



Leicester
City Council

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

DATE: WEDNESDAY, 8 DECEMBER 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, Malik, Dr Moore, 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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- ✓ to respect the right of others to view and hear debates without interruption;
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- ✓ where filming, to only focus on those people actively participating in the meeting;
- ✓ where filming, to (via the Chair of the meeting) ensure that those present are aware that they may be filmed and respect any requests to not be filmed.

Further information

If you have any queries about any of the above or the business to be discussed, please contact: **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 17 November 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.

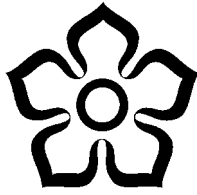
(i) **20201991 118 EVINGTON VALLEY ROAD** [Appendix A1](#)

(ii) **20211919 59 STOUGHTON DRIVE NORTH** [Appendix A2](#)

(iii) **20212237 LEICESTERSHIRE COUNTY CRICKET CLUB, GRACE ROAD** [Appendix A3](#)

5. ANY URGENT BUSINESS

6. CLOSE OF MEETING



Leicester
City Council

Wards:
See individual reports.

Planning & Development Control Committee

Date: 8 December 2021

REPORTS ON APPLICATIONS AND CONTRAVENTIONS

Report of the Director, Planning and Transportation

1 Introduction

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

2 Planning policy and guidance

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

3 Sustainability and environmental impact

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

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

4 Equalities and personal circumstances

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

5 Crime and disorder

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

6 Finance

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

7 Planning Obligations

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

8 Legal

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

9 Background Papers

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

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

10 Consultations

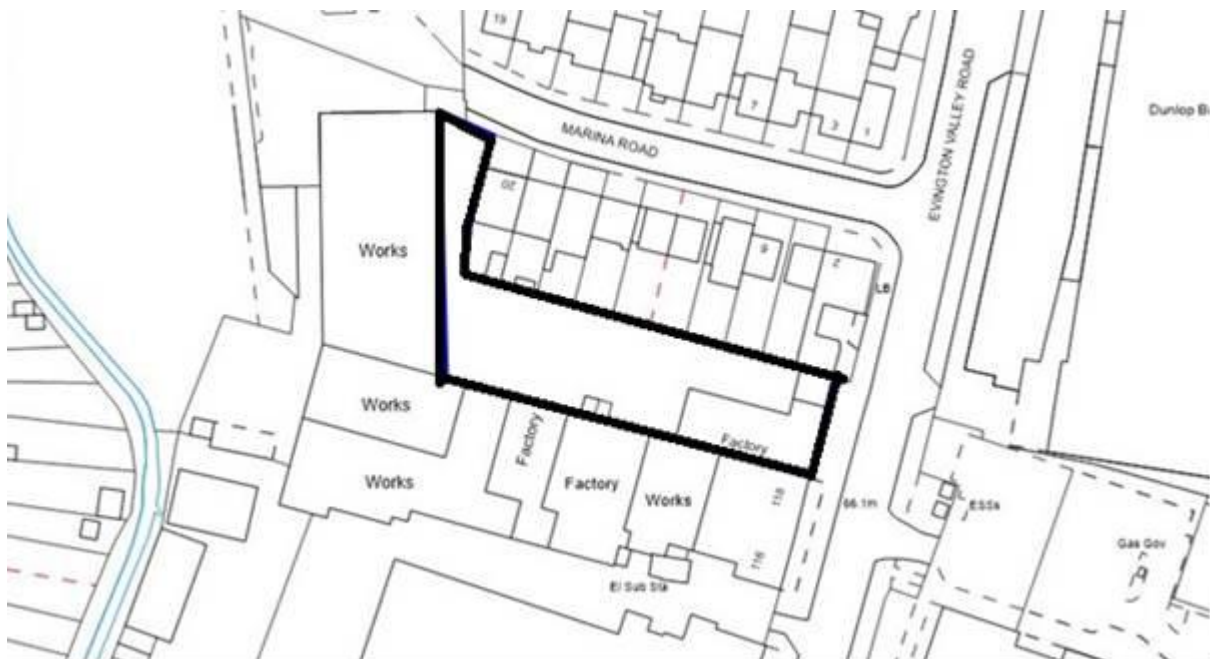
Consultations with other services and external organisations are referred to in individual reports.

