

Leicester
City Council

MEETING OF THE PLANNING AND DEVELOPMENT CONTROL COMMITTEE

DATE: WEDNESDAY, 17 NOVEMBER 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, Malik, 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.

For Monitoring Officer

Officer contact:

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

e-mail: aqil.sarang@leicester.gov.uk / jacob.mann@leicester.gov.uk

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

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- ✓ where filming, to (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:
Aqil Sarang, tel: 0116 454 5591 / Jacob Mann, tel: 0116 454 5843 or , Democratic Support Officers.
Alternatively, email aqil.sarang@leicester.gov.uk / jacob.mann@leicester.gov.uk, or call in at City Hall.

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PUBLIC SESSION

AGENDA

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- 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 6 October 2021 are a correct record.

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

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

(i) **20211586 148 VICTORIA PARK ROAD** [Appendix A1](#)

(ii) **20182726 188 WELFORD ROAD** [Appendix A2](#)

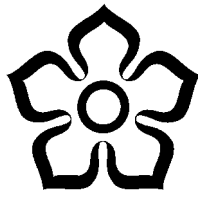
(iii) **20210768 67 AINSDALE ROAD** [Appendix A3](#)

5. PROPOSED NEW 'ST PAUL'S CONSERVATION AREA' AND THE REVISION OF THE WEST END CONSERVATION AREA - CONSULTATION REPORT [Appendix B](#)

The Director for Planning, Development and Transportation submits a report.

Members of the Planning and Development Control Committee are recommended to pass their comments to the Director of Planning, Development and Transportation.

6. ANY URGENT BUSINESS



Leicester
City Council

Wards:
See individual reports.

Planning & Development Control Committee

Date: 17 November 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

20211586	148 Victoria Park Road	
Proposal:	Change of use from house (Class C3) to three flats (3 x 2 bed) (Class C3); construction of hardstanding at front; construction of dormer extension at rear; alterations (amended plans received 15/10/2021 and 19/10/2021)	
Applicant:	Mr and Mrs Singh	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	18 November 2021	
RB	TEAM: PD	WARD: Castle



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Summary

- Reported to committee as there are more than 6 objections.
- 10 objections from 9 different households have been received on grounds of parking, residential amenity, the quality of accommodation and the principle of the change of use.

- The main issues are the standard of accommodation, residential amenity for the future occupiers and neighbouring properties, highways, parking and waste management.
- The recommendation is for conditional approval.

The Site

The site is a two-storey semi-detached dwelling. An Article 4 Direction covers the site which removes permitted development rights for the change of use to small houses in multiple occupation (Class C4).

The site is within a Critical Drainage Area.

Background

Application 20201725 for the change of use from house (5 bed) (Class C3) to five self-contained flats (5x1 bed) (Class C3); construction of dormers to front and rear and single storey extension at rear; hard standing and alterations was withdrawn on 16/03/2021.

The Proposal

The proposal is for a change of use from a house to three two-bedroom flats.

To facilitate the change of use, a dormer extension is proposed at the rear to provide additional living space for flat 3. The dormer extension would measure 3.3m in depth, 4.7m in width and 2.1m in height.

Block paving is proposed to a portion of the existing garden area to the front to provide an additional car parking space.

Alterations to the property include:

- the two existing doors at the side of the property being bricked up;
- the installation of a ground floor window at the side;
- the replacement of the existing garage door with an external door to provide access to the flats on the upper floors;
- the removal of an existing chimney at the rear; and
- the installation of upvc windows and doors

Flat 1 would be located on the ground floor and would have a gross internal area of 90sqm. It would be accessed from the existing doors at the front of the property. One bedroom would be located at the front of the property and the lounge/kitchen and second bedroom would be located at the rear. The bathroom would be in front of the second bedroom.

Flat 2 would be located on the first floor and would have a gross internal area of 63sqm. It would be accessed from the existing doors at the front of the property.

The lounge/kitchen would be located at the front and two bedrooms including the bathroom would be located at the rear.

Flat 3 would be a duplex flat covering the first and second floors, measuring 70sqm and would have a kitchen/lounge on the first floor and two bedrooms with en-suite bathrooms on the second floor within the loft space.

The amended plans show:

- the cycle parking spaces located within the ground floor hallway area;
- a reduction in the width of the dormer extension at the rear to ensure that the corners are not chamfered and would appear as a box dormer.

Policy Considerations

National Planning Policy Framework (NPPF) 2021:

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

Paragraphs 110 and 111 (Highways – resulting in serve highway safety impact)

Paragraphs 130 and 134 (Good design and amenity)

Paragraph 166 (Flooding and sustainable drainage)

Development Plan policies:

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

Additional planning documents:

Residential Amenity (Supplementary Planning Document) (2008)

City of Leicester Local Plan Appendix 1

Other documents

Housing and Economic Development Needs Assessment (2017)

Leicester City Council Corporate Guidance (2019)

Consultations

Highways – raised the following points prior to amended plans being submitted:

- Number of car parking spaces proposed falls short of local plan policy. 5 spaces would be acceptable;
- Access to cycle store is very narrow, along the side of the house;
- Number of cycle storage spaces falls short of local plan policy;
- Advise applicant to store bins at the front

Representations

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

- There are parking issues in the area and the proposal would exacerbate this;
- The additional car parking space would be unusable;
- The proposed hardstanding would result in a loss of the front garden, which would have a negative visual impact on the character and appearance of the area;
- There is noise and disturbance in the area and the proposal would exacerbate this;
- The area is already overpopulated;
- The proposal would result in the loss of a family house in an area where there are lots of conversions to flats and Houses in Multiple Occupation already;
- The proposal would not be in accordance with the Houses in Multiple Occupation article 4 direction and would have a similar impact on the character of the area;
- There would be a change in the demographic of the area. The local primary schools are undersubscribed and are recruiting from further afield;
- The proposal would be too high density for the property;
- The proposal would be contrary to draft local plan policy to retain larger family housing;
- Concerns over amenity to occupants - the flats would be too small/not meet national space standards;
- Concerns that the rear dormer windows would overlook the properties at the rear of the site, resulting in a loss of privacy;
- Concerns about alterations to the design of the property;
- Concerns over how well maintained the property would be;
- Concerns over the loss of existing trees and bushes at the rear of the property.

Consideration

Principle of development

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

The Housing and Economic Development Needs Assessment (2017), suggests that there is a greater demand for 2 bedroomed dwellings than 4 or more bedroomed dwellings. It is not possible to dictate who the future occupiers of the existing house or the proposed flats would be. The flats each have two bedrooms and would be suitable for small families.

The Article 4 Direction is in place to restrict the conversion of residential properties into small houses in multiple occupation for up to 6 people. The proposal is for a different type of accommodation for small flats.

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

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

Character & Design

The proposed rear dormer extension has been reduced in width to ensure that the edges are not chamfered and to improve its design. I consider that the dormer as proposed would not be easily visible from the street scene and would not be out of keeping with the design of existing rear dormers in the area.

I consider that the provision of the access door to the upper floor flats in place of the existing garage is acceptable

I consider that the remaining external alterations, which include the bricking up of doors at the side of the property, removal of a chimney at the rear and the addition of Upvc windows and doors, would be minor and would have a limited impact on the character and appearance of the area.

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

I conclude that the 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 (future occupiers):

The Nationally Described Space Standards (NDSS) is yet not an adopted policy in Leicester. However, the amended plans show that the proposed flats as negotiated would meet the NDSS with additional space in the loft utilised for the increased floor space in comparison to the original proposal. I consider that the floorspace in this case is adequate given the reasonable and workable layout.

All the principal rooms of the proposed flats would have windows providing adequate outlook and light.

The ground floor flat would have a direct access to the rear garden and flats on the upper floors would have access via the side of the property. The existing garden space has over the recommended 100sqm of private amenity space, as set out in SPD Residential Amenity, for a house and significantly over the recommended 6sqm for three two bedroomed flats. The property is close to Victoria Park which provides good public amenity space.

As such, I consider that the site is large enough to comfortably accommodate the proposed flats without the density of the site being excessive.

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

Residential amenity (neighbouring properties):

The proposed rear dormer and its rear facing windows would not project further from the existing rear of the property. SPD Residential Amenity recommends that the minimum distance between any principal room windows in an extension and the boundary with undeveloped land, including gardens, should be 11m.

There is a separation distance of approximately 20m from the rear elevation of the property and the rear boundary of the site with the properties on Howard Road. Therefore, I consider that the proposal would not result in significant detrimental overlooking or loss of privacy of the properties at the rear.

The proposed dormer extension would result in oblique views of the neighbouring gardens at 146 and 150 Victoria Park Road; however, I consider that the impact would be similar to that of the existing rear windows at first floor level. Due to the central positioning of the proposed dormer, I consider that the main outlook from the dormer windows would be over the rear garden of the application site and largely of the rear parts of the gardens of the adjacent neighbouring properties.

There is a proposed secondary side window on the ground floor facing 150 Victoria Park Road and an existing window serving the bedroom 2. I consider it necessary for the windows to be obscure glazed to protect the residential amenity of the neighbouring property at 150 Victoria Park Road. Bedroom 2 will have a window at the rear of the property so adequate light and outlook will be provided.

The proposed use would be residential. Although there would likely be a greater number of occupants than the existing use as a house, I consider the proposal would not result in significant or unreasonable harm in terms of noise and disturbance.

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

Highways and Parking:

There will be a provision for 5 cycle storage spaces within ground floor lobbies of the flats.

The 'Vehicle Parking Standards' suggests 1 bicycle storage space per 2 bedspaces. The floorspace schedule and plans confirm that there would be a maximum of 10 occupiers at one time, due to the size and positioning of the flats.

Therefore, I consider that 5 cycle storage spaces are acceptable and in accordance with the guidance. Provision of the cycle storage can be secured by condition.

3 car parking spaces are proposed at the front of the property. The existing parking space within the garage would be converted into a habitable room. Two existing car parking spaces would be retained, and hardstanding would be constructed over part of the existing front garden to provide a third parking space.

A front boundary wall appears to have already been demolished, which can be completed within permitted development limits. There would be no alterations to the front boundary treatment or the existing dropped kerb. The current access is approximately 4.8m wide, which is sufficient to serve the proposal.

There is a recommendation of two car parking spaces for a two bedroomed dwelling, as set out in the 'Vehicle Parking Standards'. The site is located within a restricted parking area and, as such, on street parking would not be possible.

As it would not be possible to provide additional car parking spaces within the site, with the proposed provision of cycle storage and the proximity to public transport, I consider that the proposed onsite parking would be acceptable and would not result in serve highway safety impact to warrant a refusal on highway grounds.

I consider that the level of parking provision is therefore acceptable, and the proposal would comply with Policy CS15 of the Core Strategy (2014) and with saved Policy AM12 of the Local Plan (2006) and Para 111 of the NPPF.

