

Leicester
City Council

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

DATE: WEDNESDAY, 20 APRIL 2022

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

Further information

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

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

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 26 January 2022 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) **20212643 - 252 MELTON ROAD** [Appendix A1](#)

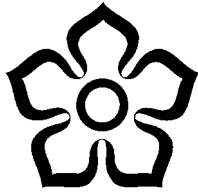
(ii) **20201473 - LAND & GARAGE REAR OF 94-102 WHITTENEY DRIVE NORTH, 9 CAMFIELD RISE** [Appendix A2](#)

(iii) **20220290 - 67 DULVERTON ROAD** [Appendix A3](#)

(iv) **20213057 - 4 WOODBOROUGH ROAD** [Appendix A4](#)

5. ANY URGENT BUSINESS

6. CLOSE OF MEETING



Leicester
City Council

Wards:
See individual reports.

Planning & Development Control Committee

Date: 20 April 2022

REPORTS ON APPLICATIONS, CONTRAVENTIONS AND APPEALS

Report of the Director, Planning and Transportation

1 Introduction

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

2 Planning policy and guidance

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

3 Sustainability and environmental impact

- 3.1 The policies of the Local Plan and the LDF Core Strategy were the subject of a Sustainability Appraisal that contained the requirements of the Strategic Environmental Assessment (SEA) Directive 2001. Other Local Development Documents will be screened for their environmental impact at the start of preparation to determine whether an SEA is required. The sustainability implications material to each recommendation, including any Environmental Statement submitted with a planning application are examined in each report.
- 3.2 All applications for development falling within the remit of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 are screened to determine whether an environmental impact assessment is required.

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- 3.3 The sustainability and environmental implications material to each recommendation, including any Environmental Statement submitted with a planning application are examined and detailed within each report.
- 3.4 Core Strategy Policy 2, addressing climate change and flood risk, sets out the planning approach to dealing with climate change. Saved Local Plan policies and adopted supplementary planning documents address specific aspects of climate change. These are included in individual reports where relevant.
- 3.5 Chapter 14 of the National Planning Policy Framework – Meeting the challenge of climate change, flooding and coastal change – sets out how the planning system should support the transition to a low carbon future, taking full account of flood risk and coastal change. Paragraph 149 states “Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.”
- 3.6 Paragraphs 155 - 165 of the National Planning Policy sets out the national policy approach to planning and flood risk.

4 Equalities and personal circumstances

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

5 Crime and disorder

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

6 Finance

- 6.1 The cost of operating the development management service, including processing applications and pursuing enforcement action, is met from the Planning service budget which includes the income expected to be generated by planning application fees.

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- 6.2 Development management decisions can result in appeals to the Secretary of State or in some circumstances legal challenges that can have cost implications for the City Council. These implications can be minimised by ensuring decisions taken are always based on material and supportable planning considerations. Where there are special costs directly relevant to a recommendation these are discussed in the individual reports.
- 6.3 Under the Localism Act 2011 local finance considerations may be a material planning consideration. When this is relevant it will be discussed in the individual report.

7 Planning Obligations

- 7.1 Where impacts arise from proposed development the City Council can require developers to meet the cost of mitigating those impacts, such as increased demand for school places and demands on public open space, through planning obligations. These must arise from the council's adopted planning policies, fairly and reasonably relate to the development and its impact and cannot be used to remedy existing inadequacies in services or facilities. The council must be able to produce evidence to justify the need for the contribution and its plans to invest them in the relevant infrastructure or service, and must have regard to the Community Infrastructure Levy (Amendment)(England) Regulations 2019.
- 7.2 Planning obligations cannot make an otherwise unacceptable planning application acceptable.
- 7.3 Recommendations to secure planning obligations are included in relevant individual reports, however it should be noted however that the viability of a development can lead to obligations being waived. This will be reported upon within the report where relevant.

8 Legal

- 8.1 The recommendations in this report are made under powers contained in the Planning Acts. Specific legal implications, including the service of statutory notices, initiating prosecution proceedings and preparation of legal agreements are identified in individual reports. As appropriate, the City Barrister and Head of Standards has been consulted and his comments are incorporated in individual reports.
- 8.2 Provisions in the Human Rights Act 1998 relevant to considering planning applications are Article 8 (the right to respect for private and family life), Article 1 of the First Protocol (protection of property) and, where relevant, Article 14 (prohibition of discrimination).
- 8.3 The issue of Human Rights is a material consideration in the determination of planning applications and enforcement issues. Article 8 requires respect for private and family life and the home. Article 1 of the first protocol provides an entitlement to peaceful enjoyment of possessions. Article 14 deals with the prohibition of discrimination. It is necessary to consider whether refusing planning permission and/or taking enforcement action would interfere with the human rights of the applicant/developer/recipient. These rights are 'qualified', so committee must decide whether any interference is in accordance with planning law, has a legitimate aim and is proportionate.

Appendix A1

20212643	252 Melton Road	
Proposal:	Retrospective application for change of use from warehouse (Class B8) to retail/storage and distribution (Class E/B8) (Amended plans received 18/03/2022)	
Applicant:	Nazar Foods	
App type:	Change of use	
Status:	Change of use	
Expiry Date:	22 April 2022	
ACB	TEAM: PE	WARD: Belgrave



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Summary

- The application is being reported to the planning committee at the request of Cllr Patel due to potential impact upon ongoing parking and traffic issues in the area.
- Two objections and a petition containing 59 signatures have been received.
- The grounds of objection are the lack of need for an additional retail shop and concerns over parking.
- The issues are principle of the development, the impact of the use on the Belgrave Road District Centre, impacts on residential amenity and highway.

- The application is recommended for approval.

The Site

The application site is a former factory premises located at the corner of Melton Road and Woodbridge Road. The site is located within the area characterised mainly as residential. The lawful use of the site is a warehouse (Class B8).

The site is located within the buffer zone of Sandringham Service Station.

To the west of the property on Woodbridge Road is a car repair unit. To the south on Melton Road are residential properties. On the opposite side of Melton Road to the east are a mixture of residential properties, convenience stores and a car repair unit. To the north on the opposite side of Woodbridge Road is a hand car wash.

Background

The majority of the planning history for the site refers to the previous industrial use of the property. The following applications are of relevance to this application.

In November 2008 planning permission 20081346 was granted for change of use from business use (Class B1) to warehouse with associated assembly area and office areas (Class B8), alterations. This was approved subject to conditions including condition 5 which states: "The premises shall not be used as an independent retail unit and the retail use as shown on the approved plans shall only be ancillary to the main use within Class B8. (The use of the premises as a retail unit would likely to be contrary to policy R06 of the City of Leicester Local Plan)." The permission was implemented.

In February 2018 a report was received that the premises was being used as a retail shop. Investigations confirmed that a retail use was occurring. A decision has been made under delegated powers not to take enforcement action against the use as it was considered such action could not be justified as it could not be proved that the harm to amenity, parking and highways would be significantly more than that which would be associated with the permitted use of the property.

In May 2018 application 20180176 for retrospective consent for the installation of seven internally illuminated signs at the front and side of the building was refused. The signs remain on display.

In November 2018 planning application 20181762 for the change of use of the building from warehouse (Class B8) to wholesale and retail (Class B8/A1) was refused for the following reason:

1. *The proposal, by reason of the increase in vehicular activity at the site and unsatisfactory means of access to the proposed parking, which is sub-standard and insufficient, would have a significant detrimental impact on the safety of users of the highway, particularly pedestrians and would therefore be contrary to paragraph 109 of the National Planning Policy Framework 2018.*

The Proposal

The application is for retrospective permission for the change of use of the building from warehouse (Class B8) to retail (Class E) and storage and distribution (Class B8). Amended details have been received which confirm the site area to be 1182 square metres. The retail use would involve 511 square metres and the storage and distribution use would take up 709 square metres. This equals a figure of 1220 square metres and the agent advises that the proposed uses overlap with each other.

Amended plans have been received which show that all parking to the front and side of the property will be removed and retention of the front extension is no longer included in the application.

Policy Considerations

National Planning Policy Framework (NPPF) 2021

Paragraph 2: applications for planning permission must be determined in accordance with development plans unless material considerations indicate otherwise.

Paragraph 11: A presumption in favour of sustainable development.

