme should consider incorporating mechanical ventilation to allow windows to remain closed irrespective of the external conditions if identified as being necessary by the agreed noise survey. Windows should not be permanently sealed closed but should be able to be kept closed, by choice, whilst allowing to enjoy an adequate source of amenity.

2. The Highway Authority's permission is required under the Highways Act 1980 and the New Roads and Street Works Act 1991 for all works on or in the highway. For new road construction or alterations to existing highway the developer must enter into an Agreement with the Highway Authority. For more information please contact highwaysdc@leicester.gov.uk. With regards to the Travel Pack the contents of the pack are intended to raise the awareness and promote sustainable travel, in particularly for trips covering local amenities. The applicant should contact highwaysdc@leicester.gov.uk for advice.

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_PS11	Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.

2006_UD06	New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
2014_CS01	The overall objective of the Core Strategy is to ensure that Leicester develops as a sustainable city, with an improved quality of life for all its citizens. The policy includes guidelines for the location of housing and other development.
2014_CS02	Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
2014_CS03	The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
2014_CS06	The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
2014_CS07	New residential development should contribute to the creation and enhancement of sustainable mixed communities through the provision of affordable housing. The policy sets out the broad requirements for affordable housing.
2014_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.
2014_CS18	The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.
2014_CS19	New development must be supported by the required infrastructure at the appropriate stage. Developer contributions will be sought where needs arise as a result of the development either individually or collectively.

COMMITTEE REPORT

20210988	305 New Parks Boulevard	
Proposal:	Construction of a single storey extension at side and front of house (Class C3); (Amended 16/07/2021)	
Applicant:	Mr Mick Linthwaite	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	17 June 2021	
DJ	TEAM: PD	WARD: Western



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

Summary

- Brought to Committee as the applicant is a Leicester City Council employee.
- Main issues are design and residential amenity.
- The application is recommended for conditional approval.

The Site

The site is located on New Parks Boulevard which is a residential area in the Western Ward.

Background

There have been no previous planning applications on the site.

The Proposal

The proposal as amended is for:

- The construction of a single storey extension to the side and to the front. The extension will be 2m wide, 8.7m deep, 2.6m high to the eaves and 3.7m high to the ridge. The extension will extend across the front all the way to the porch.

Policy Considerations

National Planning Policy Framework (NPPF) 2019

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

Representations

No public representations have been made.

Consideration

Principle of development

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

Design

Whilst the proposed front extension will extend beyond the original front elevation of the main property, it has been designed so as to not extend any further than the existing canopy.

Both the front and side extensions are single storey and are designed to appear subordinate to the existing main building.

It has been confirmed on the application form that the proposed materials will match those existing.

Overall, it is considered that the proposal is acceptable from a design perspective and is in accordance with Policy CS03 of the Adopted Core Strategy.

Residential amenity:

The proposed site plan shows the 45-degree line from the front window of no. 307 New Park Boulevard. It shows that the proposal does not intersect the 45-degree line and the proposal will therefore not have an unacceptable impact on the light or outlook to no. 307 New Park Boulevard.

There are no side facing windows and the proposal will not have an unacceptable impact on the privacy of neighbouring properties.

It is therefore considered that the proposal will not detrimentally impact the amenity of the neighbouring properties and is therefore in accordance with Policy PS10 of the Saved Local Plan.

Conclusion

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 new walls and roof shall be constructed in materials to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03.)

3. This consent shall relate solely to the amended plans received by the City Council as local planning authority on 16/07/2021. (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. |
| 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'. |

COMMITTEE REPORT

20211307	96 Kerrysdale Avenue	
Proposal:	Construction of single storey extension at front and rear; two storey extension at side and rear; single storey detached outbuilding at rear of house (Class C3)	
Applicant:	Sima Chauhan	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	18 August 2021	
JP2	TEAM: PD	WARD: Rushey Mead



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

Summary

- Brought to Committee as the applicant is a Leicester City Council employee.
- Main issues are design and residential amenity.
- The application is recommended for conditional approval.

The Site

The application relates to a two-storey semi-detached property located on Kerrysdale Avenue.