Waste storage and collection:

There have not been any details provided as to the proposed location of the bin storage. Bin storage can be provided at the rear of the property away from the street scene or at a suitable location at the front of the property, screened from the highway. I consider it necessary for the location of the bin store to be submitted and installed prior to first occupation of the proposed flats and retained in this location thereafter, in accordance with policy CS03 of the Core Strategy (2014) and with saved Policies H07 and PS10 of the Local Plan (2006).

Drainage

The site is within a critical drainage area. The proposed hardstanding at the front of the property will be permeable. I consider that this would be acceptable and can be conditioned.

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

Other Issues:

There are no protected trees within the site. The proposed site plan indicates that the vegetation at the rear of the site would be retained. I consider that this would be acceptable.

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

Conclusion:

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

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

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The external elevations shall be constructed in facing bricks 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(s) 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 development the side facing windows adjacent to 150 Victoria Park Road shall be fitted with sealed obscure glazing (with the exception of top opening light) and retained as such. (In the interests of the amenity of occupiers of 150 Victoria Park Road and in accordance with policy PS10 of the City of Leicester Local Plan).
5. No part of the development shall be occupied until five secure and covered cycle parking spaces have been provided and retained thereafter, in accordance with the approved plans. (In the interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan).
6. Before the occupation of the development three parking space(s), as shown on the approved plans, shall be provided and shall be retained for vehicle parking. (To secure adequate off-street parking provision, and in accordance with policy AM12 of the City of Leicester Local Plan and Core Strategy policy CS3.)
7. Before the occupation of any part of the proposed development, the proposed permeable paving shall be installed as shown in the approved plans and retained thereafter. (To reduce surface water runoff in accordance with policy CS02 of the Core Strategy).

8. Details of a bin store shall be submitted to and agreed in writing with the Local Planning Authority. The bin store should be installed prior to the occupation of the first unit and maintained in accordance with the agreed details. (In the interests of the satisfactory development of the site and in accordance with policies H07 and PS10 of the City of Leicester Local Plan and Core Strategy policy CS03).
9. Development shall be carried out in accordance with the following approved plans:
Location Plan, 7573/01 Rev A, received 01/09/2021
Proposed Site Plan, 7573/06 Rev C, received 15/10/2021
Proposed Plans, 7573/04 Rev D, received 19/10/2021
Proposed Elevations, 7573 Rev C, received 15/10/2021
(For the avoidance of doubt).

NOTES FOR APPLICANT

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

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

Policies relating to this recommendation

- | | |
|-----------|--|
| 2006_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_H05 | Planning applications involving the loss of housing will be refused unless they meet criteria. |
| 2006_H07 | Criteria for the development of new flats and the conversion of existing buildings to self-contained flats. |
| 2006_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents. |
| 2014_CS02 | Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City. |
| 2014_CS03 | The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'. |

- 2014_CS06 The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
- 2014_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
- 2014_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.

COMMITTEE REPORT

20182726	188 Welford Road	
Proposal:	Demolition of existing building; construction of three storey building to provide student accommodation (18 x studio flats) (Sui Generis) (Amended plans 24/6/2020 & 26/6/2020) (S106 Agreement)	
Applicant:	WELFORD DEVELOPMENTS LTD	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	30 October 2021	
WJJ	TEAM: PM	WARD: Castle



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Summary

- Brought to the Committee as the recommendation is for approval and more than six objections have been received from more than six different City addresses.

- Twenty-six objections have been received. They raise concerns regarding: upsetting the balanced composition of the community in the neighbourhood, the character and appearance of the area, sizes of the flats and if they are sufficient for future residents, loss of light and privacy, noise disturbance, light pollution, only seasonal trade for local businesses, refuse collection concerns, traffic congestion, parking problems, highway safety concerns, anti-social behaviour concerns, and that some affordable housing should be provided.
- The main issues are the principle of student accommodation in this location, the amenity provided for future residents of the scheme, the impact on the residential amenity of neighbours, the impact on the character and appearance of the area, the impact on highway safety and parking.
- The application is recommended for approval subject to conditions and a Section 106 Agreement.

The Site

The site is on a main road leaving the city. It is within a largely residential area. The site itself and some of the neighbouring properties along the Welford Road are in commercial uses. With the exception of a yard at the rear, the existing building on the site occupies all of the site. Google Street View indicates it has been used as a carpet shop since around 2011 and was a bathroom shop around 2008.

With regards to flooding from fluvial sources, the site is at very low risk of flooding. It is within Flood Zone 1 and is at less than 1 in 1000 year risk.

With regards to flooding from pluvial (surface water) sources the site is at moderate risk of flooding. It is between 1 in 100 and 1 in 1000 year risk. It is also within a Critical Drainage Area (CDA). Although flooding from pluvial sources is unlikely to take place here, the rapid runoff of water may lead to flooding in neighbouring hotspots.

The site is within an Air Quality Management Area (AQMA).

The application site is within an Article 4 Direction area that removes the Permitted Development Right to convert a dwelling (Class C3) to a house in multiple occupation (HiMO, Class C4).

Clarendon Park, including the application site, is also subject to a Regulation 7 Direction that seeks to restrict To Let boards.

The Donkey Public House on the other side of the Welford Road is on the Local Heritage Asset Register.

There is a known source of pollution at EE Contracts on Morris Road.

Background

The Welford Road is one of the ancient roads leading out from the city. Maps from the 1880's indicate the area was starting to develop. Victoria Park Road, Fleetwood Road and Clarendon Park Road were in place, but buildings were few. Most of the development around the site dates from the late Victorian and Edwardian period and from the 1920's and 30's.

188 Welford Road (application site)

Maps from the 1930's show a building on the application site; albeit with a staggered front wall, in contrast to the existing building. Maps from the 1950's show a building

with the same footprint as the existing one. In the absence of any record of a planning application from the 1940's or 50's, the current building probably pre-dates the existing planning system that came into force on the 1st of July 1948.

Since being built the building has been used for a number of uses and some minor alterations have been made. Of significance are:

19842279 - Change of use from car repairs to a domestic tool hire depot (Class A1).

19921542 – Change of use from domestic tool hire depot (Class A1) to car sales and fitting workshop (Class B2).

19930769 - Change of use from car sales and fitting workshop (Class B2) to domestic hire depot (Class A1).

20141297 - Demolition of existing retail unit (Class A1), four storey block with retail unit (Class A1) on the ground floor and 18 student flats (no use class) above – Withdrawn.

20151355 - Demolition of existing building; mixed use three storey building with retail on ground floor (Class A1), ancillary storage for retail on first floor and student flats (no use class) on first and second floors (1 x 1bed, 1 x 3 bed, 1 x 7bed) – Approved by the Planning Committee on the 26th of August 2015. This permission expired in August 2018.

20161943 - Demolition of existing building; mixed use three storey building with retail on ground floor (Class A1), and student accommodation (no use class) on first and second floors (13 bedrooms) - Approved by the Planning Committee on the 21st of February 2017. This permission expired in February 2020.

20200294 - Change of use from shop (Class E) to restaurant/takeaway (Class E/ Sui Generis); installation of new shopfront and installation of ventilation flue – Approved in December 2020.

Google Street View indicates it has been used as a carpet shop since around 2011 (Crown Carpets & Furnishings) and was a bathroom shop around 2008.

186 Welford Road (neighbouring site to north west)

Maps from the 1930's show a building on the application site. The footprint is the same as the current one, and so it is likely the current building dates from 1930's. As such, the current building pre-dates the existing planning system that came into force on the 1st of July 1948.

Relevant planning history is as follows:

19860986 - Change of use of vehicle rental depot to use for the storage and fitting of automotive windscreens, side glass, sunroofs and ancillary works - Approved and implemented.

20151732 - Change of use from motor vehicle windscreen replacement garage (no use class) to retail, repair and storage of antiques (Sui Generis) – Approved and implemented.

20182790 - Demolition of building and construction of three four storey blocks to provide 56 student studio apartments (Sui Generis) – Withdrawn

Google Maps indicates the Leicester Antiques Warehouse has been operating here for around four years; prior to which it housed a windscreen replacement centre, called Autoglass.

2020/2012 - Demolition of antiques warehouse (Sui Generis); construction of two blocks (1 x 3 storey & 1 x 4 storey) for student accommodation (Sui Generis) to provide 43 studio apartments; vehicular access - The Planning Committee of the 15th of September 2021 resolved to approve this application, subject to conditions and the completion of a S106 Agreement to secure developer contributions. At the time of writing, the S106 Agreement has not yet been completed and permission has therefore not yet been issued.

The Proposal

The proposal is to demolish the existing building and to construct a three-storey building to provide student accommodation (Sui Generis). Access is from the front onto the Welford Road. At the front, within the building, is a bin store. To the front of the building two parking spaces are proposed, for servicing and deliveries. To the rear of the building is a communal garden and cycle store. Cycles can be brought to the front down a passageway to the side.

The original plans were for nineteen studio flats. Amended plans have since been submitted and the scheme is now for eighteen studio flats.

Policy Considerations

National Planning Policy Framework (NPPF) July 2021

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

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

'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.'

The City does not currently have a five-year deliverable land supply for housing.

Paragraph 8 contains a definition of sustainable development consisting of three objectives *'which are interdependent and need to be pursued in mutually supportive ways'*. In shortened form, these are as follows:

a) an economic objective

b) a social objective

c) an environmental objective

Aspects relating to developer contributions. The following paragraphs are particularly relevant to matters relating to developer contributions to affordable housing, green space and education.

Paragraph 55 states that *‘Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.’*

Paragraph 57 states that *‘Planning obligations must only be sought where they meet all of the following tests:*

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development.’*

Promoting healthy and safe communities. The following paragraphs are particularly relevant to Promoting healthy and safe communities.

Paragraph 92 states that *‘Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:*

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

Transport aspects. The following paragraphs are particularly relevant to the transport related aspects of the scheme.

Paragraph 110 states that *‘In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.’*

Paragraph 111 states that *‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.’*

Paragraph 112 states that *‘Within this context, applications for development should:*

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

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

Achieving appropriate densities. The following paragraphs are particularly relevant to matters related to density.

Paragraph 119 states that *‘Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land.’*

Paragraph 124 states that *‘Planning policies and decisions should support development that makes efficient use of land, taking into account:*

a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;

b) local market conditions and viability;

c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;

d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and

e) the importance of securing well-designed, attractive and healthy places.’

Paragraph 125 states that *‘... Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. ...’*

Design aspects. The following paragraphs are particularly relevant to design matters.

Paragraph 126 states that *‘The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.’*

Paragraph 130 states that *‘Planning policies and decisions should ensure that developments:*

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

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

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

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

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

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

Paragraph 135 states that *‘Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).’*

Climate change aspects. The following paragraph is particularly relevant to climate change matters.