Paragraph 87 states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

Paragraph 111 states that development should only be 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 126 states 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.

Paragraph 130 sets out criteria for assessing planning applications and requires decision makers to ensure that development proposals function well and add to the overall quality of the area, are visually attractive as a result of good architecture, are sympathetic to local character and history, establish or maintain a strong sense of place, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible and which promote health and well-being.

Development Plan policies

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

Most relevant Core strategy policies are CS03 and CS11 and Local plan policy is PS10

Consultations

Noise and Pollution Control Team – No objections subject to conditions relating to machinery to be installed and hours of use.

Local Highway Authority – Following receipt of amended plans the LHA raise no objections subject to conditions relating to cycle parking.

Representations

Two objections and a petition containing 59 signatures have been received. The grounds of objection are:

- The proposal was refused in 2018 and nothing has changed to allow it to be approved.
- Incorrect information has been received with the application (This has been corrected with the receipt of amended plans and details)
- The customer survey names people who work for the applicant and are not actual customers.
- Enough retail shops in the area without needing any more.
- Steel cages with roller shutters have been installed without permission.
- Business is a wholesaler and should be in an industrial area.

Consideration

Principle of development

Policy CS11 of the Leicester Core Strategy sets out the hierarchy of shopping centres and states that a sequential approach to retail development will be taken. Paragraph 87 of the NPPF 2021 requires a sequential test to be carried out by the applicants in development involving retail uses outside of a retail area.

The site is located within an area defined as being primarily residential. The boundary of the Belgrave Road District Shopping Centre lies 170 metres to the south of the site at the junction with Checketts Road and Marfitt Street and therefore the site is considered to be on the edge of the shopping centre location.

A sequential test has been submitted with the application. This has identified that there are 13 vacant units in the nearest 4 shopping areas to the site. These have been identified by the applicant as being unsuitable for the proposed use due to the lack of floor space available to accommodate the proposed use.

Given the site's edge of centre location and the lack of availability of suitable units for the proposed use I consider that the sequential test has been met on this occasion and that the use is not contrary to paragraph 87 of the NPPF or policy CS11 of the Leicester Core Strategy.

Design

Policy CS03 of the Leicester Core Strategy states that the Council will expect high-quality, well-designed developments that contribute positively to the character and

appearance of the local natural and built environment. Paragraph 126 of the NPPF 2021 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

An extension has been constructed to the front of the property without planning permission. The original proposal included the retention of the structure and roller shutters that had been installed to it. This would have had an adverse impact in terms of its appearance in the street scene and would not be acceptable in terms of relevant adopted national and local policies relating to design. Amended plans have been received which remove the extension in its entirety. There are no other external changes to the property, and I consider that as amended the proposal is not contrary to paragraph 126 of the NPPF 2021 or policy CS03 of the Leicester Core Strategy.

I attach a note to the applicant advising that the extension remains unauthorised and that it should be removed.

Residential amenity (*neighbouring properties*)

Paragraph 130 of the NPPF 2021 states that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

There is a residential house immediately adjacent to the site at 250 Melton Road and there are some flats in the upper floors of properties on the opposite side of Melton Road. The proposed use has the potential to cause noise and disturbance to the occupiers of these residential properties if operating at times when residents are more likely to be sleeping. The applicant has proposed operating hours of 0730 to 2200 every day and I consider that these hours would be acceptable and would reduce the potential impact. I therefore propose a condition restricting the operating times to this. Subject to this, I consider that the proposal would not have a significant detrimental impact on residential amenity and would not be contrary to paragraph 130 of the NPPF.

Highways and Parking

Paragraph 111 of the NPPF 2021 states that development should only be 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.

The proposal as submitted included details of an agreement with the operators of a hand car wash on the site of 1 Woodbridge Road where customers could park. However, amended details have been received stating that the car wash has new owners, and the agreement has been cancelled.

The proposal as submitted included details of 10 parking spaces, however these would have resulted in vehicles parking on the footpath and having to reverse out onto Melton Road in close proximity to a traffic light controlled pedestrian crossing. These type of movements would have been likely to cause harm to highway safety.

Amended plans have been received which remove all of the parking spaces from the proposal.

The lawful use of the building would have generated a need for 8 parking spaces whilst the proposed use would require 9. Whilst the amended plans have removed the parking spaces from the proposal I consider that there is still a possibility that customers will attempt to park outside the property. As this involves parking within highway land there are powers available under highway legislation to prevent this parking.

Given the fact that the site is well served by public transport and that the proposed use would only generate the need for 1 additional space I do not consider that the proposals would lead to an unacceptable impact on highway safety to justify refusal for this reason especially when compared with potential highway impacts associated with the lawful use as warehousing with ancillary retail.

Informal monitoring of the operation of the use since the previous refusal has indicated highway impacts largely relate to management of parking and servicing activity on Woodbridge Road. Much of this activity appears to be associated with wider retail and commercial activity nearby as opposed to solely being generated by the site subject of the application. Planning conditions cannot extend to control activity on the highway, but the Local Highway Authority are considering amended parking restrictions on the section of Woodbridge Road between the junctions of Melton Road and Payne Street. Draft proposals envisage the introduction of two dedicated loading bays on Woodbridge Road, one on the south side adjacent the application site and a smaller one on the northern side opposite the garage. In addition, the council propose to reinforce the existing double yellow line no waiting restrictions with a new no-loading restriction at the Woodbridge Road junctions of Payne Street and Melton Road, as well as at the junction of Payne Street with Checketts Road. This would allow enforcement officers to issue penalty charge notices immediately without having to wait and observe if loading is taking place. To prevent dangerous parking on footways at the Woodbridge Road junctions with Melton Road and Payne Street, a number of bollards are also proposed to be installed. These measures have the potential to improve control of local traffic conditions, but weight afforded to their consideration in respect of this application needs to be limited by the fact they are not yet committed.

Whilst the 2018 planning application was refused due to impacts of highway safety the details of the floor space shown on the revised application has significantly reduced the amount of retail space provided and the removal of the parking spaces from the amended plans means that the impact on highway safety would no longer be severe and would not justify refusal of the application.

If the retail use were to expand further this may result in a greater impact on highway safety and I therefore recommend a condition to limit the retail use to the 511 square metres shown on the amended layout plan.

Amended plans have also been received that show the provision of a cycle parking area however this is partially within highway land and would not be acceptable. There would however be sufficient space elsewhere within the application site to provide

secure and covered cycle parking and I recommend a condition to require details of cycle parking to be provided

Drainage

The service yard for the site is in an area with a medium risk of surface water flooding. Given that this would remain in use as a service yard I do not consider that the proposal would result in an increase in the risk of flooding in the area. The proposal is therefore in accordance with policy CS02 of the Leicester Core Strategy.

Other matters.

Objections have also been received stating that deliveries to the site are blocking access to Woodbridge Road. Officers have visited the site on a number of occasions and whilst delivery vehicles have been seen at the site these are not only related to the application site but also to the units at 3-7 Woodbridge Road which also has limited space available for deliveries.

One of the objections points to a number of discrepancies in the application form and the original plans. These have been resolved with the submission of amended details and plans.

Conclusion

In conclusion I consider that the proposal is essentially a reversal of the main (warehousing) and ancillary (retail) uses from the authorised use of the site. Having successfully completed the sequential test I consider that it is acceptable for the use to operate outside of the defined retail area. I further consider that the previous reason for refusal could no longer be sustained on appeal. With the submission of amended plans that remove the roller shutters and display areas I consider that the proposal is not contrary to planning policy.

I recommend that this application is APPROVED subject to conditions.

CONDITIONS

1. Within 6 months of the date of this consent, secure and covered cycle parking shall be provided and retained thereafter, in accordance with written details submitted and approved by City Council as local planning authority. (In the interests of the satisfactory development of the site and in accordance with policy AM02 of the City of Leicester Local Plan).
2. The use shall not be carried on outside the hours of 0730 to 2200 daily. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
3. The retail use shall be limited to 511 square metres as shown on the approved plan MS-21-139-PL-PR-01 rev C received 18 March 2022. (In the interests of highway safety and in accordance with paragraph 111 of the National Planning Policy Framework 2021)

4. Development shall be carried out in accordance with the following approved plans:

MS-21-139-PL-LP-02 rev C received 5 April 2022, MS-21-139-PL-PR-01 rev C and MS-21-139-PL-PR-02 rev C received 18 March 2022

(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.
2. The roller shutters, display units, extension and signage facing Melton Road remain unauthorised. If these are not removed within 3 months of the date of this consent formal enforcement action may be taken.