The property is within Flood Zone 2 and the rear of the garden is located within 20 metres of a main watercourse.

Background

20032014 – Two storey extension at side and rear; single storey extension at rear of house. This was granted conditional approval but was not implemented.

The Proposal

The proposal is for the construction of:

A single storey extension at the front approximately 1.4 metres in depth and approximately 2.5 metres in width. This extension would have a dual-pitched roof and would measure approximately 2.3 metres to the eaves and approximately 3.3 metres to the ridge height. A door would be installed on the front elevation of this extension. This extension would be used as a porch, and the main entrance to the property.

A single storey extension at the rear. This would be an L-shaped extension, divided into two elements one extending from the existing dining room, measuring approximately 5 metres in depth and approximately 2.8 metres in width. This would have a hipped roof and would measure 2.4 metres to the eaves and approximately 3.6 metres to the ridge. One roof light would be installed on this element. A window would also be introduced on the rear elevation of this element. This would facilitate a kitchen.

The other element would extend from the rear of the two-storey side extension. This would measure approximately 8.2 metres in depth and approximately 4.5 metres in width. This element would have a dual pitched roof and would measure 2.4 metres to the eaves and approximately 3.5 metres to the ridge. Two rooflights would be installed onto this element. On the rear elevation a door and two windows would be introduced. This would facilitate an extended living and dining area.

A two-storey extension at the side. This would measure approximately 7.6 metres in depth and approximately 1.7 metres in width. On the first floor this extension would be set back by 1 metre. This extension would have a hipped roof and would measure approximately 5 metres to the eaves and approximately 7.7 metres to the ridge. The ridge height of this extension is approximately 0.4 metres lower than the ridge height of the original dwellinghouse. On the front elevation one window would be installed on the ground floor, and one window would be installed on the first floor. Four windows would be installed onto the side elevation of this extension, two on the ground floor and two on the first floor. A door would also be installed on the side elevation. This extension would facilitate a prayer room, a shower and an extended study on the ground floor and an extended bedroom and bathroom on the first floor.

A two-storey extension at the rear. This would measure approximately 4.1 metres in depth and approximately 4.5 metres in width. This would have a hipped roof and would measure approximately 5 metres to the eaves and approximately 6.9 metres to the ridge height. A window would be installed on the rear elevation of this extension. This extension would facilitate a bedroom on the first floor.

A single storey detached outbuilding at the rear. This would measure approximately 5 metres in depth and approximately 7.6 metres in width. This would be a mono-pitched outbuilding and would measure approximately 2.3 metres to the eaves and approximately 3.7 metres to the ridge. Two doors and two windows would be installed on the front elevation of this outbuilding. This outbuilding would be used to facilitate a garden room and a store.

The plans indicate that the roof tiles, eaves detail, windows and facing brick would match the existing dwellinghouse.

Policy Considerations

National Planning Policy Framework (NPPF) 2019

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)

Other legal or policy context

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

Consideration

Character and design:

The first floor of the side extension would be set back one metre from the front of the existing dwelling and the ridge line of both two storey elements would be lower than the existing ridge line. As such the proposal would appear subordinate to the existing dwelling. However, in order to ensure that the proposal is successfully integrated with the existing dwelling I consider it appropriate to attach a condition requiring materials to match.

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:

The proposed rear single storey extension is on the boundary with the neighbouring property at 94 Kerrysdale Avenue. This neighbouring property has an existing single storey rear extension. The proposed development would not intersect a 45-degree line taken from the centre of the closest principal room window on the ground floor of this neighbouring property, nor would it intersect a 45-degree line taken from the centre of a principal room on the first floor of the neighbouring property. The development would not result in a significant loss of light or outlook at the neighbouring property at 94 Kerrysdale Avenue.

The neighbouring property at 98 Kerrysdale Avenue has a significantly large single storey side and rear extension on the boundary with the host property, which extends further than the proposed development. As such the proposed development would not have any significant impact on the light and outlook at the neighbouring property at 98 Kerrysdale Avenue.

The proposed outbuilding to the rear of the site may be viewable from the windows of the neighbouring properties at 94 & 98 Kerrysdale Avenue, however it is situated a sufficient distance away so that it would have a limited impact on the outlook of the neighbouring properties.