Paragraph 157 states that *‘In determining planning applications, local planning authorities should expect new development to:*

a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and

b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.’

Sustainable Drainage aspects. The following paragraph is particularly relevant to sustainable drainage matters.

Paragraph 168 states that *‘Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:*

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

Habitat and biodiversity aspects. The following paragraphs are particularly relevant to habitats and biodiversity matters.

Paragraph 174 states that '*Planning policies and decisions should contribute to and enhance the natural and local environment by:*

- d) *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;*
- f) *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.'*

Paragraph 180 states that '*When determining planning applications, local planning authorities should apply the following principles:*

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

Pollution. The following paragraphs are particularly relevant to pollution matters.

Paragraph 185 states that '*Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

- a) *mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; ...'*

Paragraph 186 states that '*Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should*

ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.'

Heritage aspects. The following paragraphs are particularly relevant to heritage matters.

Paragraph 195 states that *'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.'*

Paragraph 197 states that *'In determining applications, local planning authorities should take account of:*

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

Paragraph 203 states that *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*

Other planning and material considerations

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

Supplementary Planning Document – Residential Amenity

Supplementary Planning Document – Green Space

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

Leicester Street Design Guide (First Edition)

Leicester City Council Waste Management guidance notes for residential properties

Technical housing standards – Nationally Described Space Standards – March 2015 (NDSS).

National Design Guide (Ministry of Housing, Communities & Local Government)

Leicester City Corporate Guidance – Achieving Well Designed Homes 2019

Building Research Establishment (BRE) - Site layout planning for daylight and sunlight: a guide to good practice (BR 209)

Consultations

Lead Local Flood Authority (LLFA)

The scheme includes a Sustainable Drainage System (SuDS) that has been designed for exceedance and includes permeable paving, cellular attenuation storage and flow control. The details of this, and foul drainage, should be secured by conditions.

Severn Trent Water

No comments made.

Local Highway Authority

The site is located approximately 90m south of the Welford Road/Victoria Park Road/Putney Road traffic signal junction. The existing building is currently used as a furniture and carpet retail centre. The building currently has a footway crossing covering most of its frontage to Welford Road, providing access to six car parking spaces. All of these are marked out perpendicular to Welford Road. These spaces are all substandard in length. Vehicles that park there typically encroach onto the footway by a significant amount.

The proposed development is highly unlikely to generate more vehicle trips than the site's current use, as an antique warehouse. Therefore, the scheme is unlikely to result in severe adverse impacts on the local highway network.

Two parking spaces are proposed to the front of the proposed building, perpendicular to the Welford Road. These are for servicing, deliveries, drop-off and collection. The proposal has no parking for residents of the scheme. The site is less than 100m from several cycle routes and the residential streets in the vicinity of the site are generally suitable for cycling. Given that this is student accommodation, is well located for a range of further education establishments, and its location is relatively sustainable in terms of travel, this is acceptable.

The original plans for this application had a drop-off area with a problematic design. The revised layout now incorporates two car parking spaces at the front of the new building. We would not normally support a parking layout of this type that requires vehicles to reverse either onto or off a road as busy as Welford Road. However, it is significantly better than the current arrangement of six substandard customer parking spaces, which cause cars to encroach onto the footway. As such, the two parking spaces proposed are acceptable.

The proposed layout of the parking spaces is satisfactory but the proposed paved space available on the frontage will be wide enough to accommodate as many as four cars. This would interfere with cycle access via the proposed passageway to the cycle store at the rear. We therefore recommend some form of treatment, such as a front boundary wall and railings, to stop this taking place.

As the two parking spaces are for servicing, deliveries, drop-off and collection they will need to be managed appropriately. The management of student arrivals and

departures at the beginning and end of terms will also need to be managed. These can be done through a Management Plan.

The current footway crossing is far wider than is required for the two new parking spaces. The applicant will therefore need to alter it and reinstate the footway and kerb line accordingly.

Cycle parking can be provided at the rear. Spaces will need to be sheltered and secure. The number of spaces required will depend on whether the rooms have double occupancy or not; a minimum of ten or twenty.

The site is reasonably sustainable in terms of travel options. Residents should be provided with Travel Packs to help maximise the take-up of sustainable travel options available to them.

An air quality report, including a survey, has been submitted with the application. The survey indicates the levels of NO₂ at sensitive receptors are below those recommended as a minimum. However, the site is on a main road and levels of air pollution can vary as traffic patterns change over time. Due to the location of the site on a main road there is the potential for significantly higher levels of pollution than at present. In order to protect residents from such a situation, I recommend that measures be taken to ensure they are provided with air taken from the roof rather than the front of the building. This can be secured by condition.

The report lists measures that can minimise air pollution for the construction phase of the development. I recommend these be fully specified and secured by condition.

Waste Management

A bin store is provided within the front elevation of the building. This allows the bin store to be opened by the refuse collection operatives and the bins swiftly emptied into the vehicle and returned. Bins can be stored and collected in an acceptable manner.

Better Buildings

Taking into account the site constraints, the proposed form, massing and orientation are an acceptable design.

Best practice is proposed regarding fabric efficiency.

The Sustainable Energy Statement proposes that heating be provided through individual electric heaters in each apartment, with thermostats and programmers provided for each heater. Hot water is to be provided through a 98% efficient gas-fired boiler. I am satisfied that this represents an efficient solution for this scheme.

The Energy Statement identifies solar PV panels as the most appropriate option for low carbon energy supply to the development. A south-facing 3.6kWp solar PV panel array is proposed for the roof of the building.

The information submitted is acceptable at application stage and details can be addressed by condition.

Environmental Services, Noise Team

Sufficient information has been submitted, to demonstrate the flats can provide residents with acceptable levels of quiet and ventilation, without resulting in an increase in the height and significant changes to the appearance of the proposed blocks of flats. I recommend details be secured by condition.

Full details of the noise insulation and ventilation measures should be secured by condition, to ensure the details are acceptable.

Construction has the potential to significantly disturb residents nearby. Construction hours should be restricted by condition.

Environmental Services, Contamination Team

Due to the historic site uses of the area investigation for contaminated land and a potential clean-up should be secured by condition.

Environmental Services, Parks Service

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

A contribution of £11,130 is required for landscape improvements to the seating area at Clarendon Park Road play area, and to provide an outdoor table tennis table at Aylestone Leisure Centre.

East Leicestershire & Rutland Clinical Commissioning Group

No contribution sought.

Representations

Conservation Advisory Panel (CAP) – The application was considered by the Panel meeting on the 20th of March 2019. No objection was raised.

Friends of Clarendon Park (FCP) - Object to the scheme. Many of the people who live in Clarendon Park enjoy having a diverse range of neighbours and do not want to see the area dominated by one type of resident. To maintain the balanced character of our neighbourhood, the FCP request the application be refused. The FCP note many of the comments made in other representations. They support them and do not wish to repeat them.

Councillor Kitterick – Objects to the scheme. He raises concerns regarding the impact of the scheme on the immediate neighbours and whether the size of the flats is sufficient for future residents.

Twenty-five other objections have been received. Grounds:

- Loss of amenity for neighbouring dwellings: loss of light & privacy, noise disturbance due to number of people in the scheme, light pollution from windows and lights at the rear of the scheme during winter.
- The appearance of the scheme is not in keeping with the area, which mostly consists of Victorian and Edwardian buildings.
- The proposed building has a poor appearance.
- If this scheme, and the scheme at 186 Welford Road (20182790 - see *Background section of this report*), both proceed, there will effectively be a large student hostel close to existing dwellings.

- With the significant student accommodation being built at Freeman's Common and Nixon Court (20180450), the oversupply of student accommodation and that student numbers are falling, there is no need for this scheme.
- Concern whether the size of the flats is sufficient for future residents.
- Will this building be suitable for non-student residents, should demand for student accommodation be insufficient?
- Trade for local businesses is seasonal, as students are usually only resident for around thirty weeks of the year.
- This scheme (and others) is destroying the fabric of what was once a pleasant village type residential area. It is now bed-sit land with schemes that do not make a positive contribution and bring problems of light, noise, refuse collection issues, traffic congestion and a lack of parking.
- Regrettably, this scheme does not follow earlier schemes. They balanced the number of flats with privacy for neighbouring properties. They also did not have a communal garden.
- Compared with a shared dwelling, studio flats have a faceless element. It is far harder to identify someone if they cause disturbance and then talk to them. This is harmful to community relations.
- The area is changing from housing to virtual hotel accommodation.
- An area should have a balance of people of different ages and family types, and of long and short-term residents. Too many students in an area makes for an unbalanced population.
- A rise in population density may lead to an increase in noise and traffic and a reduction in highway safety.
- Potential for anti-social behaviour such as littering and noise. As many students do not stay in an area for long, they do not have an investment in the community.
- The scheme does nothing to enhance the area.
- Parking problems: may lead to an increase in demand for on-street parking, another vote should be held on a residents parking scheme for the area, the scheme should provide parking for residents, cars may park on the pavement - double yellow lines should be laid down. *(I understand that since this letter was received, an experimental scheme has been introduced on a temporary basis. Phase 1 (for one area of streets) was limited to a restriction on non-residents parking between 9.30 and 10.30am on weekdays from 1 February 2021 to 31 August 2021, with a focus on the streets immediately adjacent to Queen's Road. Phase 1 has now been extended until 31 January 2022. Phase 2 (for a different area of streets) will run from 1 October 2021 until 31 March 2022.)*
- Some affordable housing should be provided when a scheme of student accommodation is proposed.

Consideration

Principle

Loss of existing retail use

The site is not within a Local Centre, where the retention of retail and similar uses is sought. The site has been used for a number of uses over the years. These include: car repairs, a car sales and fitting workshop, a domestic tool hire depot and retail uses. In recent years (2014-2017), three applications have been made and granted permission for mixed use buildings, consisting of retail and student accommodation. All three permissions have now expired. The site is currently used as a carpet shop.

For the neighbouring site at 186 Welford Road, which is currently an antiques shop, the Planning Committee of the 15th of September 2021 resolved to approve a scheme for student accommodation (subject to the completion of a S106 Agreement) (20192082).

I consider that the loss of the current retail use at 188 Welford Road is unlikely to significantly affect the function of the area and the balance of uses and would be difficult to sustain at appeal. As such, the loss of the retail use is acceptable.