Policies relating to this recommendation

- | | |
|-----------|--|
| 2006_AM02 | Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations. |
| 2006_AM11 | Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01. |
| 2006_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents. |
| 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_CS11 | The Council supports a hierarchy of retail centres in Leicester. The policy sets out measures to protect and enhance retail centres as the most sustainable location for retail development. |

Appendix A2

20201473	Land & Garages Rear of 94-102 Whittney Drive North, 9 Camfield Rise	
Proposal:	Construction of 5 two storey dwellinghouses (5x3 bed) (Amended Plans)	
Applicant:	Leicester City Council	
App type:	City Council Regulation 3	
Status:	Minor development	
Expiry Date:	21 April 2022	
JL	TEAM: PM	WARD: Eyres Monsell



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Summary

- The application is brought to Committee at the discretion of the Head of Planning as it is a council application which has generated local concerns which merit consideration by Committee.
- Five objections, one representation of support and one comment have been received for the application. The objections relate to access, highways related issues and impact on existing residential amenity.

- The main issues are the impact on nearby residential occupiers, highway safety and overall design of the proposed development.
- The application is recommended for conditional approval.

The Site

The application relates to an area of land that is used as residential garages and outbuildings that were developed in the early post war period and land used for parking. The site is located within a Critical Drainage Area and an area characterised as primarily residential. The majority of dwellings surrounding the site are two storey semi-detached dwellings, with single storey dwellings located to the south of the site. Access to the site can be achieved from Whitteney Drive (North) and Camfield Rise, however the access to Camfield Rise has a gate with vegetation growing in front of the gate. There is also a gate to the Whitteney Drive access, which is often left open and unlocked.

Historic mapping records indicate that the land used to accommodate significantly more garage parking spaces since at least 1991, but by 2002 most of these garage spaces had been removed with only a few remaining to the edges of the site.

The Proposal

The application seeks permission to erect 5 dwellings. Amended plans have been submitted during the application process which removed the proposed exit to Camfield Rise and made this a pedestrian-only access and slightly amended the layout of the buildings on site.

The proposed development would comprise 4 semi-detached dwellings and 1 detached dwelling. Each of the dwellings would have a gabled roof and canopy over the front door. Each dwelling would have its own separate rear access, bin storage area and shed. It is proposed that plots 2, 3 and 5 would have solar panels installed on the roof of these dwellings. The dwellings would be two storey in height and have a height to eaves of 5.175m and ridge height of 8.106m. It is proposed that the dwellings would be finished in brick slips, render and concrete roof tiles. The proposed dwellings would each have three bedrooms, proposed to house up to five people.

It is proposed that the site will have a vehicular access from Whitteney Drive and a non-vehicular access from Camfield Rise. Parking provision would be provided on site for the occupiers of the dwellings, with two visitor parking spaces.

Policy Considerations

National Planning Policy Framework (NPPF) (2021)

Paragraph 2 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.

Chapter 2 of the NPPF (Achieving sustainable development) states that the purpose of the planning system is to contribute to the achievement of sustainable development. Planning decisions should play an active role in guiding development towards sustainable solutions, taking into account local circumstances, to reflect the character, needs and opportunities of each area. At the heart of the NPPF is a presumption in favour of sustainable development.

In relation to sustainable development, paragraph 11 states that for decision taking, this means approving development proposals that accord with an up-to-date development plan without delay, or 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 the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 38 states that local planning authorities should approach decision on proposed development in a positive and creative way. Decision makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 60 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraph 92 states that planning decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles. This includes places that have (a)...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.

Paragraph 93 states that decisions should a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.

Paragraph 104 states that transport issues should be considered from the earliest stages of development proposals, so that

- a) the potential impacts of development on transport networks can be addressed;
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.

Paragraph 105 states the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health.

Paragraph 110 states that in assessing applications, 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;
- 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; and
- 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 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.

Paragraph 119 states that planning 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.

Paragraph 120 states that decisions should a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside; b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading.

Paragraph 124 states that planning 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 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.

Paragraph 129 states that the National Design Guide and the National Model Design Code should be used to guide decisions on applications in the absence of locally produced design guides or design codes.

At paragraph 130, the NPPF states that planning 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 131 states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined (unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate), that opportunities are taken to incorporate trees elsewhere in developments (such as parks), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

Paragraph 134 states that development that is not well designed should be refused especially where it fails to reflect local design policies and government guidance on design, taking into account any local guidance and supplementary planning documents. Conversely, significant weight should be given to

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Paragraph 152 states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Paragraph 154 states that new development should be planned for in ways that can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.

Paragraph 157 states that when 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.

Paragraph 167 states that when determining planning applications, LPAs should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment, it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Paragraph 169 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.

Paragraph 174 states that planning 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.

Paragraph 180 states that when determining application, the following principles should be applied:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Paragraph 182 states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site

Paragraph 185 states that decisions should 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.

Development Plan policies

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

Most relevant core strategy policies are CS02, CS03, CS06, CS08, and local plan policies are PS10, UD06, AM01 and AM12.

Supplementary Planning Documents (SPD)

Biodiversity in Leicester SPG (October 2003)
Residential Amenity SPD (adopted 2008)
Climate change SPD (January 2011)
Green Space SPD (July 2013)

Other Guidance

City of Leicester Local Plan Appendix One– Vehicle Parking Standards
Achieving Well Designed Homes October 2019 - Leicester City Council's Corporate Guidance.
National Design Guide (DLUHC)
Economic Development Needs Assessment (2020) (emerging)
Leicester City Council Waste Management guidance notes for residential properties.
Technical Housing Standards – Nationally Described Space Standards

Other legal or policy context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the determination of this application to be made in accordance with the development plan, unless materials considerations indicate otherwise.

Consultations

Air Quality – No air quality related comments regarding the development.

Highways - The site currently benefits from a dropped kerb footway crossing to the existing vehicle access. The proposed revised plans still show an access driveway, for both entry and exit from the site for the new dwellings, with a width of 4.2m from the highway boundary at Whitteney Drive. The Leicester Street Design Guide Design Element Sheet (DES) 16 gives guidance on the required widths for private drives. Section 40. gives the minimum width for a private access for two to five dwellings as 4.8m. The widths should be increased by 0.5m if bounded on one side by a wall, fence or hedge; and 1.0m if bounded on both sides by a wall, fence or hedge. Although this does not meet policy standard, the existing access on Whitteney Drive North is used currently by vehicles as an entry and exit point, and the site is used for parking and accessing the rear and garages of nearby properties. Therefore, the impact of this development would be similar to existing and is therefore acceptable.

The bollards at Camfield Rise have also been set back to allow for vehicles to pull in. There are insufficient widths shown at this access for vehicles to turn around in the site due to bollards restricting access to the main site, therefore this is deemed undesirable, as vehicles would be required to exit the site in a forward direction.

Bin storage areas are shown to be located near to the access at Whitteney Drive North and Camfield Rise. This location is acceptable, and it is assumed that refuse collection would happen at kerbside and is therefore acceptable.

The Leicester Street Design Guide refers to the Vehicle Parking Standards as set out in the Saved Local Plan Policies. For 3 bedroom dwellings, 2 spaces are required for each. The plans show an amenity for 2 car parking spaces for each of the dwellings, with 2 visitor spaces (1 visitor disabled space & 1 visitor space), bringing the total amount to 12 spaces, (10 resident spaces and 2 visitor parking spaces), and therefore meets policy standards.

Current residents (adjacent to the site) have rear access from the existing site which would be lost with this development, resulting in addition to local on street parking. However, there is sufficient on street parking on surrounding streets to support this, and so this is deemed acceptable from a highway perspective.

Land Pollution – Note report recommends ground investigation and requests contaminated land condition.

LLFA – No objection subject to SuDS and drainage conditions (pre-commencement).

Noise Pollution – Hours of work condition requested and accompanying note to applicant.