The rear gardens of neighbouring properties would not be directly overlooked, and I consider this arrangement to be acceptable. The proposal would introduce 4 windows on the side elevation facing 98 Kerrysdale Avenue. These would be facing the existing side extension of this neighbouring property, however there are no windows on this neighbouring side extension. As such the proposed introduction of windows is unlikely to have a significant detrimental impact on the privacy of this neighbouring property. Nevertheless, if this application is granted planning permission, I consider it appropriate to attach a condition for these windows to be obscure glazed.

With the extensions and outbuilding taken together there would be approximately 160 metres² of private amenity space left over at the property, which is more than the 100 metres² recommended in the Residential Amenity SPD. This is therefore an acceptable amount of useable amenity space for occupants.

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.

Parking and Highways

The proposal would retain two off-street parking spaces. I consider that this level of parking provision is acceptable. I conclude that the proposal would comply with Policy CS15 of the Core Strategy (2014) and with saved Policy AM12 of the Local Plan (2006) and is acceptable in terms of parking.

Flooding and Drainage

The site is within Flood Zone 2 and I consider 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.

This development may require a permit under Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank. As such I attach a note to applicant informing them of this.

Conclusion

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 new walls and roof shall be constructed in materials to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
3. Before the occupation of the proposed extension new windows facing 98 Kerrysdale Avenue 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 98 Kerrysdale Avenue and in accordance with policy PS10 of the City of Leicester Local Plan).
4. This consent shall relate solely to the submitted plans ref. no. 20/450/PL01-B received by the City Council as local planning authority on 18/06/2021, and plans ref. no. 20/450/PL03-A, 20/450/PL04-B and 20/450/PL05-A received on 24/05/2021 unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material planning considerations, including planning policies and representations that may have been received and subsequently determining to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019.
2. This development may require a permit under Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the Melton Brook, designated a 'mainriver'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

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.

COMMITTEE REPORT

20211037	15A Evington Lane	
Proposal:	Raised ridge height; construction of dormer extensions at front; single storey and dormer extensions at side; single storey and dormer extensions at rear; alterations to dwelling (Class C3) (amended plans received 28/06/2021)	
Applicant:	Mr. Nathani	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	15 July 2021	
RB	TEAM: PD	WARD: Stoneygate



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

Summary

- Reported to committee as there are more than 6 objections.
- 9 objections raise concerns on design, residential amenity and drainage.
- Issues are design, residential amenity, parking and drainage.
- Recommended for approval.

The Site

The application site relates to a detached bungalow located to the south of Evington Lane. The dwelling has no frontage along the street scene and is accessed from a unadopted road between 15 and 17 Evington Lane. The site has a detached garage which fronts Evington Lane between 9 and 13.

The site is located within a critical drainage area. The land level of the site is slightly higher than those dwellings fronting Evington Lane.

Background

15a Evington Lane was approved under planning references 19980349 and 20001154, of which the latter has been implemented. The description of development reads as 'Bungalow with garage'.

20181282 – prior notification for a proposed single storey extension at the rear of the dwellinghouse of dimensions: 4.6 metres beyond the rear wall of the original dwellinghouse; maximum height 4 metres; height of the eaves 2.5 metres was confirmed not to require prior approval on 28/06/2018.

20181248 – construction of a single storey side extension; alterations to the roof; front dormer; construction of single storey building at the rear of the house; alterations was approved on 03/08/2018 - not been implemented.

20182171 – construction of single storey side extension; alterations to the roof; front dormer; construction of a single storey building at the rear of the house; alterations was approved on 30/11/2018 - not been implemented.

20192095 – construction of a single storey extension at the rear of the garage; construction of a basement to provide car parking; alterations to garage to provide an annex was refused on 17/01/2020 for the following reason:

1. The proposed development by means of its size and location would be tantamount to a new dwelling. The annex would fail to be subservient in its size and function to the main dwellinghouse on site and would offer a poor living environment for future occupiers. Therefore would be contrary to the National Planning Policy Framework (NPPF), and Core Strategy policy CS03 and saved policy H07 of the City of Leicester Local Plan.