New student accommodation

The main policy relating to student accommodation in the Core Strategy (2014) is CS6, which requires that *'...Proposals for purpose-built student housing will normally be accepted if they meet identified needs, are well designed and managed and can be well integrated with local built form and existing communities within walking distance of the main campuses.'*

This is supported by the Student Housing SPD which provides more detail to support the criteria set out in Core Strategy Policy CS6. Paragraph 1.16 of the SPD refers to the six criteria against which applications are to be determined:

- A. *The development meets an identified need for the type of accommodation proposed.* I accept that there is a limited demand for additional purpose-built accommodation within the city.
- B. *Development will be encouraged within reasonable walking distance of the two university campuses.* The site is within walking distance of Leicester University Campus and would therefore allow sustainable means of travel for potential residents. The city centre and railway station are a longer walk but are reasonably accessible by cycling and bus.
- C. *The scale of the development, including height and massing of the buildings, should be designed to not adversely conflict with adjacent properties or the general residential environment of the surrounding area.* This matter is addressed in the 'Character and appearance' section of this report.
- D. *When considered with existing nearby student housing provision, the development should not have an unacceptable cumulative impact upon surrounding residential neighbourhoods.* The scheme does not involve the loss of any existing residential accommodation such as housing suitable for families. There are a number of sizeable student schemes near the site; the largest are Freeman's Common and Nixon Court which are on the other side of the Welford Road. I consider that the majority of pedestrian movements from the site are likely to be towards facilities that students use. These include: north to the new academic building and square within Freeman's Common, north to the Leicester University campus along University Road, east towards the Queen's Road Local Centre, and south towards the Welford Road Local Centre. With the exception of the Queen's Road Local Centre, these all avoid large residential neighbourhoods. The Queen's Road Local

Centre is within a largely residential area but already attracts students living in that residential area and from further afield, such as Freeman's Common and Nixon Court. I consider that the increase that this scheme may deliver is not significant and it would be difficult to demonstrate harm. There are a large number of recreational facilities available locally, such as the open space to the north at Victoria Park, and further afield, in the city centre. As a result, I have minimal concerns regarding the cumulative impact of the proposal on residential neighbourhoods.

- E. *The layout, standards and facilities provided in the development ensure a positive living experience. The layout, standards and facilities provided in the development must ensure a positive living experience.* This matter is addressed in the 'Residential amenity' section of this report.
- F. *Appropriate management is in place to minimise potential negative impacts from occupants or the development on surrounding properties and neighbourhoods, and to create a positive and safe living environment for students.* As with point E this matter is also addressed in the 'Residential amenity' section of this report.

Density

The indicative map for policy CS08 locates this site within an area described as an 'Inner Area'. Policy CS08 states that '*New housing provision within the Inner Areas will mainly be on small scale industrial sites that are no longer appropriate for industrial use.*' Although in recent times the existing building has been used for retail uses the planning history also indicates it has been used for car repair which falls within the B2 use class (general industrial). As such the application site is similar to the '*small scale industrial sites*' referred to in policy CS08. I consider this site is appropriate for residential uses.

Three aspects of sustainable development

I consider that the proposal complies with all three aspects of sustainable development (economic, social and environmental) as set out in the NPPF. The proposal ensures that new purpose-built student accommodation is located in a sustainable location (that is close to facilities and amenities relevant to students and public transport) and makes effective use of land. The proposal would also make a positive contribution to the housing land supply in the city.

Character and appearance

The previous mixed-use schemes that included student accommodation on this site were for the demolition of the existing building and for three to four storey replacement buildings (20141297, 20151355, 20161943). While all of these have expired, they do go some way towards establishing that the principle of demolishing the existing building and replacement with a three-storey building, is acceptable.

The existing building is not of significant architectural merit. I consider its loss is acceptable subject to it being replaced by a building of similar or improved quality.

Paragraph 130 states that '*Planning policies and decisions should ensure that developments: ... 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);*'

The Welford Road is a main and wide road that leads into the city centre. Such roads are often suitable for development that reflects the main and wide nature of the road and which are taller than buildings on more minor roads behind. The existing building on the site has two storeys. At three storeys high, the proposed building will be taller than the existing building and taller than some of the other buildings along this part of the Welford Road, which are two and three storeys high. The impact is reduced as many of the two storey buildings are Victorian/Edwardian buildings with higher floor to ceiling heights than modern buildings such as the one proposed and have pitched roofs rather than flat. At four storeys high, Block A of the scheme at 186 Welford Road (that the Planning Committee of the 15th of September 2021 resolved to approve), will be higher than this proposed scheme at number 188. I consider that the proposed scheme is acceptable for the main and wide nature of the Welford Road and within the context of the heights of existing and proposed buildings nearby.

Paragraph 130 states that *‘Planning policies and decisions should ensure that developments: ... b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;’*

The area is characterised by an eclectic mix of building styles and uses. The scheme has a simple modern design. It has good detailing with deep window reveals, windows with a vertical emphasis and good proportions and patterns in the brickwork. The scheme has been amended to improve the design detailing.

The materials selected have a narrow palette. This is welcomed given the modest nature of the building and its location within a long street frontage. The use of bricks should help the scheme to age well. The quality of the design comes from the design detailing such as: deep reveals to and mullions & transoms for the windows, the patterns in the brickwork, and the vertical emphasis created by the tall windows and brickwork patterns.

To ensure the building is executed in an acceptable manner I recommend that precise materials, brick bond, detailed window and reveal design and a sample panel to show how these will work together, are secured by condition.

Part of the proposed building will be on the existing building line on this part of the Welford Road and part will be set back. It is set back to provide an acceptable servicing and delivery space for vehicles. While setting the proposed building back from the building line is not ideal, I consider that, on balance, the need for acceptable servicing and delivery arrangements and the other merits of the scheme outweigh the harm caused.

The proposed building will provide an active frontage to the Welford Road in a similar manner to the existing building. This is acceptable.

The existing development has no front boundary treatment to communicate the difference between the fully public pavement and the private front. The ground floor plan indicates there will be landscaping and boundary treatment to the front. This is welcomed. I recommend the details of this be addressed by a condition.

The bin store is within the existing building. Bins can be collected and returned without leaving them outside. This arrangement is welcomed.

I consider that the proposed scheme will make a neutral contribution to the character and appearance of the area. The scheme is acceptable in this respect.

The proposed scheme will maintain the setting of The Donkey Public House which is on the Local Heritage Asset Register (defined as a 'non-designated heritage asset' in the NPPF) and on the other side of the Welford Road from the application site.

Residential amenity

Of residents

The block has a wide and well surveyed entrance at the front. This provides acceptable access to the building for residents.

The scheme does not provide any private outdoor amenity space for any of the flats such as balconies. A communal garden is provided at the rear. The SPD for Residential Amenity indicates a one-bedroomed flat should have 1.5sqm of outdoor amenity space or the equivalent of this should a communal garden be provided. For eighteen flats this comes to 27sqm. With a communal garden, with a useable area of about 55sqm, the scheme exceeds this. I consider the proposed communal garden will provide future residents of the scheme with an acceptable level of amenity. The communal garden is complemented by a communal living room, which opens out onto the communal garden through double doors.

The agent has confirmed that each flat will be provided with a washer drier, so there is no need for a communal laundry room.

The windows are from floor to ceiling in height. This will help provide the flats with good light and outlook. The flats at the front have good outlook across the Welford Road. At the rear the outlook is less extensive, but still good, with views over the communal garden and the gardens of the houses along Howard Road. I consider this outlook is acceptable.

Councillor Kitterick raised concerns regarding the size of the flats on the original scheme, that proposed nineteen flats. The amended scheme proposes eighteen flats. Sixteen of the flats are 25sqm in size and two of the flats are 30sqm in size. These are below the Nationally Described Space Standards (NDSS) (minimum of 37sqm). However, the NDSS is not adopted in policy. The flats are for students who normally do not spend the entire year in their flat and are likely to move accommodation while doing their course and once it finishes. They therefore do not usually have the same space needs as those who live in flats all year and on a long-term basis. The scheme is also strengthened by the communal living room and garden. The flats will provide an acceptable level of amenity and, on balance, I consider they are acceptable.

One objector has asked whether the proposed building will be suitable for non-student residents, should demand for student accommodation not be sufficient and other uses explored by the owner. A change of use from student accommodation (sui generis) to dwellings (Class C3) would require planning permission, and so would be evaluated by planning policy at that point in time. The internal layout would allow for a refiguration and amalgamation of rooms to provide larger flats, if required as alternative residential provision in the future.

Due to the location of the site on a main road there is the potential for residents to receive poor air quality and levels of noise. To protect residents, I recommend that measures be taken to ensure they are provided with air taken from the rear or the roof rather than the front of the building. Cross-sections of the floors have been provided that indicate there is space for ventilation. I consider that acceptable noise insulation and ventilation can be provided, without resulting in a significant change to the

appearance nor a change in the height of the building, from that on the submitted plans. The details of the noise insulation and ventilation can be secured by condition.

Of neighbours

The businesses and flats on the corner of Welford Road and Howard Road (188, 192 Howard Road) face towards those roads and will not be significantly affected by the scheme.

Number 186 Welford Road has an antiques warehouse (*sui generis*). It will not be significantly affected by the scheme. At present, there is a live planning application for that site to demolish the antiques warehouse and replace it with two blocks of student accommodation. The proposed scheme at 188 Welford Road will not significantly affect the potential for redevelopment at 186 Welford Road for student accommodation.

The properties on the other side of Welford Road are a minimum of 26m from the proposed building. At this distance their amenity will not be significantly affected.

The main impact of the scheme is on 186 Howard Road and then the other dwellings further along Howard Road (184, 182, etc).

The previous mixed-use schemes on this site, that included student accommodation, were for the demolition of the existing building and for three to four storey replacement buildings (20141297, 20151355, 20161943). While all of these have expired, they do go some way to establishing that the principle of demolishing the existing building and building a three-storey replacement building is acceptable.

The previous schemes differed from the current scheme, in that the proposed buildings went close to the rear boundary with 186 Howard Road and were some distance from the front boundary in order to provide parking spaces for the retail unit. Now that the proposal is purely for student accommodation, the proposed building has been pulled forward within the site, so that the parking is reduced and to create a communal garden at the rear.

As a result of this, the impact on 186 Howard Road has changed from a three-storey high wall close to their boundary with no windows, to the wall being pulled back approximately 6.5m to 8.5m (where there is the communal garden) and having windows. The existing building casts a lot of shade over the rear of 186 Howard Road and restricts their outlook. It has no windows facing 186 Howard Road. The previous schemes would have had a similar impact to the existing building. The proposed scheme will allow more light to reach the rear of 186 Howard Road and much improve their sense of space and outlook. However, it will also have windows in the rear walls that will overlook them, and so reduce their privacy. It will also have a communal garden next to 186 Howard Road. It is possible that noise will travel from those using the communal garden and from open windows towards 186 Howard Road. It is also possible that light from the rear windows and external lighting for the communal garden will spill onto 186 Howard Road. This situation is not substantially different from one generally found in this area of residential properties, with gardens to the rear.