Severn Trent Water - Foul drainage is proposed to connect into the public foul water sewer, which will be subject to a formal section 106 (Water Industry Act 1991) sewer connection approval. Surface water is proposed to connect into the public surface water sewer, which will be subject to a formal section 106 sewer connection approval. Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative, other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered. For the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 104 of the Water Industry Act 1991.

Suggested Note to Applicant included to advise contacting STW about public sewer within application site.

Sustainability (Better Buildings) – The design of the dwellings should allow for the occupiers to receive adequate daylight to all habitable spaces and the proposed orientation represents a good approach to passive solar design.

The proposed u-values will not only significantly exceed the limiting parameters within the building regulations, they also meet or exceed the value for the notional building in all cases. The proposed development would meet an exemplary standard of building fabric efficiency.

The proposed heating system uses electric heating from individually controlled air-source heat pumps, which represents a good approach to low carbon heating. The ventilation strategy includes heat recovery, alongside wastewater heat recovery. Lighting is proposed to be 100% low-energy LEDs, with occupancy and daylight sensors as appropriate.

The development is proposing to fit solar PV panels to each of the dwellings, totalling 10kWp of PVs overall, which alongside the use of air-source heat pumps demonstrates a very good approach to the provision of renewable energy systems in the development.

Would like to encourage the developer to consider the use of sustainable materials, for example using high-rated materials from the green guide to specification, and inclusion of a site waste management plan, that limits waste during the construction process and targets a high level of recycling of any waste produced.

The overall proposals represent an exemplary approach to reducing carbon emissions within this development. Additional information shows that the dwellings are predicted to achieve an average 76.8% reduction on baseline CO2 emissions.

Request condition relating to energy efficiency measures including installation and operation.

Trees – No objection as long as the recommendations supplied within the Arboricultural Impact Assessment Report are followed.

Waste Management - There should be hard standing with adequate space for residents to store up to a 360-litre bin and orange recycling bags at each house.

The plans indicate collection of the refuse from the properties will be at presented collection points. As residents will have their refuse bins and recycling bags at their property and then take them to the collection point, the distance from these presentation points to the kerbside must be less than 30 metres.

Representations

5 objections, one representation in support and one comment have been received for the application. Some of the objections received were following the submission of the amended plans where the proposed vehicular exit to Camfield Rise had been removed and there had been a slight alteration to the layout of the proposed dwellings and site.

Objections:

- Object to the exit as use this space to park car. Entry and exit could be from Whitteney Road. (*Proposed exit from Camfield Rise has now been replaced with just pedestrian access and same entry/exit is proposed from Whitteney Road*).
- Metal gate has been erected on the Camfield Rise side of the site to prevent speeding.
- Gate is locked to prevent crime and anti-social behaviour. The removal of this would prevent the protection currently afforded.
- Highway safety concerns at Camfield Rise due to parked cars. (*Proposed exit now removed*)
- Whitteney Drive is congested at the moment and access can be awkward at times.
- Car parked opposite the Whitteney Drive access makes turning difficult.
- Concern about access – risk to motorists and pedestrians.
- Will prevent parking at rear of property.
- Will lose 2x car parking spaces, where will I park now?
- Layout and density encroach access.
- Vehicles will be displaced into surrounding streets and driveways.
- As door of no. 7 directly opens onto the access to Camfield Rise, this would not be ideal having people walk past. (*It should be noted that there is another door which could provide access to this property*).

- Affect right of access/loss of access at rear of property.
- Licence has previously been granted for access at rear.
- Deeds show right of way to access rear of property, which would be denied.
- Right of access has been enjoyed for over 30 years.
- When the legal deeds were drawn up, access to cross land was agreed (35+ years ago). Have not been informed that these rights no longer exist.
- Looking to make legal claim for land next to property.

- Brought house on understanding would not be overlooked at the rear and there would be an access at the rear.
- Architect's illusion as will be a two storey house at the back entrance of property.
- Relationship between existing and proposed properties have not been carefully considered – does not fully comply with residential SPD standards – does not respect the privacy of neighbouring properties. Does not add to the overall quality of the area, not sympathetic as it would take away access rights.
- Policy H03 – would only result in 25 dwellings per hectare.
- Proposal would be directly to rear of property.
- Design should be like the development at Cherry Orchard Court.
- Overlooking/ loss of privacy.
- Loss of visual amenity.
- Layout would block natural light.
- Overshadowing/ loss of light.
- Has a shadow test been carried out?
- Noise and disturbance from new neighbours.
- Loss of trees.
- What will happen to the boundary fence.
- Amendments have not taken into account previous objections.
- No thought given to the proposal.

Comment:

- Some concerns about the exit to Camfield Rise. (*Amended to be removed from the scheme*).
- Claim for adverse possession on driveway.
- Visibility from exit to Camfield Drive is impractical. (*Now not part of the proposal*).
- Question about the sale of the former Council houses and garage access – e.g. no 5 Camfield Rise is an old garage and not a shed as annotated on the plans.
- Concerns about potential danger during construction due to the access and exit and parking issues around the site.

Support:

- Area has been neglected over many years and turned into a dumping ground. Provided tenants are paying rents and community charges the proposal would be an asset to what is a derelict space.

Consideration

Principle of development

The proposed development would result in the construction of 5 affordable family dwellings on a council garage site, located within a residential area. Given the constraints of the site and the character of the area, the number of dwellings proposed on this size of site is considered to be acceptable. I consider that the principle of

residential development on this site is acceptable and is in accordance with Core Strategy policy CS06.

Design

Each of the dwellings would have a gabled roof and canopy over the front door. Each dwelling would have its own separate rear access, bin storage area and shed. The dwellings would be two storey in height and have a height to eaves of 5.175m and ridge height of 8.106m. It is proposed that the dwellings would be constructed from brick slips, render and concrete roof tiles. Whilst other materials would be preferable (such as bricks and not the use of cream render), due to the location of the development as back land site, the use of the proposed materials is considered acceptable. Further details of the brick slip system including a drawing of the reveals would be required to be submitted as a condition of this application. I consider on balance that the proposed design of the dwellings is acceptable for the location of the development, also taking into account the character of the dwellings in the wider area.

The site would be accessed by vehicles from Whitteney Road and pedestrian/ cycles from Camfield Rise. It is proposed that bollards would be positioned at the end of the access at Camfield Rise to prevent vehicular access, and railings would be installed. Whilst the access to Camfield Rise is approximately 30m from the rear elevation of the proposed dwellings, this would mostly be overlooked from the proposed properties and those on Camfield Rise. The plans submitted also show the provision of lighting columns. I consider that there would be sufficient overlooking to this area and due to the site constraints, it would be difficult to design the development to further improve natural surveillance to this area.

The proposed parking area to the front of the dwellings would be mostly hard surfaced with some areas of soft landscaping (specific details of landscaping to be agreed by condition). It is acknowledged that due to the parking, turning and pedestrian requirements that it would be difficult to provide significantly more landscaping than is proposed.

It is proposed that to plots 3 and 4, a 1.8m high brick wall would be constructed, with the rest of the boundary treatment shown on the plans to be 1.8m high fencing. These boundary treatments are considered acceptable in principle and further details would be required as part of a landscaping scheme to be conditioned.

I consider that the proposed development would accord with core strategy policy CS03, when considering the proposed design of the development.

Living conditions

The proposed dwellings would provide two double bedrooms and one single bedroom. At first floor a family bathroom is proposed. To the ground floor a kitchen diner and separate lounge area is proposed. A shower room and storage are also proposed to the ground floor.

It is proposed that the dwellings will be accessible and adaptable, constructed to accord with the requirements of M4(2) of the building regulations. The dwellings

generally accord to the requirements of the Nationally Described Space Standards (NDSS), however bedroom 2 of the dwellings is slightly under the floor space specified. Bedroom 1 measures 13.4sq m, bedroom 2 measures 11.2sqm and bedroom 3 measures 8.6sq m (same dimensions for all 5 dwellings). On balance, I consider that the size of the dwellings and rooms proposed are acceptable.

I consider that the dwellings would have sufficient windows to provide an appropriate level of natural daylight and outlook for the future occupiers. Side windows are also proposed to the ground floor to plots 3 and 4 to provide additional natural surveillance to the side and access to Camfield Rise.

It is proposed that the dwellings will have rear gardens ranging in size from 101 sq m to 117sq m. I consider that for dwellings of these sizes and location that the sizes of rear gardens proposed are acceptable and are in accordance with the Council's Residential Amenity SPD.