11 Report Author

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

Appendix A1

20201991	118 Evington Valley Road	
Proposal:	Change of use of first and second floor from office ancillary to industrial use to self-contained flat (1 x 3 bed) (Class C3); enclosed staircase at rear; alterations (amended plans received 07.09.21)	
Applicant:	MR HARVIR SINGH	
App type:	Change of use	
Status:	Change of use	
Expiry Date:	27 August 2021	
TEI	TEAM: PD	WARD: Spinney Hills



Summary

The application is before committee as the Head of Planning considers that the poor level of accommodation needs to be assessed against the small contribution it would make to the Council's housing supply.

- Ten objections received from 10 different City addresses raising concerns on loss of light to and privacy of neighbouring properties, overshadowing, visual amenity, noise and disturbance and increased risk of theft, parking.
- The main considerations are the impact of the proposal on the amenity of neighbouring residents, the quality of the proposed accommodation and the design and highways impacts of the proposal particularly in respect of safety.
- The recommendation is for refusal.

The Site

The application relates to the upper two floors of a three-storey building in a primarily employment part of the city and immediately adjacent to a residential part of the city.

The site is in a critical drainage area with the rear part of the site in Flood Zone 2 and the front part of the site (the part subject of the planning application) in Flood Zone 1.

Background

There is some ambiguity regarding the existing use of the ground floor of the premises. The application form notes that the two upper floors are in use as offices ancillary to the main industrial use of the site. This is reflected in the submitted plans (which mark the relevant parts of the property as offices and show a physical link at both the ground and first floor between the offices and the factory operations at the rear. This is also reflected in the submitted noise assessment that describes the site as consisting a vacant office space to the first and second floors and an existing operational joinery workshop to the ground floor.

However, in later discussions with officers the applicant has described how there is no industrial use at the site and that the ground floor is a clothing shop on the basis of planning approval 20050941 (approved at committee 05.07.05). Indeed, subsequent consents for minor works to the site reflect that the ground floor of the front part of the unit was in use as a shop. Google StreetView suggests that the premises was in use as such as recently as 2014.

The plans submitted under application 20050941 make it clear that particular application related only to the ground floor with annotations to the plans noting that the first floor to 116 was “to remain”.

Given the planning history described above, it is reasonable to conclude that the lawful use of the first and second floors that are the subject of this application is industrial. This application is assessed on the basis of the proposal as described on the application form and as shown on the originally submitted and later amended plans.

The Proposal

The proposal as described on the application form and as shown on the originally submitted and later amended plans is for the change of use of the first and second floors of the three-storey building from offices ancillary to the industrial use to a self-contained flat for the owner of the industrial use.

The first floor will contain a living room, a small kitchen, a dining room, a bedroom and a toilet room. The second floor will contain two further bedrooms and a larger bathroom. Access will be from the rear of the site off Marina Road.

The proposal also includes a new covered stairwell in place of the existing open stairwell, a fenced off amenity area at the rear and a new fence along the northern boundary of the site. The proposal has been amended so that the flat occupies the whole width of the first and second floors and so that there is a utility room at the rear part of the flat on the first floor separating it from the industrial use.

A Noise Impact Assessment Report and specifications of the ventilation units have been submitted with the application.

Policy Considerations

National Planning Policy Framework (NPPF) 2021:

Chapter 2 'Achieving sustainable development'

- Paragraph 2 and 11 (Presumption in favour of Sustainable Development)

Chapter 4 'Decision Making'

- Paragraph 40 (prior engagement)

Chapter 9 'Promoting sustainable transport'

- Paragraph 110 and 111 (severe impact on road network)

Chapter 12 'Achieving well designed places'

- Paragraph 127 (high standard of amenity)
- Paragraph 130 and 134 (good design and amenity)

Development Plan policies:

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

Additional documents:

SPD Residential Amenity

Vehicle Parking Standards – Appendix 1 of the City of Leicester Local Plan

Corporate Guidance – 'Achieving Well designed Homes'

Consultations

Environmental Health (noise) (LCC): - initial concerns raised regarding the application and that future occupiers would be exposed to high noise levels. However, having reviewed the noise assessment, consider that if all recommendations are implemented that these concerns would be assuaged. A requirement that ventilation arrangements ensure four air changes per hour.

Representations

Ten objections have been received. Though they are identical in content they are from ten separate addresses. They raise concerns that the proposal will result in loss of light to and privacy of neighbouring properties, overshadowing of neighbouring properties, additional noise, and disturbance to neighbouring

properties and increased risk of theft. The objections also raise concerns that the proposal will have a harmful impact on parking and the function of the highway network and on visual amenity.