The east facing windows for flats 9, 10, 16 & 17 on the first and second floor are slanted, so they are not parallel with the rear wall of the proposed building in which they sit. This means there will be restricted views towards the house and rear garden of 186 Howard Road.

Flats 11 & 18 have windows facing both south and east. The plans show the south facing windows will be obscurely glazed. To protect the amenity of the residents of Flats 3, 4, 9, 10, 16 & 17 and 186 Howard Road, I recommend this is secured by condition along with those windows being non-opening. The east facing windows will face over the single storey plant room towards the gardens of 186 & 184 Howard Road and beyond. Those windows will be about 3m from the boundary with 186 Howard Road. Number 186 is unusual among terraced houses of its type, in that the rear part of its garden is currently only overlooked from one side (184 Howard Road), and its dwelling and garden to the side is not overlooked at all. While the proposed windows will reduce the privacy currently enjoyed by that property, for reasons given above, relating to increased light and a sense of space and outlook for 186 Howard Road, I consider that on balance the impact on 186 Howard Road is acceptable.

The plans indicate a 2m high wall will be erected along the boundary with 186 Howard Road. This will provide the residents of 186 Howard Road with some privacy from ground floor windows and from students using the communal garden of the proposed scheme. Many walls around residential properties are 2m in height and this is also the height allowed by Permitted Development Rights, where not adjacent to a vehicular highway. 2m walls provide some privacy while not being so tall as to be overbearing. I recommend the implementation of this wall is secured by condition.

I note the concerns raised, that noise may spill from open rear windows and the communal garden to 186 Howard Road. However, the same is also true from other neighbouring properties such as 184 Howard Road, which is on the other side of 186 from the proposed scheme. Of note also, is that the existing building has long been used for car repair uses and, more recently, for retail uses. These uses could create noise that may disturb the residents of 186 Howard Road. Gardens at the rear, that are next to the rear gardens of other properties, are also a feature of the area and seem to work mostly without significant problems. The same is true for rear windows. On balance, I do not consider that the impact of noise from the accommodation from either the flats or the communal garden would have any greater impact than could be expected from any residential property within the area.

I recommend that lighting to the rear garden is addressed by condition in order to minimise the spillage of light onto 186 Howard Road.

I recommend the measures to minimise air pollution during construction be secured by condition and that construction hours be restricted.

Highway and parking matters

The current access and parking arrangement are poor. Redevelopment offers the opportunity to improve the situation, and I consider this opportunity has been taken. The proposed scheme for student flats is likely to generate fewer vehicle movements than the existing retail use.

NPPF Paragraph 111 states that *‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.’* For this scheme, the impact on the highway will be an improvement and is therefore acceptable. As vehicle trips are likely to be fewer than at present, so the residual cumulative impacts on the road network will not be severe in this context.

The scheme is in an accessible location close to student facilities, local centres, a park and public transport. It is possible to live here without the need for a car. The two

parking spaces proposed are solely for dropping-off and collection (particularly at the beginning and end of terms), servicing and deliveries.

Waste collection carries a relatively high risk of accidents with waste vehicles stopping and starting, the movement of a large vehicles, lots of movement on foot by operatives and the movement of bins back and forth from properties. A bin store is proposed in the front elevation. This will enable waste collectors to swiftly empty bins and return them to the store.

The cycle parking is located at the rear, accessed through a passageway and overlooked by six of the flats and the common room. From a purely cycling perspective, it may be better to have the cycle store within the front of the building so that, like the bin store, there would be quick access to the highway. However, the site is relatively narrow and a cycle store at the front would reduce the amount of active frontage that the proposed flats at the front will provide. The scheme as a whole will provide many benefits. Therefore, on balance, I consider a cycle store at the rear is acceptable. The cycle parking will encourage the use of sustainable means of transport. I recommend a secure and sheltered store is secured by condition. I also recommend that Travel Packs for residents be secured.

To ensure the scheme is managed in a way that does not cause harm to the safe operation of the highway, a Management Plan should be agreed. In particular, this will address the dropping-off and collection of students at the beginning and end of terms. I recommend this is secured by condition.

One objector considers that another vote should be taken on whether a Residents Parking Scheme should be introduced to Clarendon Park.

I understand that since this letter was received, an experimental scheme has been introduced on a temporary basis. Phase 1 (for one area of streets) was limited to a restriction on non-residents parking between 9.30 and 10.30am on weekdays from 1 February 2021 to 31 August 2021, with a focus on the streets immediately adjacent to Queen's Road. Phase 1 has now been extended until 31 January 2022. Phase 2 (for a different area of streets) will run from 1 October 2021 until 31 March 2022.) This matter is outside the scope of this application. It should be possible to live in this scheme without the need for a car and the scheme is relatively small. Therefore, the scheme should not lead to a significant increase in problems associated with on-street parking in the area.

One representation makes the request that consideration be given to implementing double yellow lines up to the Putney Road/Victoria Park Road/Welford Road junction. I consider this would be disproportionate, given the scheme will improve the highway situation and that double yellow lines remove the right of vehicles to wait at any time. This does not preclude any consideration to implement double yellow lines in relation to another development or a highway scheme.

Waste management

The scheme takes the opportunity to provide a bin store within the front of the building. At collection times, crews can open the doors to the store, take the bins the short distance to the collection vehicle and then return them. Refuse collection should be quick and as safe as it can be for any development in this location. Noise and hazards are minimised by this arrangement. I consider that in visual terms, this arrangement is very good.

Land contamination

It is possible that the land has contamination from former uses. This can be addressed by a condition that requires investigation and, if contamination is found, a clean-up will be necessary.

Air quality

With air drawn from the roof and the rear, away from the Welford Road, the air quality for residents will be acceptable.

Demolition and construction can create air quality problems. The air quality report, submitted with the application, lists measures that can minimise air pollution for the construction phase of the development. I recommend these be fully specified and secured by condition.

Water environment

The site is currently nearly entirely covered by hard surfaces. As such, the scheme offers the opportunity to implement a Sustainable Drainage System (SuDS). This may significantly reduce the rate of surface water runoff and provide related benefits such as wildlife habitat, the removal of pollutants from the water cycle, and amenity areas for residents.

The scheme includes a communal garden at the rear with permeable paving and some planting. The SuDS also includes cellular attenuation storage and flow control. To ensure the design of the SuDS makes full use of the opportunities provided, I recommend a condition be attached to ensure that full design details are submitted and the SuDS is secured.

I recommend a condition be attached to ensure foul drainage is acceptable.

Wildlife

The ecology letter (Skilled Ecology Consultancy, January 2019) is satisfactory as an update of the previous biodiversity assessment submitted by Skilled Ecology (November 2016). Past surveys indicate no evidence of bats or any other protected species being present. Given the condition of the site (very limited features to support protected species), its current operational use and the availability of suitable surrounding habitat it is highly unlikely that bats will roost and birds will nest here. Therefore, no further surveys are needed.

There are opportunities for a net gain in biodiversity on the site. The drawings include two bat bricks and four Swift bricks. The landscaping at the front and rear of the proposed building offers an improvement on the current situation. The flat roofed nature of the proposed building offers the opportunity for a brown and/or green roof (along with solar panels). The applicant has agreed to this, and I recommend the above be secured by conditions.

Energy

The scheme makes best use of the opportunities available to provide flats with natural light and solar thermal gain. Best practice is proposed regarding fabric efficiency. The use of electric heaters for each flat, hot water through a gas-fired boiler and solar panels on the roof is an appropriate energy arrangement for this scheme. I recommend that details be secured by condition.

Trade

One objector has raised concerns that trade for local businesses is seasonal, as students are usually only resident for around thirty weeks of the year. Student tenancies are now commonly secured for much longer periods during any year. When considered in the light of planning policies, I do not consider this to be a justified reason to resist the scheme.

Affordable housing

One objector considers that affordable housing should be provided when student accommodation schemes are built. At present, this is not supported by planning policy.

Developer contribution

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

Based on the formula from the Green Space SPD, a contribution of £11,130 is sought. The contribution will be used for landscape improvements to the seating area at the Clarendon Park Road play area, and to provide an outdoor table tennis table at Aylestone Leisure Centre.

The applicant has agreed to enter into a S106 Agreement, to secure this.

Summary

Considerable time has been spent by Council officers to negotiate small but significant alterations to the scheme, to ensure that it delivers the following which the site gives an opportunity for. This scheme takes the opportunities to:

- Provide good levels of amenity for future residents
- Improve the levels of light and outlook for the residents of 186 Howard Road, without resulting in an unacceptable loss of privacy or likely to lead to unreasonable noise levels.
- Improve the access and parking arrangements for this site
- Provide a SuDS that will reduce the rate of surface water runoff and provide other benefits such as wildlife habitats, removal of pollutants from the water cycle and amenity areas for residents.
- Provide wildlife habitat through planting and bat/swift boxes/bricks
- Provide an energy efficient building

I note the reduction in privacy for 186 Howard Road and the potential for some noise disturbance from residents of the scheme using the rear communal garden. However, I consider the current situation for 186 Howard Road, of a high wall down their south western boundary, is an unusual one for a dwelling. I also consider that the level of overlooking that the scheme will result in, is of a level that many terraced houses experience and the benefits of improved light and outlook are considerable. On balance, I consider that the amenity of 186 Howard Road would alter in nature, but the quality would be maintained.

The scheme is acceptable in all other respects

I consider that the proposed development complies with the Student SPD, NPPF and relevant Core Strategy and Local Plan policies and that it would contribute to the shortfall in the City Council's housing supply.

I therefore recommend **APPROVAL** subject to the following conditions and the **SIGNING OF S106 AGREEMENT** to secure the agreed financial developer to green space.