I consider that the proposed development when considering living conditions for proposed residents is in accordance with Core Strategy policy CS03 and saved Local Plan policy PS10.

Residential amenity

Taking into account the current use of the land as garages and parking and the proposed use, I do not consider that the proposal would result in noise levels that would be detrimental to the amenity of neighbouring occupiers. Any arising noise would be residential in nature and would not be considered a type of noise to cause an unacceptable level of disturbance to nearby residential occupiers. In order to protect the amenity of nearby residential occupiers, I consider it appropriate to include a condition regarding working hours during the construction phase.

Objections have been raised by neighbouring occupiers in relation to overlooking, loss of privacy and loss of light. The proposed dwelling at plot 1 would be positioned 15.5m from the dwellings on Brettell Road (this distance is reduced taking into account the conservatory at the neighbouring property on Brettell Road). One window is proposed at first floor to the side elevation, however this is to serve a bathroom and would likely be obscurely glazed which could be secured by condition. The dwellings are in excess of 20m from the rear elevation of the properties on Camfield Rise. There are no substantive concerns of the relationship between the proposed dwellings and those on Whitteney Drive. I consider that the distances between the proposed dwellings and the neighbour dwellings are acceptable and would not be detrimental to the amenity of the existing residents. Relevant side windows at first floor would be conditioned to be obscurely glazed to prevent overlooking to neighbouring occupiers.

Representations received requested that the development be designed to a similar layout at the nearby development at Cherry Orchard Court, located further south down Whitteney Drive. However due to the access to Camfield Rise, it would be difficult to achieve this and ensure that the development would provide suitable external amenity space, car parking, turning space and also provide adequate natural surveillance to the Camfield Rise access. I consider the proposed layout to be appropriate in context.

I consider that the proposed development would not have a significantly detrimental impact on the amenity of the neighbouring occupiers to such a degree to justify the refusal of the application. Whilst the proposed development would potentially increase noise levels, this would be residential in nature and would not be of a type of noise to cause annoyance (for example car engines, machinery operating). There is the potential for noise to arise from the site at present due to its use as a car park. The proposed dwellings are not considered to be excessive in height and the roofs have been designed to slope away from the neighbouring boundaries to reduce any impact on neighbouring amenity through any loss of light or overbearing. I consider that the proposal is acceptable taking into account neighbour amenity and saved policy PS10 of the local plan.

Waste storage and collection

The proposed dwellings would have their own individual bin storage in their rear gardens. The site plan indicates the location of bin collection points for bin collection day. Due to the site constraints, a waste/ recycling vehicle would not be able to access the site, which has resulted in the bin collection points being located as proposed. I consider that the arrangements for waste and recycling are acceptable.

Highways and Parking

Concerns had been raised in the representations received about the proposed exit to Camfield Rise. This has now been removed from the proposal and this access would only be for pedestrians/ non motor vehicles. Bollards and railings are proposed to prevent access to the site by vehicles. Following comments from the Local Highway Authority, these bollards have been positioned so that there is no possibility of a car parking and preventing access from Camfield Rise.

It is now proposed that both the entry and exit to the site will be from Whitteney Drive. This is currently used as the only access and exit to the site and it is not envisaged that the proposal would result in such a high level of traffic movements to warrant the refusal of this application due to the access. It should be noted that it is not possible to widen the highway due to ownership constraints of neighbouring land.

The site is currently in use as a Council garage site with evidence of some residents using the site for parking at the date of the site visit. The proposed development would result in the loss of parking at the site, however many of the dwellings surrounding the site have provision for off street parking and there are no on street parking restrictions in the area. I do not consider that the loss of parking would be sufficiently detrimental to parking pressures surrounding the site to warrant the refusal of the application.

It is proposed that each dwelling would have two car parking spaces each and there would also be two visitor spaces (including 1 disabled space) available. The amount of parking proposed for this development and location is considered appropriate.

It is proposed that 5 electric vehicle charging points would be installed (one per dwelling). It is expected that any cycles would be stored within the sheds provided for the dwellings.

I consider that the proposed development is acceptable, taking into account highway safety issues and parking provision. The proposal would meet the requirements of core strategy policy CS03 and local plan policies AM01, AM02 and AM12.

Sustainable Energy

The proposed development would incorporate the use of solar panels, air source heat pumps and low energy lighting. The dwellings are predicted to achieve an average 76.8% reduction on baseline CO2 emissions. I consider that the proposed development meets the requirements of Core Strategy Policy CS02.

Drainage

The site is at low risk of flooding. It is proposed that surface water will be managed using permeable paving and a hydrobrake flow control prior to discharge into the public surface water sewer. Further information would be required including a single drainage plan reflecting the updated site layout plan and showing the proposed drainage, connections into the public sewer systems and SuDS for the site is required. Updated drainage calculations with all storm events, design details for the SuDS and SuDS maintenance clarifications are also required. Consideration for use of further SuDS should be considered, as the site is within a Critical Drainage Area. These requirements would be covered by pre-commencement conditions. I consider that the proposed development accords with Core Strategy Policy CS02 in relation to climate change.

Nature conservation/Trees/landscaping

At present there are a number of trees/ shrubs on site, however these will be removed. The application was submitted with an ecological appraisal which identified that some mitigation would be required for birds, hedgehogs and other wildlife. It is also proposed that bat and bird boxes/ tiles should be incorporated into the elevations of the dwellings. In order to demonstrate that there is sufficient landscaping which would help to secure biodiversity net gain, a pre-commencement condition in relation to a Landscape and Ecological Management Plan (LEMP) is required. In addition to further details about landscaping, further information will be required in relation to the design details of the proposed boundary treatments and surfacing of the site.

Whilst it would be beneficial if more landscaping could be incorporated in the design of the proposed development, it is acknowledged that suitable vehicular turning space is required for the development and also that any landscaping should be low maintenance. On balance, I consider that the landscaping as proposed, subject to the submission of further details, is acceptable for this development. A condition is to be included to protect neighbouring trees during construction works.

I consider that the proposal is acceptable taking into account local plan policy UD06 and core strategy policy CS17.

Other matters

A number of representations received have objected to the application as the proposal would result in the loss of access to the rear of their properties from off the site. The occupiers of these properties appear to have installed a gate in their fence to gain access to the site. The Agent has confirmed that there are no access rights across the site for the neighbouring occupiers. The private access rights are not a material consideration in the determination of the application.

Concerns raised during the construction phase are not a significant material consideration as any disruption would only be temporary.

Conclusion

The proposed development would provide 5 affordable family dwellings, which would help to contribute towards the Council's housing stock and provide additional housing in the city. The proposal would make a contribution to the City Council's 5-year housing land supply and would accord with the relevant provisions of the NPPF (2021), Core Strategy policies and Local Plan policies. Whilst the proposed development would result in the loss of some local parking provision, there are no on street parking restrictions and a number of neighbouring dwellings have driveways. I do not consider that the proposal would have a detrimental impact on the amenity of neighbouring and nearby residential occupiers to such a degree to warrant the refusal of the application.