Reference is made in the objections to solar panels, nature conservation, nearby listed buildings and conservation areas and to two schools within 20 metres of Marina Road. However, it is not clear what these references allude to.

Representation has been received from the applicant that the flat was to be occupied by him and his family and would help support him financially and his business.

He states that the application has been with the planning department for some time and expresses concern about how the final recommendation was reached

He has subsequently explored various other options with the officers, including ceiling and wall insulation, triple glazing and converting the whole building to residential rather than keeping it in mixed use. However, no resolution has been found as the options were not to the satisfaction of the Council or were financially unviable.

Consideration

Principle of Development:

Though the proposal is in a primarily industrial area and will result in the loss of some industrial floorspace, this floorspace is redundant office space associated with the factory that occupies the ground floor and two storey building at the rear. I do not consider that the proposal unduly compromises the ability of the site as a whole to serve its industrial, employment function.

The proposal would provide an additional flat within the City making a very small contribution to the City Council's 5-year housing land supply in accordance with the NPPF, Core Strategy and Local Plan.

The main issues for further consideration are amenity, design, waste, access and parking, drainage and the representations.

Residential amenity (future occupiers):

There will be a good level of outlook over Evington Valley Road from all habitable rooms of the flat.

There is some amenity space, albeit small, made available for the flat screened by a 1.8 metre fence and situated such that it will not unduly compromise the use of the rear yard area for the existing industrial use. However, in order to ensure that this amenity space stay distinctly separate to the existing industrial use I would have recommend a condition that the 1.8 metre fencing be installed prior to the occupation of the development and be retained throughout the lifetime of the development if the application was to be approved.

The size of the flat will be 165m² and provides a suitable level of accommodation for a three-bedroom flat in accordance with corporate guidance.

I note that colleagues in Environmental Health consider that if the recommendations of the noise report are implemented and that the ventilation system be installed in accordance with the submitted specifications that the proposal will be acceptable in terms of levels of noise for future occupiers whilst providing suitable ventilation.

The Noise Impact Assessment was undertaken to assess the potential for adverse impact from primarily road traffic noise from Evington Valley Road, motor mechanic noise from Valley Tyres, Madani Tyres & Autos and school noise breakout from Madani Schools Federation and also to assess the noise breakout from the ground floor industrial use.

Paragraph 130 part (f) of the National Planning Policy Framework 2021 states that planning policies and decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users. Paragraph 174 point (e) states that Planning policies and decisions should contribute to and enhance the local environment by: preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution. Saved policies PS10 and PS11 seek to protect residential amenity by resisting development that would result in unacceptable levels of pollution, including noise, air and smell pollution, resisting development that would result in a loss of safety and security and resisting development that would result in an unacceptable impact on the visual quality of an area, including the impact of litter. Development should not be permitted unless the health and amenity of neighbours and the wider environment can be assured.

Paragraph 187 of the National Planning Policy Framework establishes the 'Agent of Change' principle whereby the applicant is required to provide suitable mitigation before the development has been completed. The noise assessment does not appear to take into account the industrial use on the first floor at the rear and its potential harm on future residents of the proposed flat. The health and amenity of future occupiers cannot be assured and the application should be refused.

Residential amenity (neighbouring properties):

The stairwell will be set approximately 21 metres away from the rear of the nearest residential properties and I do not consider that it will have an unacceptable impact on the outlook from these properties. The proposal will replace an uncovered stairwell with a covered stairwell, and I consider that the proposal will not result in an overbearing impact on the rear of the residential properties on Marina Road.

I do not consider that the proposal will have an unacceptable impact on the light to and privacy of neighbouring properties. Nor do I consider that it will result in overshadowing of neighbouring properties, additional noise and disturbance to neighbouring properties or increased risk of theft.

I consider that the proposal will have an acceptable impact on the amenity of neighbouring properties and will be consistent with the objectives of saved policies H07, PS10 and PS11 at least in this respect.

Design:

The external alterations are minor and within the rear yard. I consider that the proposal will be in keeping with the host building and the character and appearance

of the area and will meet the objectives of Core Strategy policy CS03 at least in this respect.

Waste storage and collection:

The plans show space for bin storage. However, given that this is a mixed use site with both residential and industrial units I consider that these details are limited, particularly in respect of waste management responsibilities and collection arrangements. In addition, there is no way through the existing ground floor building to present waste bins on collection day and as such the nearest place to present bins would be Marina Road approximately 90 metres. I consider this to be an unsatisfactory and unsuitable arrangement, particularly given that bins will need to be taken over an existing industrial service and delivery yard which is neither safe nor practical.