The refusal relates to the garage fronting Evington Lane and not the main dwelling.

20200107 – Construction of a basement to a garage and a single storey extension at the rear of a garage of the house was withdrawn on 16/03/2020.

20202062 – Prior notification for the construction of an additional one storey extension to the roof of the dwellinghouse was withdrawn on 12/11/2020

The Proposal

The proposal will replace the existing hipped roof by a mansard roof with a front, rear and side dormers and roof lights. The ridge of the height of the original property will be increased by 0.3m.

The proposal is for a single storey side extension measuring 2.6m in width 5.3m in depth, 2.3m to the eaves and 5.1m in total height to square the footprint of the dwelling, to provide a kitchen. This would also result in the loss of one car parking space.

There is an existing single storey extension and conservatory at the rear of the property adjacent to 15b Evington Lane. The existing conservatory would be demolished and replaced with a flat roofed single storey extension and a roof lantern. The extension would measure 4.3m in width and 4.5m in depth with a height of 2.3m. There would be a single storey canopy to the side of the proposed extension measuring 1.9m in width and 4.5m in depth.

A single storey extension is proposed at the rear of the house and next to the existing single storey rear extension. The proposed extension would measure 4.6m in depth and 4m in width, 2.3m in height to the eaves and 5m in height.

The first floor would provide space for a bedroom with an ensuite bathroom.

The proposed front and side dormers would measure 2.5m in height, 2.6m in width and 2m in depth.

The proposed rear dormer would measure 1.6m in depth, 4m in width and 2.4m in height and would have a Juliet balcony.

Amended plans have been submitted to reduce the bulk and prominence of the front facing gable of the property and would now appear as a second front facing dormer extension.

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 from the day it is published.

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

Paragraph 127 sets out criteria for assessing planning applications 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.

In making an assessment Paragraph 108 of the NPPF (2019) 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.

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

Development Plan policies

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

Supplementary Planning Documents (SPD)

Residential Amenity

City of Leicester Local Plan (2006) Saved policies - Appendix 1: Parking Standards

Representations

10 objections have been received from separate addresses within the City. One objector has withdrawn their objection to the application.

- The description of the application does not match the planning drawings.
- The resultant development would appear cramped, as was originally constructed as backland development.
- The proposal would have an overbearing impact, overlooking, overshadowing loss of light and loss of privacy of the neighbouring properties and their gardens, particularly along Evington Lane due to the land level differences.
- The proposed front dormers would overlook the approved three bed house to the rear of 17 Evington Lane.
- The bungalow would appear as a two storey house as a result of the proposal and, due to its excessive size, siting, mass, elevation, structure and the contextually unresponsive design, would appear overly dominant on and out of keeping with the original bungalow and surrounding area.
- The proposal would unbalance the pair of bungalow dwellings built on the off-road of Evington Lane and disrupt the uniformity of built form which would be harmful to the character and appearance of the surrounding area.
- The altered roof form would significantly alter the current design.
- The proposal would result in the loss of a bedroom.
- The site is within a Critical Drainage Area and no drainage plan has been submitted.

Consideration

The application is for residential extensions to a dwelling in a predominantly residential area. As such the main issues are design, living environment, residential amenity, parking and drainage.

Design

Policy CS3 of the Core Strategy deals with designing quality places. It requires developments to be designed well and to contribute positively to the character and appearance of the local natural and built environment. Development should also respond positively to the surroundings and be appropriate to the local setting and context. 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 proposed side extension would be designed to square off the footprint of the dwelling. Subject to this being constructed of matching external finishes it is considered that this element would not result in significant detriment to the character and appearance of the dwelling as per the previous planning permission.

The existing and proposed single storey rear extensions would have a mansard roof constructed above and would be integrated as part of the main building. A single storey flat roofed extension and a covered area would be created to the rear. This is considered to be acceptable.

Amendments have been made to the proposal to remove the proposed two storey front facing gable and replace it with a front facing dormer. The prominence of the extension has now been reduced and I consider that front dormers now appear subservient to the dwelling.