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 flats shall only be occupied by students enrolled on full-time courses at further and higher education establishments, or students working at a medical or educational institution, as part of their medical or education course. The owner, landlord or authority in control of the development, shall keep an up-to-date register of the name of each person in occupation of the development together with course(s) attended, and shall make the register available for inspection by the City Council as local planning authority, on demand at all reasonable times. (To enable the Local Planning Authority to consider the need for affordable and accessible housing and education provision to be provided, in accordance with policies CS06, CS07 and CS19 of the Core Strategy and policies PS10 & H07 of the City of Leicester Local Plan 2006.)
3. Prior to the commencement of development (excluding the demolition of the existing buildings), the site shall be 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, shall be submitted to and approved in writing, by the City Council as local planning authority. Prior to the occupation of any flat, 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. Prior to the occupation of any flat, 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 City Council as local planning authority. 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, pets, service lines and pipes, adjoining land, ground waters and surface waters, ecological systems; (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 2006.) (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

4. Prior to the commencement of development (excluding the demolition of the existing buildings), a detailed landscaping scheme showing the treatment 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) 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) fencing and boundary treatments; (vi) any changes in levels; (vii) the position and depth of service and/or drainage runs (which may affect tree roots); (viii) measures to stop vehicle parking outside of the designated spaces & (ix) details of the make and type of 4 x Swift bricks and 2 x bat bricks to be installed under the guidance and supervision of a qualified ecologist. The approved landscaping scheme shall be carried out within one year of completion of the development. For a period of not less than five years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity and the provision of wildlife habitats, and in accordance with policy UD06 of the City of Leicester Local Plan 2006 and Core Strategy policies CS03 & CS17.) (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

5. Prior to any occupation of the development, a green and/or brown roof shall be installed on the flat roof of the building, in accordance with details first submitted to and approved in writing, by the City Council as local planning authority. The green and/or brown roof 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 development (excluding the demolition of the existing buildings), full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system, shall be submitted to and approved in writing, by the City Council as local planning authority. No flat shall be occupied until the system has been implemented. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall include: (i) full design details, (ii) a timetable for its implementation, and (iii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy.) (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

7. Prior to the commencement of development (excluding the demolition of the existing buildings), details of foul drainage shall be submitted to and approved in writing, by the City Council as local planning authority. Prior to the occupation of any flat, the foul drainage shall be installed in accordance with the approved details. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy.) (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

8. Prior to the commencement of development (excluding the demolition of the existing buildings):

A) a full material schedule (with specification and manufacturer information) for all the proposed materials to be used for external parts of the building,

B) and a 1sqm sample brick and cladding panel (showing the brickwork, mortar and bond, capping and a section of the window and window reveal),

C) and a second smaller sample brick panel (showing the brickwork detailing, mortar and bond),

shall be A) submitted to, and B) & C) constructed, viewed and approved in writing, by the City Council as local planning authority. Development shall be carried out in accordance with the approved panel. (In the interests of visual amenity, to maintain the setting of heritage assets, and in accordance with policies CS03 & CS18 of the Core Strategy.) (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

9. Prior to the commencement of development (excluding the demolition of the existing buildings), details of rainwater goods (which should ideally be located to the rear) shall be submitted to and approved in writing, by the City Council as local planning authority. Prior to any occupation of the development, the rainwater goods shall be installed in accordance with the details approved. They shall be retained as such thereafter. (In the interests of visual amenity, to maintain the setting of heritage assets, and in accordance with policies CS03 & CS18 of the Core Strategy.) (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

10. No construction, other than unforeseen emergency work, shall be undertaken outside of the hours of 0730 to 1800 Monday to Friday, 0730 to 1300 Saturday or at any time on Sundays or Bank Holidays, unless the methodology has first been submitted to and approved in writing, by the City Council Noise Team. The methodology shall be submitted at least 10 working days before such work commences and approved by the City Council Noise Team. The City Council Noise Team shall be notified of any unforeseen emergency work as soon as is practical, after the necessity of such work has been decided by the developer or by anyone undertaking the works on the developer's behalf. (To protect the amenity of residents in accordance with policies PS10 & PS11 of the City of Leicester Local Plan 2006.)

11. Prior to the commencement of development (including demolition), a Construction Method Statement (CMS), with consideration being given to highway management and safety, the water environment and flood risk management, shall be submitted to and approved in writing by the City Council as local planning authority. The approved CMS shall be adhered to throughout the construction period. The CMS shall provide for: (i) the vehicle and pedestrian temporary access arrangements including the parking of vehicles of site operatives and visitors, (ii) the loading and unloading of plant and materials, (iii) the storage of plant and materials used in the development, (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate, (v) wheel washing facilities, (vi) measures to control the emission of dust and dirt during construction, (vii) a scheme for storage and management of waste resulting from excavation works, (viii) the proposed phasing of development and a detailed

description of the works in each phase, (ix) the temporary access arrangement to the construction site, (x) procedures to ensure flood risk is managed on site during the period of works for personnel, plant and members of the public, (xi) the procedures to ensure flood risk is not increased anywhere outside of the site for the duration of the works, (xii) the procedures to ensure pollution and sedimentation is minimised to any adjacent watercourse and the procedure to be used in case of a pollution incident, (xiii) the measures that will be undertaken to ensure the structure of any adjacent watercourse is not impacted by the proposed development. (To ensure the satisfactory development of the site, and in accordance with policies AM01 & UD06 of the City of Leicester Local Plan 2006 and Core Strategy policy CS02 & CS03.) (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

12. Prior to the commencement of development (including demolition), details of measures to minimise air pollution during demolition and construction shall be submitted to and approved in writing, by the City Council as local planning authority. Development shall be carried out in accordance with the details approved. (To ensure air quality is acceptable and in accordance with policies PS10 & PS11 in the City of Leicester Local Plan 2006.) (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

13. Prior to the commencement of development (excluding the demolition of the existing buildings), details of measures to ensure residents of the scheme are protected from unreasonable levels of noise and poor air quality, and that the flats have acceptable levels of ventilation, shall be submitted to and approved in writing, by the City Council as local planning authority. Prior to any occupation of the development, the measures shall be implemented. The measures shall thereafter be retained. (To ensure an acceptable level of residential amenity and in accordance with policies PS10 & PS11 in the City of Leicester Local Plan 2006.) (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

14. Prior to the commencement of development (excluding the demolition of the existing buildings), design details of on-site installations to provide renewable energy and energy efficiency measures, shall be submitted to and approved in writing, by the City Council as local planning authority. Prior to the occupation of any flat, evidence demonstrating satisfactory operation of the approved scheme including on-site installation, shall be submitted to and approved in writing, by the City Council as local planning authority. (In the interests of securing energy efficiency in accordance with policy CS02 of the Core Strategy.) (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

15. Prior to any occupation of the development, 2 metre by 2 metre sight lines on each side of the vehicular access shall be provided. 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 2006 and Core Strategy policy CS03.)

16. All street works shall be constructed in accordance with the Council's standards contained in the "Leicester Street Design Guide (First Edition)" (view from

<https://www.leicester.gov.uk/your-council/city-mayor-peter-soulsby/key-strategy-documents/>). (To achieve a satisfactory form of development, and in accordance with policy AM01 of the City of Leicester Local Plan 2006 and Core Strategy policy CS03.)

17. Prior to any occupation of the development, the following works shall be carried out in accordance with details first submitted to and approved in writing, by the City Council as local planning authority: (a) footway crossing at the vehicular access; (b) alterations to the footway crossing, including a dropped kerb to enable acceptable bin collection; (c) reinstatement of any redundant footway crossing and/or damaged or altered areas of footway or other highway. (To ensure a satisfactory means of access to the highway, to ensure bins can be collected in an acceptable manner, and in accordance with policy AM01 of the City of Leicester Local Plan 2006 and Core Strategy policy CS03.)

18. Prior to any occupation of the development, secure and covered cycle parking shall be provided, in accordance with details first submitted to and approved in writing by the City Council as local planning authority. It shall be retained thereafter. (In the interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan 2006 and policy CS03 in the Core Strategy.)

19. Prior to the start of each academic year (or period of tenancy), each student taking up residency in each of the flats shall be provided with a 'New Residents Travel Pack'. The contents of this, shall first be submitted to and approved in writing, by the City Council as local planning authority. They shall include walking, cycling and bus maps, latest relevant bus timetable information and bus travel and cycle discount vouchers. (In the interest of sustainable development and in accordance with policy AM02 of the City of Leicester Local Plan 2006 and policy CS14 of the Core Strategy.)

20. Prior to any occupation of the development, the parking and servicing area shall be laid out in accordance with the approved plans. It shall be retained thereafter for those purposes. (To ensure that parking and servicing can take place in a satisfactory manner and in accordance with policy AM01 of the City of Leicester Local Plan 2006 and Core Strategy policy CS03.)

21. Prior to any occupation of the development, the bin store shall be provided in accordance with the approved plans. It shall be retained thereafter for that purpose. (To ensure that refuse can be stored and that collection can take place in a satisfactory manner and in accordance with Core Strategy policy CS03.)

22. Prior to any occupation of the development, a Management Plan shall be submitted to and approved in writing, by the City Council as local planning authority. The Management Plan shall set out procedures for the security of the development and its residents, dropping-off and collection at the beginning and end of terms, use and allocation of parking spaces and cycle storage, the safe use of the vehicle access, restriction of car ownership and use by residents, refuse collection arrangements, and dealing with any issues or complaints arising from occupiers of nearby properties. At all times the scheme shall be managed and operated in full accordance with the approved Management Plan. (To ensure the impact of the scheme on highway safety, the surrounding area and in the interests of the safety and security of its occupiers, is

acceptable, and in accordance with policies CS03, CS06, CS14 & CS15 of the Core Strategy and policies AM12 & PS10 of the City of Leicester Local Plan 2006.)

23. Prior to any occupation of the development, the south facing windows to Flats 11 & 18 shall be fitted with obscure glazing and be non-opening. They shall remain so thereafter. (To protect the privacy of the residents of Flats 3, 4, 9, 10, 16 & 17 and 186 Howard Road in accordance with policy PS10 of the City of Leicester Local Plan 2006.)

24. Prior to any occupation of the development, a lighting scheme (to avoid the spillage of light to the neighbouring property of 186 Howard Road, to the student accommodation, and to minimise the impact on wildlife), shall be implemented in accordance with details first submitted to and approved in writing, by the City Council as local planning authority. No lighting shall be installed at any time, that is contrary to the approved lighting scheme. (To protect the amenity of the residents of 186 Howard Road in accordance with policies PS10 & PS11 of the City of Leicester Local Plan 2006 and policy CS17 of the Core Strategy.)

25. Development shall be carried out in accordance with the following approved plans: P03 – Proposed Ground Floor (Rev h – 03.06.2020) (received 04.06.2021), P04 – First Floor Plan (Rev b – 25.06.2020) (received 30.06.2020), P05 – First Floor Plan (Rev b – 25.06.2020) (received 30.06.2020), P07 – Proposed elevations (Rev k – 03.06.2021) (received 04.06.2021), P08 – Proposed Elevations (Rev j – 03.06.2021) (received 04.06.2021), P11 - Visibility Splays (Rev c – 23.06.2020) (received 25.06.2020), P12 – Proposed Sections (Rev d – 03.06.2021) (received 04.06.2021), P13 – Section through 186 (Rev a – 03.06.2021) (received 04.06.2021), P14 – Existing/Proposed 186 (received 26.01.2021). (For the avoidance of doubt).

NOTES FOR APPLICANT

1. This permission is subject to an S106 Agreement that secures £11,130 towards landscape improvements to the seating area at Clarendon Park Road play area, and to provide an outdoor table tennis table at Aylestone Leisure Centre.

2. It is unlikely that any construction or demolition work will be agreed outside of the hours detailed above, unless the City Council Noise Team is satisfied that:

a) the work will not be detrimental to occupiers of neighbouring properties,
or

b) the developer is able to demonstrate that there is no practicable alternative to the proposed work taking place outside of these hours.