Access, highways and Parking:

The proposal does not include any onsite parking. However, for a single flat above an industrial use I do not consider this to be unduly unreasonable. There are two accesses to the proposed flat, one from Evington Valley Road and one via a covered stairwell that leads from the rear flat and out to the service and delivery yard. The first of these entrances is only accessible via the ground floor industrial use and as such I consider it will likely be used as the secondary access because it would only be available when the industrial use is open. The access out to the service yard is an unsuitable and unsatisfactory arrangement which, given that there will be frequent deliveries to the rear of these buildings would likely result in significant highway safety risk to future occupiers and compromise the safe use of the service yard area by the existing industrial uses on the site.

Drainage:

The site is within a critical drainage area. However, as there would be no increase in the footprint of the building I consider that a requirement for a scheme of sustainable drainage would be onerous and that the impact of the proposal in terms of increased surface water run-off is unlikely to be significant.

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

Other matters:

The main planning issues raised by the applicant in his later representation (detailed above) are covered in the main consideration of this report. With reference to the flat being occupied by the applicant himself and his family would raise the same concerns as it would for any other future and existing occupiers. In addition, the Council only uses personal consents relating to who could occupy the flat in rare situations and there is no compelling evidence as to why a personal consent should be use in this instance.

Conclusion:

The flat will make a small contribution to the Council's housing supply however the level of accommodation that would be provided would be significantly harmful to the future and existing occupiers of the site contrary to national and local policies.

I therefore recommend REFUSAL for the following reasons:

REASONS FOR REFUSAL

1. The submitted noise assessment does not appear to take into account the impact of noise from the first floor of the industrial use (at the rear of the application site) on future occupiers of the proposed flat. As such the residential amenity of future occupiers cannot be assured by reason of general noise and disturbance contrary to saved City of Leicester Local Plan policies PS10 and PS11, and paragraphs 130, 174 and 187 of the National Planning Policy Framework

2. The rear of the proposed residential property faces the service and delivery yard of the existing industrial units on site with the access and egress to Marina Road approximately 90 metres away. This will result in an unsatisfactory, impractical and unsafe arrangement for future occupiers either exiting or returning via this route through to Marina Road or taking bins out to Marina Road on collection days. It would also compromise the safe use of the service yard area by the existing industrial uses on the site. As such the proposal conflicts with saved City of Leicester Local Plan policy PS10, Core Strategy policy CS14 and paragraphs 110 and 111 of the National Plan Policy Framework.

NOTES FOR APPLICANT

1. The City Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application advice was given during the application process. Notwithstanding that advice the City Council has determined this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. As the proposal was clearly unacceptable and could not be reasonably amended it was considered that further discussions would be unnecessary and costly for all parties.
2. For the avoidance of doubt, this application is refused on the basis of the following drawings received by the City Council as local planning authority: 2020/03/091/A, mixed plans received on 07/09/2021.

Policies relating to this recommendation

2006_AM02	Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
2006_AM12	Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
2006_H07	Criteria for the development of new flats and the conversion of existing buildings to self-contained flats.
2006_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
2006_PS11	Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
2014_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_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_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.

Appendix A2

20211919	59 Stoughton Drive North	
Proposal:	Construction of two two-storey extensions to front; two first-floor extensions to side; single storey extension to rear; installation of new cladding and render; replacement of windows to religious and education centre (Class F1) (Amendments received 19 November 2021)	
Applicant:	Evington Muslim Centre	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	10 November 2021	
CY1	TEAM: PD	WARD: Stoneygate



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Summary

- Reported to committee as seven objections from five different city addresses have been received.
- The objectors raise concerns relating to the design, parking, highway safety, congestion and increased air and noise pollution, the use of the building, increase in capacity, noise and impact on house prices.
- The main issues are design, residential amenity, parking and drainage

- The application is recommended for approval.

The Site

The application relates to a two-storey detached education centre situated within a primarily residential area. The site is situated on a prominent corner where Stoughton Drive North meets St Philips Road.

The site is within a Critical Drainage Area. While flooding from pluvial sources is unlikely to take place here, the rapid rate of surface water runoff from this area may cause flooding in neighbouring Hotspots.