The alterations would add some visual bulk to the roof of the dwelling in combination with the proposed dormers; however this would not harm or significantly detract from the residential character of the site. The proposed roof alterations with the dormers would not result in an overdevelopment of the site, which is a backland site and not particularly visible from the street scene of Evington Lane.

It is acknowledged that the site currently is viewed as a modest dwelling; however, I consider that the proposal would not add unduly significant bulk which would erode this visual appearance to an unacceptable degree. I consider it appropriate to attach a condition removing permitted development rights so that any further extensions and alterations to the dwelling would require planning permission and can be assessed on their own individual merits.

I am satisfied that the development is of an appropriate scale and would not be out of proportion to the surrounding suburban area. I conclude that the proposal would comply with Core Strategy Policies CS03 and would not conflict with saved Local Plan Policy PS10 and is acceptable in terms of the character and appearance of the area.

Living Environment

The proposal seeks to enlarge an existing dwelling house with a master bedroom located on the first floor. The master bedroom at first floor would have one dormer at the rear and all other light sources would be through roof lights. An ensuite bathroom would be located to the front of the property and would have two dormer windows to the front and one to the side. I consider it necessary to condition that the windows are obscure glazed to protect the privacy and amenity of the occupiers of the host dwelling and the amenity of the neighbouring properties.

The proposal would result in the loss of one bedroom, but this could be completed under permitted development.

The rear garden area would retain significantly more private amenity space than the recommended requirement of a minimum of 100sqm as set out in the SPD Residential Amenity.

Having regard to the SPD and the site context, I consider that the proposal would provide satisfactory living conditions for the future occupiers and would be consistent with Core Strategy Policies CS03 and CS06 and saved Local Plan Policy PS10.

Residential amenity (*neighbouring properties*)

The proposed extensions and alterations to the dwelling would not intersect a 45 degree line taken from principal room windows of nearby properties. As such I consider that the proposal would not result in minimal loss of daylight to adjoining occupants.

The site is on a higher land level to those dwellings fronting Evington Lane; as such the property is visible from the rear windows and gardens of 13 and 15 Evington Lane.

The ridge height of the roof would be raised by approximately 0.3m. The proposed mansard roof would be stepped so that the roof height would be no higher than the existing situation close to the boundaries of the neighbouring properties along Evington Lane. The raised ridge height would be set away from these properties by approximately 5m. Therefore, I consider that the increased height of the roof would not have a significantly detrimental impact on the amenity of the neighbouring properties

The proposed rooflights will all be located on the flat element of the roof and will not result in overlooking or loss of privacy of the neighbouring properties.

SPD Residential Amenity recommends a 21m separation distance between windows that directly face each other. Bifold doors are proposed to the side of the proposed extensions. The Bifold doors would have an approximately 21m separation distance between the first floor windows at 13 Evington Lane. No ground floor windows at the rear of 13 Evington Lane would be visible, due to the orientation of the properties and the boundary treatment.

The replaced single storey extension would result in a reduced amount of glazing compared to the existing conservatory extension and so would have a similar impact as the existing situation.

Therefore, I consider that the proposal would not result in any significant loss of privacy to properties fronting Evington Lane.

The proposed Juliet balcony at the rear of the first floor master bedroom would not allow access on to the flat roofed single storey extension. However, I consider it necessary to attach a condition to ensure that the roof is not used as a balcony in the interests of the amenity of neighbouring properties.

The footprint of the dwelling would increase slightly due to the single storey extension at the rear. The ridge height of the dwelling would be increased by approximately 0.3m; however, this is set away from the properties along Evington Lane. As such, I consider that the larger roof form would not have significantly detrimental impact in respect of privacy to the neighbouring properties to the north of site.

The proposed side extension and side dormer would be about 1m from the common boundary with 15b Evington Lane. The common boundary between the dwellings comprises a brick wall 1m in height with a mature hedge above. The adjacent property is also on a higher land level. The separation distance between the two properties and the lack of side windows along the southern elevation of the dwelling, it is considered that there would be no harm to the amenity of 15b Evington Lane. I consider it necessary to attach a condition to ensure that the proposed side dormer window is obscure glazed, as shown on the proposed plans and retained as such, to ensure that there is no overlooking or loss of privacy between the properties.