3. With regards to Condition 15 (noise insulation & ventilation):

(i). The insulation scheme shall ensure that the indoor ambient noise levels fall within the guideline values as specified in British Standard BS 8233:2014 "Sound insulation and noise reduction for buildings".

(ii). The scheme shall ensure that the L_{Amax} does not exceed 45dB(A) on more than 15 occasions during any night time period.

(iii). The ventilation arrangements shall ensure that 4 air changes per hour, if necessary using mechanical ventilation, is available on demand in all habitable rooms with windows closed (to prevent overheating). The required rate of ventilation

may be reduced if the applicant submits details of mitigation for overheating that follows recognised guidance.

4. The Leicester Street Design Guide (First Edition) has now replaced the 6Cs Design Guide (v2017) for street design and new development in Leicester. It provides design guidance on a wide range of highway related matters including access, parking, cycle storage. It also applies to Highways Act S38/278 applications and technical approval for the Leicester City highway authority area. The guide can be found at: <https://www.leicester.gov.uk/your-council/city-mayor-peter-soulsby/key-strategy-documents/> As this is a new document, it will be kept under review. We therefore invite comments from users, to assist us in the ongoing development of the guide.

5. 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

6. 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.

7. The implementation of the approved scheme could cause pollution to the water environment. The Environment Agency (EA) advise, that in order to prevent pollution, developers should follow best practice as follows: <https://www.gov.uk/guidance/pollution-prevention-for-businesses> and, in particular, the 'Construction, inspection and maintenance' section. Please contact the EA, to arrange a site meeting, to agree measures necessary to prevent pollution of the water environment, during the implementation of the scheme. The EA can carry out pollution prevention visits. Please contact EastMidWaterQuality@environment-agency.gov.uk for further information and advice.

8. 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 2021, 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_H03	Provides guidance on minimum net densities to be sought for residential development sites according to location.
2006_H07	Criteria for the development of new flats and the conversion of existing buildings to self-contained flats.
2006_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
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_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

20210768	67 Ainsdale Road	
Proposal:	Construction of single storey extension at front, side and rear; part two storey extension at side of house (Class C3) (Amended plans received 16/08/2021)	
Applicant:	Mr Lee Warner	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	16 September 2021	
JP2	TEAM: PD	WARD: Western



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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 approval.

The Site

The site relates to a two-storey semi-detached property on Ainsdale Road, located within a residential area of the City. There is an existing single storey side extension which partly consists of a garage. Directly to the rear of the house is decking, and a large garden which is on higher ground than the dwellinghouse.

The property is within an Laapc 250m Buffer for St James S Station, as well as a Critical Drainage Area. The site is also partly located in a Surface Flood 1in1000 area.

The Proposal

The proposal comprises:

A single storey extension at the front and side. It would project 0.3m in front of house and would have an overall depth of 1.3m by width of 2.3m and height of 3.5 metres and would form a partial canopy to the front of the store.

A part two storey extension at the side that measures 3.6m in depth and 2.3 m in width. The depth of this extension is partially stepped to avoid a window to the landing of the host property. The extension is set back by 1 metre from the front elevation and would have a hipped roof that measures 5.4m to the eaves and 7.1m to the ridge height.

Directly at the rear of the two-storey side extension will be a further single storey extension that will wraps round partially to the rear of the dwellinghouse. The depth of the rear projection will be 2.4m with a width of 4.8m. A four panelled window would be installed on the rear elevation of this extension and a double door would be installed on the side elevation facing 69 Ainsdale Road. This extension would have a flat roof and a parapet wall and would measure a maximum of 3.6m in height. Roof lanterns would be installed on the roof of this part of the extension.

This is an amended proposal as in the initially proposed scheme the first floor extension was not set back 1 metre from the front elevation of the property.

Policy Considerations

National Planning Policy Framework (NPPF) 2021

Paragraph 130 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 134 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

Extensions to residential properties are acceptable in principle subject to further considerations on residential amenity, character and design, parking, and drainage.

Residential amenity (neighbouring properties)

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

Appendix G of the Council's *Residential Amenity* SPD (2008) sets out more detailed design guidance for house extensions and is therefore also relevant to the subject proposal.

Section 2.4 states that extensions should not spoil the outlook from the main windows of principle rooms and the gardens of neighbouring properties.

The proposed rear single storey extension is on the boundary with the neighbouring property at 65 Ainsdale Road. This neighbouring property has an existing two storey side and a 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. The development would not result in a significant loss of light or outlook at the neighbouring property at 65 Ainsdale Road.

The neighbouring property at 69 Ainsdale Road has not been extended. Nevertheless due to the siting of the proposed development, it is unlikely to have a significant detrimental impact on the light and outlook of the principal rooms of this neighbouring property.

With the proposed development there would be approximately 320 metres² of private amenity space retained at the property, which is more than the 100 metres²

recommended in the Residential Amenity SPD for a 3 bedroom or more residential dwelling. 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.

Character and Design:

The first floor of the side extension would be set back by one metre from the front of the existing dwelling and the ridge line of the two-storey element 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.

Parking & Highways

The proposed development would lead to the loss of an existing garage for use as car parking. However, to the front of the site there is one existing parking space. Appendix 01 Parking Standards – City of Leicester Local Plan (2006) would require 2 parking spaces, hence resulting in one less off-street parking space for the development. There is unrestricted on-street parking on Ainsdale Road and I do not consider the lack of one space would result in a severe highway safety impact to warrant a refusal on highway grounds.

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 a Critical Drainage Area 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.

Conclusion

I therefore recommend the application for APPROVAL subject to the following conditions:

CONDITIONS

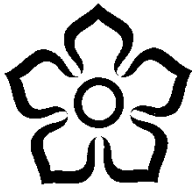
1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The new walls and roof shall be constructed in materials to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
3. Development shall be carried out in accordance with the following approved plans:
BLOCK PLAN, 002, received 22/06/2021
PROPOSED PLANS, 004, REVISION D, received 16/08/2021
PROPOSED SECTIONS, 005, REVISION C, received 16/08/2021
(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 2021 is considered to be a positive outcome of these discussions.

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.



Leicester
City Council

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WESTCOTES

PLANNING AND DEVELOPMENT CONTROL COMMITTEE

17th November 2021

Proposed new ‘St Paul’s Conservation Area’ and revision of the West End Conservation Area - Consultation Report

1. Purpose of Report

- 1.1 The purpose of this report is to seek the views of Planning Committee on the proposals to designate a new St Paul’s Conservation Area covering the area stretching from Fosse Road Recreation Ground to the St Paul’s and St Augustine’s Worship Centre on Kirby Road. The report sets out the implications of such a proposal in terms of the procedural processes relating to adopting a new conservation area.
- 1.2 Planning Committee’s views are also sought on the linked work on extending the existing West End Conservation Area, which is located closely to the south. This includes the recent review of the outdated character appraisal (2008) and proposed extension to include Dulverton Road.

2. Background

- 2.1 There are currently 24 conservation areas in Leicester. Following the passing of the Civic Amenities Act in 1967, the first three conservation areas in the city were designated on the 18th April 1969 at New Walk, Greyfriars and Castle Gardens. Since then a further 21 conservation areas have been designated, with the most recent one created on Granby Street in 2006. In addition, several of the conservation areas have either been extended or consolidated since they were first designated, with the most recently example being a revised boundary for Church Gate Conservation Area in 2017.
- 2.2. Following the potential of a new conservation area being raised, an assessment was undertaken by the Conservation Team and highlighted the area’s historic, architectural, archaeological and townscape interest, which was considered sufficient

to merit its protection. This interest is set out in the draft Character Appraisal for the proposed new St Paul's Conservation Area. The map of the proposed St Paul's Conservation Area is presented in **Appendix A**.

- 2.3. There was also existing pressure for the Council to review the existing West End Conservation Area located to the immediate south of the proposed new St Paul's Conservation Area, and to create a new Management Plan, addressing the outdated Article 4 Directions that cover portions of the area.
- 2.4. Furthermore, there was a recent public request for consideration of Dulverton Road as an addition to the West End Conservation Area. This proposal was tested and it is considered to be a plausible addition, with its attractive townscape of late 19th century houses, many of which retain their original features and character. The revised character appraisal that was prepared presents this as an extension to the existing West End Conservation Area. This was illustrated on a map presented in **Appendix B**.
- 2.5. To achieve broader efficiencies a joint Management Plan was produced for the proposed new St Paul's Conservation Area and the existing West End Conservation Area. The two areas are almost adjacent to each other and exhibit a number of similar types of building stock and challenges.
- 2.6. Following internal consultation, the draft Character Appraisals and a joint Management Plan have been published for consultation on the 8th October 2021. The comments received and those from this Committee will be considered by the City Mayor when making the final decision about the designation of the new Conservation Area and the extension of the West End Conservation Area. The responses will also shape the final documents, subject to the designation being supported and approved.

3.0 **The Planning Framework and Consultation**

- 3.1 Section 69 of the Planning (Listed Building and Conservation Areas) Act 1990 states that the local planning authority shall, from time to time, determine which parts of their area are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance; and shall designate those areas as conservation areas.
- 3.2 Local authorities therefore have the power to designate new conservation areas as resources allow. Although there is non-statutory guidance, such as from Historic England, the legal framework relating to the creation of new conservation areas is quite loose. Nevertheless, the wording provides a clear steer on the importance of heritage significance in terms of formulating any new conservation areas and the more onerous requirements on both property owners and the Council from such designations provides a context for ensuring that a rigorous assessment process is followed.

- 3.3 A 6-week consultation period is underway and the Council has sent letters and emails to local properties in the area in question and to other groups with an interest in the area, such as the Civic Society. The consultation runs from Monday 8th October until Monday 22nd November.