Background

20150574 - Demolition of the existing building; three storey education centre (Class D1) (amended plans received 07/11/2016). Refused in 2017 for the following reason:

1. The proposal would result in an increased demand for parking which would exacerbate existing on street parking problems, including inconsiderate parking, the detriment of highway safety and residential amenity in conflict with City of Leicester local Plan Policies AM01, AM11, and PS10 and the supplementary planning guidance Vehicle Parking Standards.

19970274 - Single storey extension to rear of religious and educational centre to provide new toilets washroom and entrance. Granted conditional approval in 1997 – implemented.

19871741 - Continuation of use of dwellinghouse as religious and educational centre (renewal of consent no 86/1846/5) (amended plans). Granted conditional approval in 1988 with the following conditions 2, 3 and 4 amongst others stating:

2. no noise arising from any activity within the centre shall be audible outside the application site, and a ventilation scheme be submitted
3. the premise cannot be used for wedding or birthday celebrations.
4. the site shall have no more than 50 persons on the ground floor, 25 persons on the first floor, and 25 persons on the second floor (roof).

19861846 - Change of use of dwellinghouse to religious and educational centre. Granted limited period approval in 1986 until the 31st December 1987.

The Proposal

The proposed development relates to the following works:

- 1- Two two-storey extensions to front to square off the existing chamfered bay windows. Measurements approximately w3.1m x d1.4m x h5.5m
- 2- One first-floor extension to the side to the extend the internal staircase. This would sit directly on top of the existing front/side entrance that has a mono-pitched roof. Measurements approximately w1.6m x d3.2m x h5.5m
- 3- One first-floor extension to side to be used as a store. Measurements approximately w2.1m x d4.3m x h5.5m
- 4- Construction of a single storey extension to the rear to extend the toilet block. Measurements approximately w4.2m x d4m x h2.8m.

- 5- Installation of new render (cream monocouche) to front, side and rear and cladding (cedar grey) to the front.
- 6- Replacement of windows with anthracite grey aluminium window frames

Amendments were received omitting the large windows on the side elevation facing 61 Stoughton Drive North and labelling the three smaller side windows as obscure glazed and inward opening, along with reducing the gable protrusion to the same as existing.

It has been confirmed that there would be no change to current capacity of the centre from that conditioned in application 19871741. There was no hours of use condition applied to the original change of use application 19871741.

Policy Considerations

National Planning Policy Framework (NPPF) 2021

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

Paragraph 93 (Provide social, recreational and cultural facilities and services the community needs)

Paragraphs 110 and 111 (Highways)

Paragraphs 126, 130, and 134 (Good design)

Paragraph 166 (Sustainable drainage)

Development plan policies

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

Representations

Neighbour notification letters were sent out on the 7th September to adjoining properties and sites opposite the application site in accordance with adopted Statement of Community Involvement. Re-consultation was undertaken with letters being sent out on the 8th October informing of the updated application proposal including the proposed extensions.

Seven objections have been received from five households. The issues raised are:

- Poor design on a prominent corner location, creating a disrupting design between the two streets; proposed material (cladding) is not in keeping with area, it would look “synthetic and cheap”, loss of characterful features such as bay windows, more obscure glazed windows, and increase in massing will make it a dominant feature on the streetscene.
- Idea that internal insulation could be used instead as internal works are being carried out.
- Reduction of external amenity space for users.
- The potential increase in capacity, or frequency of use, leading to increased offsite parking and fears of increased highway safety in an area which is already considered dangerous for pedestrians.
- Congestion and increased air pollution from potential increase in capacity.
- The use of the building as a Madrassa and potential worship facility, and the belief that it should be returned to its previous use as a C3 dwelling due to housing shortage.

- Wider consultation was not carried out in the area.
- The use of the building as a community centre in close proximity to residential uses due to noise pollution and furthermore reduction of house prices (this is not a material consideration)

It has been noted by some of the objectors that internal work has already started along with window replacement. Internal works can be carried out without planning permission.

Consideration

The application is for small extensions and alterations to the exterior of the building that has a lawful use as a place of worship and education within Use Class F1. The principle of extensions and alterations to the lawful use is acceptable subject to, the design, residential amenity, highway and parking, pollution, drainage and representations.

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.

61 Stoughton Drive North is adjacent to the application site to the south and the single storey rear extension is proposed along the common boundary. 61 has several windows on the ground and first floor of the side of the dwelling facing the Centre, two of which are not obscure glazed on the ground floor and appear to be secondary windows. The first of these windows already intersect a 45-degree line by the existing extension. The second window would intersect the 45-degree line by the proposed extension. However, the height of the extension is as such that the light to and outlook from this room would not be significantly affected and furthermore it is a secondary window so no weight can be given to protect outlook and light to this window.