I recommend that this application is APPROVED subject to conditions:

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. Before the occupation of any part of the development, all parking areas shall be surfaced and marked out in accordance with details approved under this application, and shall be retained for parking and not used for any other purpose. (To ensure that parking can take place in a satisfactory manner, and in accordance with policy AM12 of the City of Leicester Local Plan and Core Strategy policy CS03.)
3. Prior to the commencement of development 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 local planning authority. The use shall not commence 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 agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

4. Prior to the commencement of development details of drainage, shall be submitted to and approved in writing by the local planning authority. The use shall not commence until the drainage has been installed in accordance with the approved details. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
5. No development shall be carried out until the site has been investigated for the presence of land contamination, and a Site Investigation Report incorporating a risk assessment and, if required, scheme of remedial works to render the site suitable and safe for the development, has been submitted to and approved in writing by the local planning authority. The approved remediation scheme shall be implemented and a completion report shall be submitted to and approved in writing by the local planning authority before any part of the development is occupied. Any parts of the site where contamination was previously unidentified and found during the development process shall be subject to remediation works carried out and approved in writing by the local planning authority prior to the occupation of the development. The report of the findings shall include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters and 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. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
6. Prior to commencement of construction above ground level, details of the type and location of 2 x bat bricks/tiles/box and 3 x bird bricks/boxes to be incorporated within the elevations of the proposed buildings have been submitted to and agreed in writing by the local planning authority. The locations should be determined by an ecologist who should also supervise their installation. The development shall be carried out in accordance with the approved details with the agreed features retained thereafter (In the interest of biodiversity and in accordance with NPPF (2021), Policy CS17 of the Core Strategy.)
7. A mitigation scheme to minimise disturbance to birds, hedgehogs and other wildlife as recommended in the Ecology report completed by Arcadis dated June 2020 Paragraph 4.3 (Page 10), should be implemented prior to

commencement of works. This includes removal of all rubble and brash piles by hand and careful strimming back of vegetation. If evidence of any protected species is found during this process all works should cease and any mitigation measures reviewed by the ecology consultant and agreed with the Local Planning Authority. (In the interest of biodiversity and in accordance with the NPPF (2021) and Policy CS17 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

8. Prior to commencement of construction above ground level, a detailed landscape and ecological management plan (LEMP) showing the treatment and maintenance of all parts of the site which will remain unbuilt upon shall be submitted to and agreed in writing with the local planning authority. This scheme shall include details of: (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed; (ii) any 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) a detailed plan of the biodiversity enhancements on the site; (v) details of the make and type of bird boxes/tiles/bricks and bat boxes/tiles/bricks to be erected on buildings along with measures to facilitate access by hedgehogs to neighbouring gardens; (vi) other surface treatments; (vii) fencing and boundary treatments (including elevation details) and (viii) any changes in levels. The approved LEMP shall contain details on the after-care and maintenance of all soft landscaped areas and be carried out within one year of completion of the development. For a period of not less than 25 years from the date of habitat creation, the applicant or owners of the land shall maintain all planted material to optimise its value for biodiversity. 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 accordance with policy NPPF (2021), Core Strategy Policies CS17 and CS03, and policy UD06 of the City of Leicester Local Plan).

9. No construction or demolition work, other than unforeseen emergency work, shall be undertaken outside of the hours of 0730 to 1800 Monday to Friday, 0730 to 1300 Saturday or at any time on Sundays or Bank Holidays, unless the methodology has been submitted to the City Council Noise and Pollution Control Team. The methodology must be submitted at least 10 working days before such work commences and agreed, in writing, by the City Council Noise and Pollution Control Team.
The City Council Noise and Pollution Control 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.
(In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)

10. The dwellings and associated parking and approach shall be constructed in accordance with 'Category 2: Accessible and adaptable dwellings M4 (2)

Optional Requirement. On completion of the scheme and prior to the occupation of the dwellings a completion certificate signed by the relevant inspecting Building Control Body shall be submitted to the City Council as local planning authority certifying compliance with the above standard. (To ensure the dwellings are adaptable enough to match lifetime's changing needs in accordance with Core Strategy policy CS06).

11. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement or other alteration to any dwelling house of types specified in Part 1, Classes A, C and E of Schedule 2 to that Order shall be carried out without express planning permission having previously been obtained. (Given the nature of the site, the form of development is such that work of these types may be visually unacceptable or lead to an unacceptable loss of amenity to occupiers of neighbouring properties; and in accordance with policy PS10 of the City of Leicester Local Plan).
12. Prior to the first occupation of any dwelling, the electric vehicle charging points shall be installed. (To ensure that the development reduces greenhouse gas emissions and contributes towards the mitigation of climate change and in accordance with policy CS02 of the Core Strategy).
13. No part of the development shall be occupied until evidence demonstrating satisfactory operation of the approved renewable energy scheme including on-site installation has been submitted to and approved in writing by the City Council. The scheme and installations shall be retained in operation as such thereafter. (In the interests of securing energy efficiency in accordance with Policy CS02 of the Core Strategy).
14. The development shall be carried out in accordance with the details given at Figure 3 and Appendix C of Arboricultural Report "BS5837:2012 Arboricultural Impact Assessment Report" dated July 2020. (To minimise the risk of damage to trees and other vegetation in the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03.)
15. Should the development not commence within 24 months of the date of the last Preliminary Ecological Appraisal Report (June 2020), then a further survey shall be carried out of all buildings trees and other features by a suitably qualified ecologist. The survey results and any revised mitigation shall be submitted to and agreed in writing with the local planning authority and any identified mitigation measures carried out in accordance with the approved plan. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRow Act 2000), the Habitat and Species Regulations 2017 and Policy CS17 of the Core Strategy.)
16. Before the development is begun, the materials to be used for the external surfaces, ground surfacing and boundary walls shall be submitted to and approved in writing by the local planning authority. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03. To ensure that the

details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

17. Before the development is begun details of the brickslip system to be used (including drawings showing the reveals) shall be submitted to and approved in writing by the local planning authority. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
18. The windows in the side elevation at the first floor of plots 1 and 5 shall be obscurely glazed to Pilkington level 4 or 5 (or equivalent) and non-opening and retained as such. (In the interests of the amenity of neighbouring occupiers and in accordance with policy PS10 of the City of Leicester Local Plan).
19. The development permitted shall be carried out in accordance with the following drawings:

P/004 Rev E - Proposed Elevations

P/006 Rev E - Plots 1, 2, 4 and 5 Proposed Floor Plans

P/007 Rev E - Plot 3 Proposed Floor Plan, received by the local planning authority on 20th May 2021.

COV/101/P/013 Rev A - Proposed Site Sections, received by the local planning authority on 8th November 2021.

COV/101/P/001 Rev F - Location and Block Plan

COV/101/P/011 Rev K - Proposed Site and Landscape Plan, received by the local planning authority on 9th March 2022.

(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.

2. Development on the site shall avoid the bird nesting season (March to September), but if this is not possible, a re-check for nests should be made by an ecologist (or an appointed competent person) not more than 48 hours prior

to the commencement of works and evidence provided to the LPA. If any nests or birds in the process of building a nest are found, these areas will be retained (left undisturbed) until the nest is no longer in use and all the young have fledged. An appropriate standoff zone will also be marked out to avoid disturbance to the nest whilst it is in use.

All wild birds are protected under the Wildlife and Countryside Act (1981) as amended making it an offence to kill, injure or disturb a wild bird and during the nesting season to damage or destroy an active nest or eggs during that time.

3. To meet condition 10, all those delivering the scheme (including agents and contractors) should be alerted to this condition, and understand the detailed provisions of Category 2, M4(2). The Building Control Body for this scheme must be informed at the earliest opportunity that the units stated are to be to Category 2 M4(2) requirements. Any application to discharge this condition will only be considered if accompanied by a building regulations completion certificate/s as stated above.
4. Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If the applicant proposes to divert the sewer, the applicant will be required to make a formal application to the Company under Section 185 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).
5. It is unlikely that any construction or demolition work will be agreed outside of the hours detailed in condition 9 unless the City Council Noise and Pollution Control 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.

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_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_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_CS17 The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.

Appendix A3

20220290	67 Dulverton Road	
Proposal:	Change of use from house in multiple occupation for 6 persons (Class C4) to house in multiple occupation for 7 persons (Sui Generis)	
Applicant:	Mr Umesh Kalra	
App type:	Operational development - full application	
Status:	Change of use	
Expiry Date:	22 April 2022	
PB	TEAM: PD	WARD: Westcotes



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Summary

- The application is brought to the Committee as there have been objections from more than five different City addresses.
- Objections relate to issues of amenity and privacy, noise and anti-social behaviour, the impact that HMOs and rentals are having on the family character of Dulverton Road, parking pressure and traffic, waste management, and the quality of accommodation provided to tenants.
- The main issues are: the principle of the change of use, amenity of existing, future and neighbouring occupiers, parking, noise, waste and drainage.

- The application is recommended for approval with conditions.

The Site

This application relates to a two-storey late 19th Century mid-terrace dwellinghouse located on the west side of Dulverton Road. The dwelling has been enlarged by the addition of a rear dormer roof extension and a single storey extension to the rear of the original two storey outrigger, and rooflights have been installed at the front.

The property has six single-occupancy bedrooms, most with *en-suite* facilities, and a communal kitchen/living space. It is occupied as small house in multiple occupation falling within Class C4 of The Town and Country Planning (Use Classes) Order 1987, as amended.