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

The Vehicle Parking Standards supplementary planning document specifies a maximum of two car parking spaces for 3+ bedroom dwellings. The proposed side extension would result in the loss of one parking space. However, the proposed development would retain three parking spaces to the front of the site and a further two to the front of the detached garage fronting Evington Lane.

The proposed development is considered not to result in any significant detriment in respect of the number of parking spaces available on site. Furthermore, the site is accessed from a private road off Evington Lane and therefore it is considered that the proposal would not provide any additional impacts in respect of traffic and congestion in the local area.

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

Due to the limited amount of additional hardstanding, some of which could be carried out under permitted development, I consider it would be unreasonable to attach a condition for SuDS.

Conclusion

The proposal would have an acceptable relationship with the neighbouring dwellings and would not have an unacceptable impact upon the character and appearance of the area, the residential amenity of neighbouring occupiers, the living conditions of existing and future occupiers, highways and parking and drainage. No trees of amenity value would be affected. I therefore recommend that the application be APPROVED subject to the following conditions:

CONDITIONS

1. START WITHIN THREE YEARS
2. The new walls and roof shall be constructed in materials to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)

3. The cheeks and roof of the dormer shall be constructed in materials to match the existing roof. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)

4. Before the occupation of the proposed extensions the windows of the front dormer extensions and the windows of the side dormer facing 15b Evington Lane 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 15a and 15b Evington Lane and in accordance with policy PS10 of the City of Leicester Local Plan).

5. The flat roof of the single storey rear extension shall not be used as a balcony or an outdoor amenity space. (In the interests of the amenity and privacy of 7, 9, 13 and 15b Evington Lane in accordance with policy PS10 of the City of Leicester Local Plan).

6. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any order amending or revoking and replacing that Order with or without modification, no development that would otherwise fall with Classes AA, A, B, C and E of Part 1(of Schedule 2) of that Order shall be carried out within the curtilage of the dwellinghouse hereby approved without planning permission having first been obtained from the local planning authority. (To ensure that any further development at the site does not unacceptably affect the privacy and amenity of the neighbour occupiers and the character and appearance of the area, and to ensure that adequate amenity space for future occupiers of the development is retained on the site, in accordance with Policy CS03 of the Leicester Core Strategy (2014) and saved Policy PS10 of the Local Plan (2006)).

7. This consent shall relate solely to the submitted plans ref DSA-21019-PL-ES-01 received by the City Council as local planning authority on 27/04/2021 and the amended plans ref DSA-21019-PL-PRO-01 rev C received by the City Council as local planning authority on 28/06/2021, unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