4. **Key considerations**

- 4.1 As detailed in the St Paul's Character Appraisal, there is a critical mass of surviving historic building stock within the area identified, including the Grade II Listed Former St Paul's Church and the Locally Listed St Andrew's Church. There is a great deal of Victorian and Edwardian terraced houses of high architectural interest, with intricate original features and detailing, e.g. Fosse Road Terrace.
- 4.2 The proposed boundary was drawn in such a way to minimise the inclusion of properties that are of lower heritage significance. However, the importance of setting and the character of the spaces has also been considered, with the result that some lower order properties would be included. This is to ensure that development in critical locations will be considered properly in terms of the broader townscape qualities of the location.
- 4.3 Notwithstanding the existing requests from some local residents for the creation of a new conservation area and the identified heritage significance of the area, there is an identified need for potential additional planning controls, both in terms of the evidence of more recent works in the local area and the direction of travel relating to increasing permitted development rights from the Government. There is evidence of incremental change in this area, with the loss of more traditional building features and materials, alongside other small scale developments, including poorly sited satellite dishes and ungainly extensions. The area is considered to be at a tipping point in terms of incremental change, with the expanded permitted development rights for residential properties providing a heightened risk. Planning controls that would come with conservation area designation are detailed in Appendix C.
- 4.4 A new conservation area would provide a planning framework that would make it easier to ensure new development was sensitive to the historic character of the area, but it would come with costs. An additional workload for the Planning Department would be created from planning applications relating to work that would otherwise have been permitted development, as well as conservation area guidance and potential planning enforcement on works that have become unauthorised. In addition, property owners will have additional costs relating to potentially preparing planning applications and/or potential more expensive sourcing of higher quality materials for building repairs. The Council manages a Heritage Grant scheme for property owners in conservation areas to help dilute the latter challenge.
- 4.5 The new Character Appraisal that sets out the special character of the 'St Paul's' area and the revised Character Appraisal that sets out the special character of the proposed extension to the existing West End Conservation Area can be viewed

online on the consultation portal at: [St Paul's and West End Conservation Areas - Leicester City Council - Citizen Space](#)

5.0 Assessment

- 5.1 Comments are welcomed from members of the Planning and Development Control Committee on the potential new Conservation Area in the 'St Paul's' area and the potential extension to the existing West End Conservation Area.
- 5.2. The 6-week period external consultation will close on the 22nd November. Feedback from the consultation will be assessed in November/December 2021 and a further paper will be taken to the City Mayor for potential approval.
- 5.3. Subject to approval, a letter would be sent out to all properties in the area.

6.0 Recommendations

6.1 Comments are requested on:

- The proposed new St Paul's Conservation Area and the area covered, as well as the contents of the draft character appraisal and proposed improvements.
- The extension of the existing West End Conservation Area and the area covered, as well as the content of the draft character appraisal and proposed improvements.
- The Draft combined conservation areas management plan.

7.0 Report Authors

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Planning, Development and Transportation
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8.0 Legal Implications

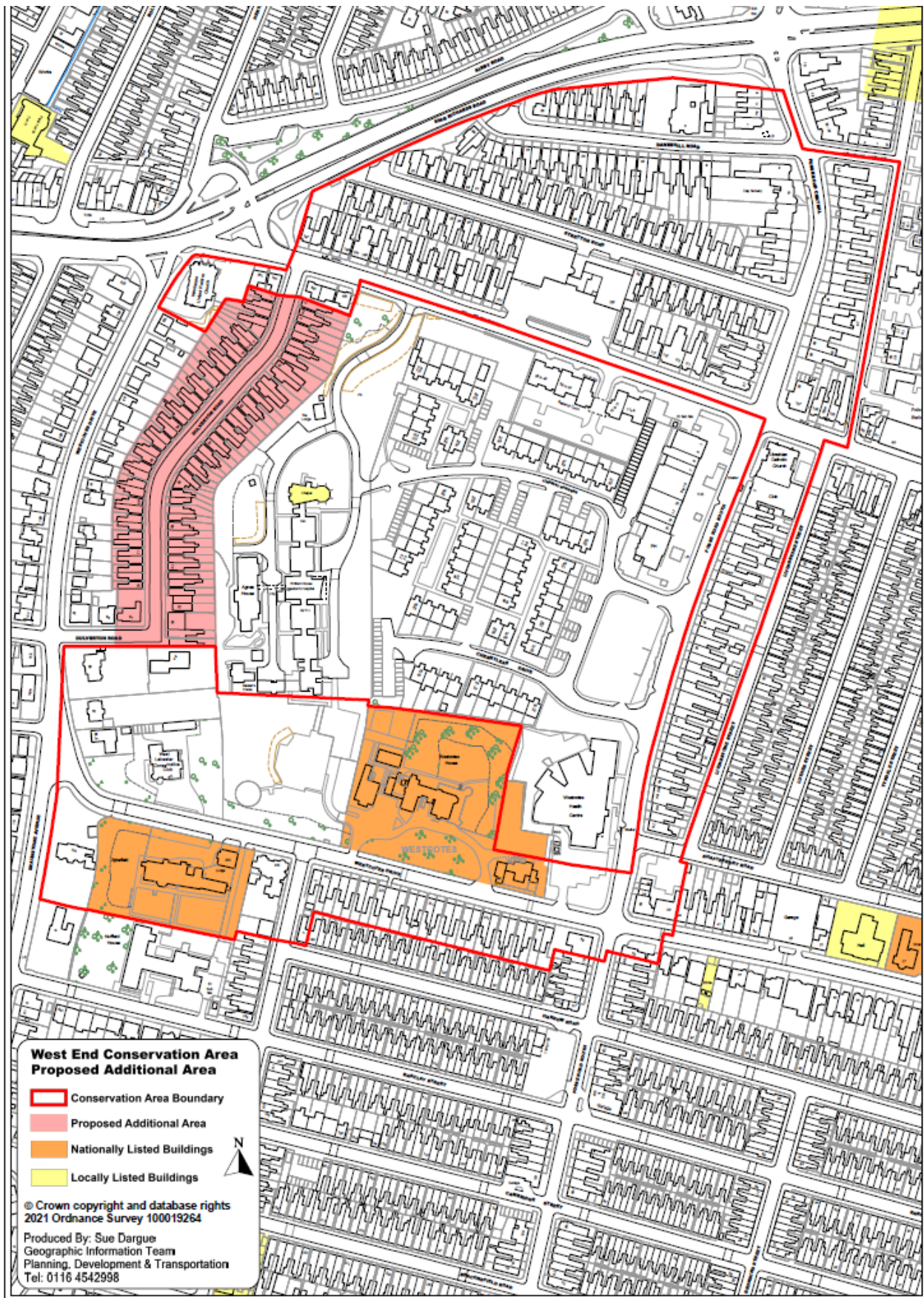
None as this report is for Consultation only.

Jane Cotton Solicitor
Planning and Highways

Appendix A – Map of the proposed St Paul's Conservation Area



Appendix B – Map of the West End Conservation Area, with the proposed extension.



Appendix C: Advice on existing planning controls in conservation areas.

Demolition

Many buildings or structures within a conservation area may not be demolished, either completely or in part, without the Council's prior consent in writing via the granting of planning permission. Generally, the demolition of any building larger than 115 cubic metres requires planning permission; but there are exceptions to this, and it is always best to contact the Council to check before undertaking any works.

Demolition of a boundary wall, fence or gate will require planning permission if it is more than 1 metre high, where abutting a highway, or more than 2 metres high elsewhere.

Generally, there is a presumption in favour of retaining buildings and parts of buildings which make a positive contribution to the character or appearance of the conservation area; and the Council will not grant planning permission for demolition until planning permission for the building's replacement has been granted.

Minor development

If you live in a conservation area, you are required to make an application for planning permission before making some changes which might normally be Permitted Development¹ outside a conservation area, in order to ensure that any alterations do not detract from the area's appearance. The following development therefore requires explicit planning permission within conservation areas:

- cladding to the exterior of a house with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- construction of additional storeys;
- side extensions;
- rear extensions of more than one storey;
- roof extensions and dormer windows;
- any building or enclosure within the grounds of a house required for a purpose incidental to the enjoyment of the dwelling (including swimming pools, garden sheds, garages and summerhouses), which is between a side elevation of a dwellinghouse and the property boundary;
- a container used for domestic heating purposes (for the storage of oil or liquid petroleum gas), which is between a side elevation of a dwellinghouse and the property boundary;
- installation/alteration/replacement of a chimney, flue or soil and vent pipe on a dwellinghouse (where they front a highway and are on the principal or side elevation);
- paving over front gardens with non-permeable surfacing of an area greater than five square meters (n.b. this particular item requires an application for planning permission in any location).

¹ Permitted development rights allow certain works to take without the need to apply for planning permission. They derive from a general planning permission granted not by the local authority but by Government.

In dealing with any applications for planning permission within conservation areas, the Council will consider the effect of the proposed development upon the character and appearance of the area.

In addition, various other works may require planning permission relating to the designation of Article 4 Directions.

Satellite dishes & solar panels

In a conservation area, explicit planning permission (that is, you must make an application to the Council) is required to install any satellite dishes on any wall, roof slope or chimney which both faces onto and is visible from a highway or on a building more than 15 metres in height. If a dish is to be installed within a conservation area, then the very highest standards of care in locating and installing the equipment will be required in order to protect the special character of such an area.

If your property is in a conservation area, explicit planning permission will be required if solar panels are to be fitted on the front or side walls and they are visible from the highway. If solar panels are installed on a roof slope they should not be installed above the highest part of the roof (excluding the chimney) and should project no more than 200mm from the roof slope. Explicit planning permission would also be required for solar panels on the wall of a building within the curtilage of a house that would be visible from a highway.

Trees within conservation areas

Trees are recognised as making an important contribution to the character of the local environment. Anyone proposing to cut down, prune, top or lop a tree in a conservation area which is not covered by a Tree Preservation Order (TPO) has to give six weeks' notice in writing to the Local Planning Authority prior to carrying out any works to the tree. The notification should include a description of the tree and any works to be carried out. This applies to surgery works or felling of any tree with a trunk over 75mm in diameter measured 1.5 metres above ground level. The authority can then consider the contribution the tree makes to the character of the area, and if necessary, make a TPO to protect it.

Are there any exemptions, when written notice is not required?

- Yes, when working on trees with stem diameters of less than 75mm (measured at 1.5 metres from ground level)
- If the works being carried out are to help promote the growth of other trees, then trees with stem diameters of less than 100mm (at 1.5 metres) may be removed or pruned
- In addition, works which are exempt under the TPO regulations also apply here i.e. removal of dead wood, dying or dangerous trees

However, tree owners would be prudent to provide the Council with at least five working days' notice prior to cutting down any tree which the owners deem to be dead, dying or dangerous, unless such works are required in an emergency. Carrying out works without giving notice is an offence. It is the tree owner's responsibility to provide proof that the tree was indeed dead, dying or dangerous in the case of challenge. It is always advisable to

request an inspection by staff from the City Council's Trees & Woodlands Team prior to carrying out any tree felling operations within a conservation area.

Flats and commercial properties

Flats and commercial properties do not have the permitted development rights available to other residential properties (houses and bungalows). As such, many of the items listed above already require planning permission from the council when applied to flats, and the conservation area status simply provides an additional consideration in the assessment of any related planning applications.

Advertisements

Under the Town and Country Planning (Control of Advertisements) Regulations 2007, certain advertisements are 'permitted' without the need for express consent. In Conservation Areas, there are additional restrictions that require an application to be submitted on:

- illuminated advertisements;
- flag advertisements;
- advertisements on hoardings;
- captive balloon advertisements;
- advertisements on telephone kiosks.

See detailed advice: [Government guidance on advertisements](#)