The adjoining terraced dwellings are 65 & 69 Dulverton Road. The application dwelling's outrigger adjoins that of 69. The application dwelling shares a side passageway with 65. Adjoining the site at the rear is the rear garden of 75 Westcotes Drive.

Dulverton Road operates as a one-way street from Hinckley Road to Westcotes Drive. On street parking is not controlled.

The site is located within a Critical Drainage Area.

Background

In 2019 notification of a proposal to carry out a larger single storey rear extension was submitted and it was determined that prior approval of details was not required (20192099) – implemented

There is no record relating to the rear dormer and front rooflights. It is likely that these were constructed/installed as permitted development.

There is no record relating to the change of use from a Class C3 dwellinghouse to a Class C4 house in multiple occupation. However, the site is not within a part of the city to which the Article 4 Direction, controlling otherwise permitted changes from Class C3 to C4 use, currently applies.

The Proposal

The proposal is for a change the use of the property from a small house in multiple occupation for 6 persons (Class C4) to a house in multiple occupation for 7 persons (Sui Generis).

As existing, there are two bedrooms on the ground floor and three bedrooms on the first floor (all with *en-suites*) and there is a further bedroom within part of the rear dormer served by a separate shower room. The bedroom sizes range from 8.3m² to 10.1m² and all are marked as single-occupancy rooms. The proposal would convert the remaining part of the rear dormer currently shown as storage to a bedroom. This would have an area of 8.5m² and would share the separate shower with existing bedroom 6.

Policy Considerations

National Planning Policy Framework (NPPF) (2021)

Paragraph 8 establishes three, overarching and interdependent objectives for sustainable development. They are: an economic objective; a social objective; and an environmental objective.

Paragraph 11 states that decisions should apply a presumption in favour of sustainable development. For decision taking this means: approving development proposals that accord with an up-to-date development plan without delay; and where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.

Paragraph 38 states that local planning authorities should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area, and that decision makers should approve applications for sustainable development where possible.

Paragraph 56 states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development, enforceable, precise and reasonable.

Paragraph 69 states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and that local planning authorities should give great weight to the benefits of using suitable sites within existing settlements.

Paragraph 111 states that development should only be prevented on highway grounds if there would be an unacceptable impact on highway safety or severe cumulative impacts on the road network.

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, and goes on to recognise that good design is a key aspect of sustainable development.

Paragraph 130 sets out decisions criteria for achieving well designed places. It states that decisions should ensure that developments (a) will function well and add to the overall quality of the area; (b) are visually attractive as a result of good architecture; (c) are sympathetic to local character and history, including the surrounding built environment; and (f) create places with a high standard of amenity for existing and future users.

Paragraph 134 states that development that is not well designed should be refused, taking into account any local design guidance and supplementary planning documents.

Paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

Leicester Core Strategy (2014) and City of Leicester Local Plan (2006)

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

Supplementary Planning Documents

Residential Amenity SPD (2008) – Appendix G

Others

An 8-week consultation on the proposed new Article 4 Direction to control the conversion of dwellinghouses (Class C3) to small houses in multiple occupation (Class C4) closed on the 13th January 2022. Following the close of consultation, work is underway to progress the proposed new controls, which would include Dulverton Road, but the Article 4 Direction is not yet confirmed and as such the new controls are not yet in place.

Consultations

The Private Sector Housing Team has advised that it supports the application.

The Waste Management Team has advised that sufficient space is required for 2 x 240 litres refuse bins for general waste and 2 x 240 litres recycling bins.

Representations

Eleven representations have been received raising the following objections:

- overlooking/loss of privacy/request installation of obscure glazing
- loss of light
- anti-social behaviour/crime
- increased noise/previous noise complaints
- adjacent family bedrooms – inadequate noise protection
- overdevelopment in quiet area/overcrowding/overpopulation
- parking pressure/increased traffic/safety concerns
 - inadequate waste storage/litter problems/disregard for forecourt cleanliness
- houses not designed for this number of people
 - too many HMOs/rentals in this road/more transient population/harmful to family-occupied character of Dulverton Road
- inadequate space/excessive sharing of facilities for tenants

Two representations have been received raising the following points in support of the application:

- impressed by the standard of accommodation and good management
- reduced parking encourages cycling and good health
- friends made living in HMOs/house sharing provides company

Consideration

The main issues in this case are: the principle of the development; the amenity of neighbouring occupiers, the living conditions of existing and future occupiers, character of the area, maintenance of mixed communities, parking, drainage, waste, noise and the representations

The principle of development

Policy CS06 of the Core Strategy (2014) states that careful consideration will be given to conversions to ensure that there is no adverse impact on the character of the area or the maintenance of mixed communities. It goes on to state that the conversion of existing large houses will be resisted where it would still be appropriate for family use and meet an identified need for this type of accommodation.

Policy CS08 states that, within the inner areas of the city, it is the Council's priority to retain good quality existing housing for which there is demand, and that within neighbourhoods where there is an identified demand larger houses appropriate for family use should be retained and conversion to other types of accommodation resisted. It also states that, within the inner areas of the city, new houses in multiple occupation requiring planning permission will not be permitted where they would result in a local over concentration.

It is the Council's position that an over-concentration of houses in multiple occupation has occurred in the wider area, and this is the basis of the proposed extension of Article 4 Direction controls (that was the subject of public consultation that closed on 13th January 2022) over future changes of use from Class C3 dwellings to Class C4 shared houses which would include Dulverton Road. In terms of the immediate locality, Council records currently show that there are two other licensable houses in multiple occupation in Dulverton Road.

In this instance a change of use to a six persons house in multiple occupation has already occurred, as permitted development. Consequently, the proposal does not involve the loss of an existing larger family house nor does not constitute a 'new' house in multiple occupation. I conclude that no conflict with Policy CS08 can therefore be demonstrated.

The subject property is one of three houses in Dulverton Road that appear on the Council records as being in multiple occupation. Enlarging the existing house in multiple occupation does have the potential to exacerbate its impacts and I will consider these in detail below. However, in broad terms, I conclude that the addition of one single-person bedroom would be unlikely to so significantly increase the impact

of this house's occupation upon the character of the area or the population balance of the local community as to materially conflict with Policy CS06 in this regard.

Amenity of neighbouring occupiers

Core Strategy (2014) Policy CS03 calls for developments to contribute positively to the character and appearance of the built environment. Saved Policy PS10 of the Local Plan (2006) sets out amenity considerations for new development including (a) noise, (b) the visual quality of the area including potential littering problems, (d) privacy, (e) safety and security and (f) the ability of the area to assimilate development. I will address each of these in turn.

The extensions and alterations to the dwelling have already occurred. Their impact upon the character and appearance of the built environment and upon the amenity enjoyed by occupiers of the neighbouring properties therefore falls beyond the scope of this application.

The change of use to a seven persons house in multiple occupation would be likely to increase comings and goings to the property and the intensity of residential activity within the house. I am mindful that this is a small, relatively quiet road which as a result may be more sensitive to additional disturbance than, for example, a main road. Nonetheless, I do not consider that it could be demonstrated that the marginal increase in comings and goings associated with one additional single person at the property would give rise to levels of external noise that would significantly harm residential amenity of nearby occupiers above the existing lawful use. The applicant's Planning, Access & Design Statement states that the refurbishment of the property included soundproofing (in excess of Building Regulations requirements). Irrespective of this, I do not consider that it could be demonstrated that the marginal increase in internally generated noise associated with one additional person would so significantly affect the amenity of the occupiers of the adjoining terraced houses at 65 & 69 Dulverton Road as to justify withholding planning permission.

The principal visual impact of the proposal is likely to be upon increased waste and recycling arising at the property. The applicant has provided a 'Guide to Living' document that, amongst other things, draws tenants' attention to considerate practice as regards bin collection and storage. In common with other terraced properties in this area, there is a passageway (shared with the adjoining house – in this case 65 Dulverton Road) from the front to the rear of the property, and the submitted block plan denotes a location for four wheelie bins (2 x waste, 2 x recycling) within the rear amenity space. I consider that this arrangement is acceptable subject to a condition that the bins be retained and stored at the rear (except when taken to the front on collection day).