NOTES FOR APPLICANT

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

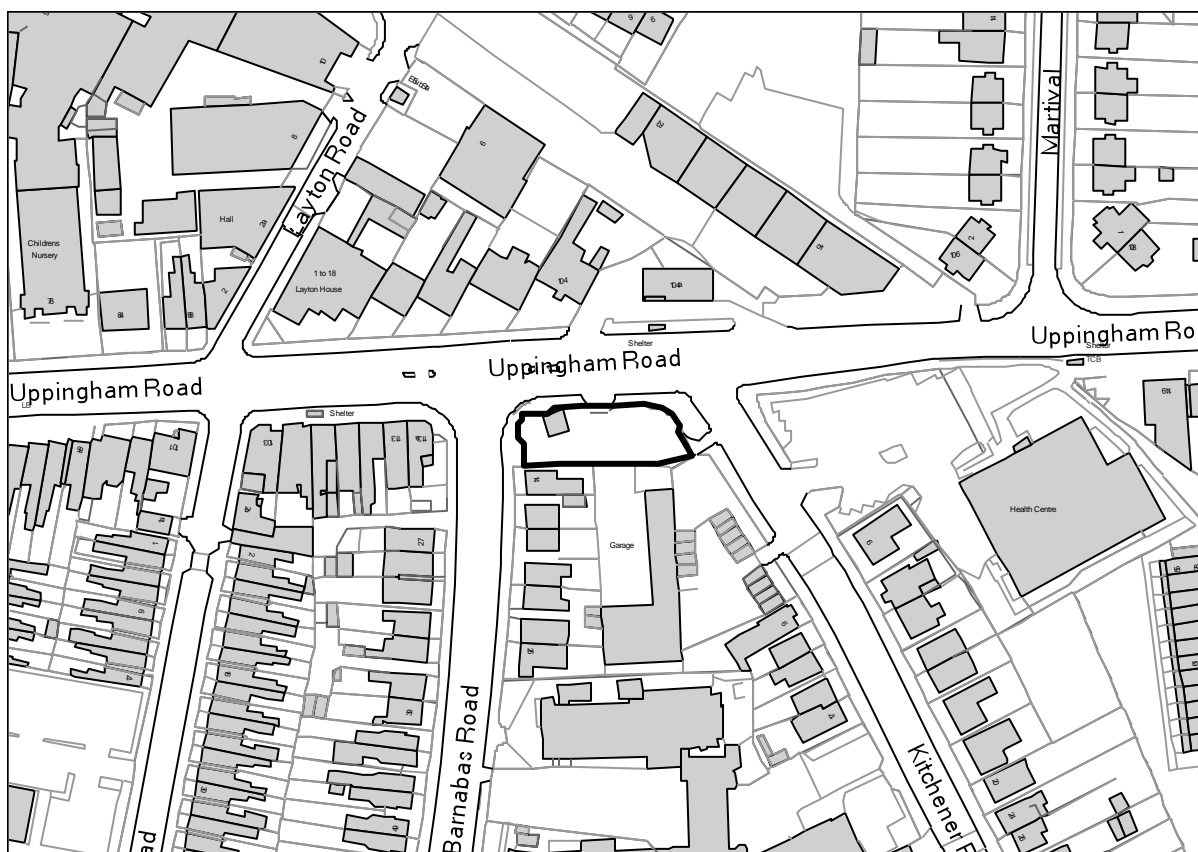
2. The effect of condition 6 of this planning permission is that all future alterations and extensions to the dwelling, and the construction of outbuildings within the curtilage of the dwelling, will require planning permission from the City Council as the local planning authority. (Permitted development rights for this dwelling have been restricted).

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.

COMMITTEE REPORT

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 26/5/2021)	
Applicant:	Mr N Okeke	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	16 July 2021	
ACB	TEAM: PE	WARD: North Evington



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

Summary

- Reported to committee as previous application was 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, 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 in a prominent location within a mainly residential area with houses to the south. To the north of the site is a shop with houses to the east and west of this. To the west of the site is a doctor's surgery. To the east of the site is the Uppingham Road (West) Local Shopping Centre.

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

The site is located within flood zone 2.

Background

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

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

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

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

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

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

3. *The proposal, by reason of the appearance of the site, has a detrimental impact on the setting of the Grade II listed building of St Barnabas Church, St Barnabas Road contrary to policy CS18 of the Leicester Core Strategy and paragraph 192 of the National Planning Policy Framework.*

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

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

An appeal against the refusal of 20191799 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 Inspector's 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 that 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 original submitted plans proposed a building that would be 6 metres high, 34.3 metres wide and 7.8 metres deep. It would be finished in timber cladding with a dual pitched roof. The access would be from Kitchener Road with the exit on to St Barnabas Road. The elevation facing Uppingham Road would be blank with vehicles entering the building from the rear.

Amended plans had been received which reduced the building to 14.9m 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.

Further amended plans were submitted prior to the previous committee meeting. These alter the roof of the proposed building so that it would have a hipped roof. Four boards would also be attached to the front elevation of the building facing Uppingham Road which would be used to advertise the services on offer at the site. The timber cladding has been removed from the proposal and the building would be finished in brickwork. The dimensions of the building have not been altered since the last amendment.

The proposal would provide employment for 5 persons which is the same number as the current use.

Policy Considerations

National Planning Policy Framework 2019 (NPPF)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Development Plan policies

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

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

Consultations

Service Director, Environmental Health – had 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.

11 comments in support of the application have been received. These appear to be users of the facility. One of the comments is from the occupier of a neighbouring property.

The applicant has submitted a letter from the occupier of the neighbouring property at 14 St Barnabas Road which states that they have not had any issues with the car wash since it opened

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 occupies a prominent corner plot on the A47 Uppingham Road located within an area which is predominantly residential in nature.