In the amendments, the two larger windows to the side of the extension facing 61 Stoughton Drive North have been removed to reduce perceived overlooking. I recommend that a condition be attached should the application be approved for the remaining windows to the southern side of the extension to be obscure glazed and inward opening.

Due to building's location on a corner plot I consider the proposal would have minimal impact on the amenity of the other neighbouring properties in terms of outlook and light into principal room windows.

I conclude that with the recommended condition, 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 & Design

Policy CS03 of the Leicester Core Strategy (2014) states that high quality, well designed developments that contribute positively to the character and appearance of the local built environment are expected. It goes on to require development to respond positively to the surroundings and to be appropriate to the local setting and context and, at paragraph 1 (first bullet point), to contribute positively to an area's character and appearance in terms of *inter alia* urban form and high-quality architecture. Saved Policy PS10 of the Local Plan (2006) sets out a number of amenity factors to be taken into account when determining planning applications including the visual quality of the area and the ability of the area to assimilate development.

I recognise the proposal would result in the loss of some features such as the red brick and bay windows. These features are present on the many of the dwellings throughout St Phillips Road and Stoughton Drive North, although the area is not designated as a conservation area. Whilst the removal of these features would be regrettable, the use of the site is not residential, and the proposed design gives an opportunity to develop a scheme that is distinctive and legible that would be representative of its non-residential use without significantly harming the visual character of the area.

The extensions, whilst numerous, are minimal in volume and will be mainly infill some unusable areas of the property. The cladding and render specifications have been submitted and appear to be of good quality. I consider it appropriate to recommend a condition be attached for the external materials to be in line with the specifications submitted.

With the recommended condition, 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 property and the wider area.

Highway and Parking

The existing and the proposed development does not provide any off-street parking. The small increase in the footprint of the building by the rear toilet extension and storage space is unlikely to lead to additional demand for on-street parking above the existing use to conclude that proposal would cause severe harm to highway safety. I therefore consider the proposal to be acceptable on highway and parking grounds and compliant with Policy CS15 of the Core Strategy (2014) and with saved Policy AM12 of the Local Plan (2006).

Drainage

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

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

Other matters

Turning to matters not otherwise considered above:

Noise pollution: Condition 2 of application 19871741 states that no noise arising from any activity within the centre shall be audible outside the application site. This condition would still need to be compiled with.

Reduction of amenity space for users: Only the rear extension would reduce the amenity space for the users. However, I consider that better toilet facilities is a positive trade-off for the loss of 17m² of rear amenity. There is no policy requirement to provide private amenity space for religious and education uses but site will still retain approximately 128m² of private amenity space for users of the centre.

Capacity increase: The agent has confirmed that the proposal will not result in the increase in capacity above what has been specified on Condition 4 of the approval on 19871741.

Wider consultation: All statutory and non-statutory publicity was carried out on this application, including letters sent to neighbours opposite the application site.

Conclusion:

The proposal would give the opportunity to upgrade a community facility with a distinctive, legible design and character that would be representative of its use as a religious and education centre. The extensions would not significantly harm the amenity of nearby occupiers nor result in severe impact on parking and highway safety. The proposal is compliant with the NPPF and policy CS03 of the Core Strategy and PS10 of Local Plan. 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 new walls and roof shall be constructed in materials to match those on the approved plans and the Cladding and Render Specifications received on 24 August 2021. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03.)
3. Before first use of the proposed extensions new windows facing 61 Stoughton Drive North shall be fitted with sealed obscure glazing (with the exception of top inward opening light) and retained as such. (In the interests of the amenity of occupiers of 61 Stoughton Drive North and in accordance with policy PS10 of the City of Leicester Local Plan).
4. Development shall be carried out in accordance with the following approved plans and details:
Site location Plan, received 2 August 2021
Existing Plans and Elevations, 100-001/ 1, received 2 August 2021

Proposed Window Locations, 100-001/ 3 A, received 19 November 2021
Window Details New and Replacement, 100-001/ 4 A, received 19 November 2021
Apex Window Detail, received 24 August 2021
Proposed Plans & Elevations, 100-001/ 2 A, received 19 November 2021
Technical Sheet 10.02.39-GBR Decorative Render Finishes, received 24th August 2021
Wood Grain Composite Cladding System, received 24 August 2021
(For the avoidance of doubt).

NOTES FOR APPLICANT

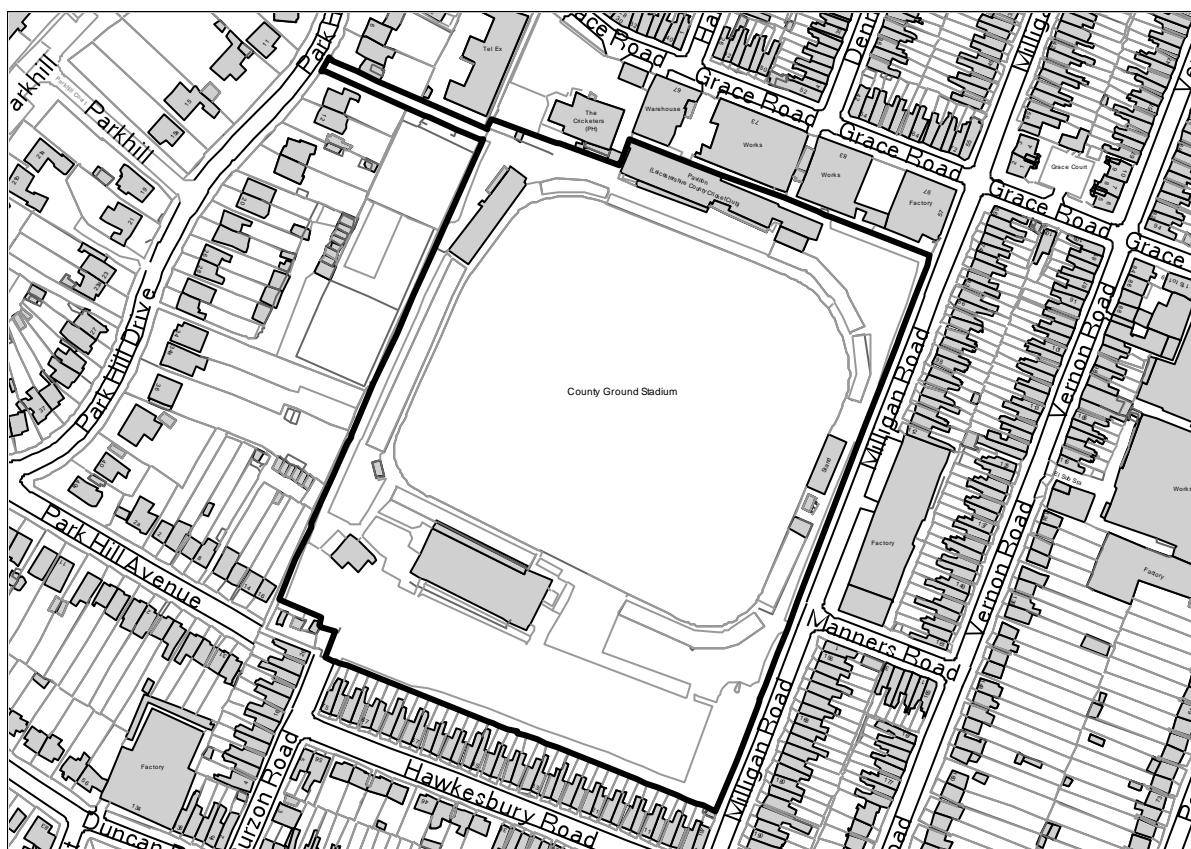
1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the 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 2021 is considered to be a positive outcome of these discussions.

Policies relating to this recommendation

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

Appendix A3

20212237	Leicestershire County Cricket Club, Grace Road	
Proposal:	Works to eight (8) trees and the felling of five (5) trees protected by Tree Preservation Order (TPO) 284	
Applicant:	Clark	
App type:	Control of works to protected trees	
Status:	Other development	
Expiry Date:	1 November 2021	
DG	TEAM: TW	WARD: Aylestone



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Summary

- Reported to committee as six or more objections received from six different City addresses.
- 8 objections received raising concerns relating to felling/removal of the TPO trees, loss of habitat, wildlife, visual amenity and climate change and lack of replacement trees.
- Issues are impact on amenity, health and safety concerns, climate and habitat

Introduction

The application site is the Leicestershire County Cricket Ground off Grace Road and is within a designated green space.

The site has several trees that are protected by a Tree Preservation Order No. N4.284 that was confirmed in 1998 and originally covered 189 individual trees.