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 considered 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 should be viewed as an ancillary secondary use.

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

The proposal now seeks permanent consent for the construction of a building to house the car wash use and window tinting service. I consider that these uses would be more appropriately located within an employment than a primarily residential area and would not represent an appropriate form of permanent development for the site.

Design

The proposal fails to take the available opportunity to improve the character and quality of the area and the way it functions, contrary to paragraph 130 of the NPPF. It fails to provide an appropriately designed amount of development for the site contrary to paragraph 127 of the National Planning Policy Framework 2019.

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, and as the development is not designed in accordance with this policy it again fails to meet the requirements of Paragraph 130 of the NPPF (2019).

The amended proposed building would be finished in brickwork. There are also four boards that would be installed to the front of the building to advertise the services on offer that would require a separate advertisement consent. This results in no active frontage onto the main Uppingham Road which is contrary to good design practice. The surrounding properties are predominantly finished in brick or render with the shops on the opposite corner of St Barnabas Road and Uppingham Road having active frontages and the houses on the opposite side of Uppingham Road having windows and doors facing the road. I welcome the removal of the timber cladding from the proposal however I consider that a solid building with no active frontage to Uppingham Road would not make a positive contribution to its surroundings.

The applicant states that they have based the design for the front of the building on that of 104a Uppingham Road. This building was granted planning permission in 1996 when design principles were not as strong as they are now. The building at 104a Uppingham Road does not have a positive impact on the appearance of the area and would have required significant amendments had it been proposed now and should not be used as the design cue for this development.

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 paragraphs 124, 127 and 130 of the National Planning Policy Framework 2019.

Heritage Assets

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

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

The proposed building would be 6 metres in height 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 further consider that the proposed advertising boards to the front of the building would cause further harm 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. He considered that *the site is a prominent element within the LB's foreground, and has a significant visual relationship with the LB*. I do not consider that the proposed use within a poorly designed building has significantly altered the situation.

Residential amenity (neighbouring properties)

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."

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.

The original proposal would have resulted in the openings to the building facing this property and would have resulted in a detrimental impact on the residential amenity of the occupiers of this property as the noise generated by the car washing would have been likely to reverberate around the proposed building and exit through the many openings to the elevation facing this property. Whilst this harm could have been controlled by requiring the roller shutter doors to remain closed while work was occurring the noise generated from opening and closing these doors would still have been 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. As the proposal is now for the uses to be contained within a building I consider that this would have the effect of protecting local residents from the noise associated with the car wash and I therefore consider that previous reason for refusal has been overcome.

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. Where the application deemed acceptable in other regards I would have requested further information in the form of sustainable drainage methods and information regarding consent to discharge trade effluent. However, given the impacts addressed above this information has not been requested. I

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

Other matters

I note that the proposal would result in the retention of 5 jobs which would otherwise be lost. Whilst I understand the need to protect jobs, I consider that the inappropriate design and harm to the listed building explained above are not outweighed by the need to protect jobs in this case.

Conclusion

In conclusion whilst the proposal now includes a building and removes the tyre fitting element, I consider that the proposal represents a poorly designed building that fails to take account of the development opportunity available on the site and causes harm to the setting of the listed building contrary to policies in the NPPF and CS03 and CS18 of the Leicester Core Strategy.

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

REASONS FOR REFUSAL

1. The proposal, by reason of use, outside seating area and its design and lack of an active frontage to Uppingham Road together with the display of advertisement boards would on a prominent site fail to take account of the setting and context of the area, and 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 its siting, design and the height of the proposed building together with the display of the proposed advertising boards, would have a significant detrimental impact on the setting of the Grade II listed building of St Barnabas Church, 28 St Barnabas Road contrary to policy CS18 of the Leicester Core Strategy and paragraph 193 of the National Planning Policy Framework.

NOTES FOR APPLICANT

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

Policies relating to this recommendation

- 2006_BE20 Developments that are likely to create flood risk onsite or elsewhere will only be permitted if adequate mitigation measures can be implemented.

- 2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2014_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.