Background

There are several previous applications for works and felling of TPO trees that are not directly relevant to the current application. Likewise, there were several applications for extensions and alterations that are not relevant to the current application.

The Proposal

The proposal is to carry out works to eight *Tilia x europaea* (Lime) as part of site/tree maintenance and to fell/remove five trees due to various health and safety concerns.

Policy Considerations

National Planning Policy Framework 2021 (NPPF)
Paragraph 131 (Trees contribute to urban character)

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

Consultations

Two site notices were placed on Milligan Road, adjacent to the site.

Representations

Eight objections have been received, all raising concerns relating to the felling/removal of the protected trees and the following:

- loss of habitat and wildlife
- harmful effect on mental health
- loss of amenity
- lack of replanting
- climate impact

Consideration

This application relates to two variants of tree works as follows:

Works to TPO trees

The first variant is the proposed works to eight Lime trees (T35, T36, T37, T38, T51, T52, T53, T54) as part of ongoing maintenance program. The eight trees are split into two groups of four and border the site, adjacent to Milligan Road. All have similar size properties with an estimated height of ten metres with average crown spreads of 6 metres, and as groups they have high amenity value.

The work proposed for these trees is to lift the canopy to a height of no more than of four metres. At present both groups of trees are in direct contact with a boundary fence and a boundary wall. The proposed crown lifting works will remove direct contact with the structures as well as provide clearance to users of the Milligan Road footway.

The crown lifting of the trees will have a minimal impact on amenity would not result in the loss of habitat, wildlife or adversely impact on climate change be in accordance with national policy and policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.

Felling/removal of TPO trees

The second variant of works is the felling/removal of five trees (T135, T137, T140, T149, T89) that are sited within the grounds of Leicestershire County Cricket Club, Grace Road. T149 is located adjacent to a building and footpath, T189 and T140 are located directly adjacent to the main carpark, T136 and T137 are located centrally within the main carpark off Curzon Road.

The felling of the trees is due to health and safety concerns as they are a hazard to users of the area. It is proposed to replace all the trees that are to be felled. The reasons for the felling/removal is as follows:

- T135 *Acer platanoides* (Norway maple) is showing extreme signs of decline. crown dieback, deadwood, lack of foliage, basal decay and fungal fruiting bodies present at the base.
- T137 *Betula pendula* (Silver birch) This tree is showing signs of reduced vigour and is in decline, a sparse canopy and deadwood present suggests the tree's safe useful life is minimal.
- T140 *Sorbus aria* (Whitebeam) This tree is in extremely poor health. Poor form, deadwood, split limbs and sparse canopy all highlight that this tree has reached the end of its safe useful life.
- T149 *Sorbus aria* (Whitebeam) This tree is in decline, Poor vigour, deadwood and extensive decay at the base and along the trunk are all visible, the stability of this tree is a cause for concern.

- T189 *Betula pendula* (Silver birch) This tree is in decline, sparse canopy, poor form and showing very little vigour.

I accept that the concerns raised by the objectors are valid in the short to medium term. However, in this case the foreseeability of failure of all the five trees is high due to the declining health and safety of the trees as outlined above and over time they will offer little in the way of habitat/wildlife or amenity value and this will continue to diminish until failure occurs. The introduction of new planting to offset the loss is the best course of action to respond to the failing health and safety concerns, amenity, habitat and climate change issues in the short and long term in accordance with national policy and policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.

Conclusion

The proposed works to the trees would continue to provide amenity value in the area. The felling of the trees for health and safety reasons is necessary but their replacement will help to continue to provide amenity value in the area over medium and long term.

The proposal would be in accordance with national policy and policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.

I therefore recommend APPROVAL subject to the following conditions:

CONDITIONS

1. The works shall be completed within two years from the date of this consent. (To enable the City Council to review the situation if the trees grow and develop.)
2. All works shall be carried out in accordance with British Standard for Tree Work BS 3998:2010. (In the interests of the health and amenity value of the trees and in accordance with Policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)
3. In the first planting season following the removal of each tree, a replacement tree shall be planted at or near to the original location. The replacement trees shall be 14-16 stem girth, Extra heavy standard and of British native species, unless an alternative scheme has first been submitted to and approved by the City Council as local planning authority. All replacement trees shall be maintained until establishment following planting. Any tree that dies, becomes seriously damaged or is removed shall be replaced by another of the same specification at the same place in the first available planting season. (In the interests of the amenity of the area, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)

Policies relating to this recommendation

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