Approximately one half of the rear dormer is shown on the existing floorplans as a storeroom. The proposal would bring this room into occupation as habitable space, however overlooking relationships between the rear window serving this room and surrounding neighbouring properties would be within normal parameters for a residential locality within this inner area of the city (and no worse than the overlooking caused by the existing bedroom within the other half of the dormer). I am satisfied

overall that the proposal would involve minimal impact upon the privacy of any neighbouring occupiers.

Council analysis (produced as part of the current Article 4 Direction consultation) does illustrate a link between houses in multiple occupation and increased incidence of anti-social behaviour. Again, however, it must be borne in mind that the subject property is already lawfully in use as a house in multiple occupation, and I do not consider that the likelihood of any material increase in crime or anti-social behaviour could be robustly attributed to one additional person at the property.

The ability of the area to assimilate the proposal is already addressed in the preceding 'principle of development' section of this report.

Living conditions of future occupiers

Policy CS03 of the Core Strategy (2014) states that new development should create buildings and spaces that are fit for purpose, and that consideration should be given to future management and maintenance. Saved Policy PS10 of the Local Plan (2006) applies to the amenity of future as well as existing neighbouring residents

The Nationally Described Space Standards (NDSS) are not yet adopted in Leicester. Nevertheless, the adequacy of internal space is part of the creation of a satisfactory living environment for future occupiers and as such remains a material consideration.

The enlarged house, as a whole, has a gross internal area (when scaled from the existing floorplans) of approximately 135m². This is consistent with the NDSS which requires a minimum of 129m² for a seven persons three-storey dwelling.

The NDSS also requires that a bedroom providing one bedspace has an area of at least 7.5m² and a width of at least 2.15m. The proposed additional bedroom would have an area of 8.5m² and its width would be 2.5m wide for most of its area. The other bedrooms in the property meet and slightly exceed this NDSS in these regards.

The NDSS also requires a minimum floor to ceiling height of 2.3m for at least 75% of the gross internal area. The Statement submitted with the application states that the proposed additional bedroom has 2.3m floor to ceiling height and this claim is repeated by a note on the proposed floorplans. As the space was created by the recent dormer extension (the subject of Building Regulations checks) I have no reason to doubt this.

I am satisfied that the west-facing dormer window serving the proposed additional bedroom would provide acceptable levels of daylight and sunlight for future occupiers. The outlook provided would be over the roof of the outrigger and rear amenity space of the property and more generally of neighbouring properties and sky. This would, I consider, be acceptable in the context of this inner area part of the city.

In common with other occupiers of the house, future occupiers of the proposed additional bedroom would have access to the communal kitchen and living space provided within the outrigger and extension on the ground floor. This provides 24.2m² space (gross) and, whilst clearly not generous, is nevertheless not unreasonable for

seven occupiers to share and benefits from windows and a door onto the rear amenity space.

Approximately 17m² amenity space is provided at the rear, in a strip alongside the outrigger and single storey extension. Appendix E of the Residential Amenity SPD is silent on amenity space expectations for houses in multiple occupation, but as a proxy it is worth noting that the SPD recommends 75m² for 2-3 bedroom terraced dwellings and 100m² for larger family homes. In this respect the application property falls short, and in practice the area available for the enjoyment of the occupiers is diminished further by the need to accommodate bin storage and cycle parking within it. However, small (substandard) rear gardens are a common attribute of the turn-of-the-century houses in this area and, in this existing context, I do not find that the space is so small as to give rise to unacceptable living conditions for the future occupiers.

I consider that adequate and convenient arrangements for the storage and collection of waste and recycling is an important attribute of a good quality living environment. In this regard I find that the condition already proposed with regards to bin storage and collection arrangements would also serve the interests of the future occupiers.

Parking

Policy CS15 of the Core Strategy (2014) states that parking for residential development should be appropriate for the type of dwelling and its location and take account of the available off-street and on-street parking and public transport. Parking standards for cars and bicycles are set out at Appendix 01 of the Local Plan (2006) and are given effect by saved Policies AM02 and AM12.

There is no standard specified at Appendix 01 for car parking for housing in multiple occupation. The standard for Class C3 dwellinghouses calls for two car parking spaces for 3+ bedroom properties.

In common with most other properties in Dulverton Road there is no off-street car parking at the site. As a Class C3 dwellinghouse the application property would have generated a standard requirement for two spaces which could not be met off-street, and this shortfall is maintained when the standard is applied by proxy to the property as house in multiple occupation. The particular circumstances of Dulverton Road (one-way with no resident permit controls to limit parking by non-residents) are acknowledged. On the other hand, houses in multiple occupation typically appeal to individuals (such as students and those making their first move out of the parental home) at the lower end of the income scale, for whom car ownership may be a lower economic priority. On balance, I consider that the proposed additional bedroom for one person would be unlikely to have a materially exacerbating impact upon on-street car parking conditions in Dulverton Road or the surrounding streets.

Paragraph 111 of the NPPF is clear that development should only be prevented on highway grounds if there would be an unacceptable impact on highway safety or severe cumulative impacts on the road network. In view of my conclusions about on-street car parking, I am not convinced that such magnitude of impacts could be demonstrated in this case.

Appendix 01 does not specify any standard for cycle parking for housing in multiple occupation, although it does specify 1 space per 2 bedspaces for student accommodation and this would seem to be a relevant proxy. This generates an overall requirement for the house of 4 spaces. The submitted block plan denotes a covered location for four bicycles within the rear amenity space. I am satisfied that this provides at least four useable, secure and weather protected cycle parking spaces for existing and future occupiers. I recommend a condition to ensure that the cycle parking is retained.

Other matters

As the proposal is for a change of use and does not involve any new buildings or extensions I am satisfied that there is no risk of any material increase in surface water run-off within this critical drainage area.

The site is within an area that has been the subject of a recent public consultation as a potential new extension to the West End Conservation Area. As the proposal is for a change of use and does not involve any new buildings or extensions that would impact upon the townscape, I am satisfied that the application does not prejudice the potential inclusion of Dulverton Road within the West End Conservation Area.

Turning finally to matters raised in the representations received and not specifically addressed in the main parts of the report above:

- *request installation of obscure glazing*: a requirement for obscure glazing would be unreasonable given my conclusion about the acceptability of overlooking relationships, and installation of obscure glazing would diminish outlook from the proposed additional bedroom to the detriment of the living conditions of future occupiers
- *loss of light*: the proposal does not involve any new operational development
- *previous noise complaints*: noted, but I have concluded that the proposal would be unlikely to materially exacerbate noise problems associated with this existing house in multiple occupation
- *inadequate noise protection*: noted, but I have concluded that the proposal would be unlikely to materially exacerbate noise problems associated with this existing house in multiple occupation
- *overdevelopment in quiet area/overcrowding/overpopulation*: I have concluded that the proposal would result in only one additional bedroom for one additional occupier and as such the impact of the proposal upon the area would not be so significant as to justify withholding planning permission
- *houses not designed for this number of people/ inadequate space/excessive sharing of facilities for tenants*: I have found that the space available within the house, as already enlarged, would provide acceptable living conditions for existing and future occupiers
- *too many HMOs/rentals in this road/more transient population/harmful to family-occupied character of Dulverton Road*: noted, but I have concluded that the proposal would be unlikely to materially exacerbate HMO concentration issues associated with this existing house in multiple occupation
- *impressed by the standard of accommodation and good management*: support noted

- *reduced parking encourages cycling and good health*: support noted
- *friends made living in HMOs/house sharing provides company*: support noted

The Planning Balance

Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development and sets out an explanation of what that means for decision taking. Footnote 8 to the paragraph further explains that out-of-date policies includes situations where the local planning authority cannot demonstrate a five years' supply of deliverable housing sites (with the appropriate buffer).

The City Council cannot currently demonstrate a five years' supply of deliverable housing sites and as this planning application involves the provision of housing the so-called 'tilted balance' under paragraph 11 of the NPPF is invoked. I acknowledge that houses in multiple occupation do help to meet accommodation need, within the broader private rented sector, particularly for individuals at the lower end of the income scale. This needs to be balanced against the harmful impacts that an over-concentration of housing in multiple occupation can have on the character of an area and the balance between more settled and more transient components of local communities. In this case I have found that, subject to conditions, the impacts of an additional one-person bedroom would not be so significant as to justify withholding planning permission. With the resulting positive recommendation, I consider that there is no need to consider the so-called 'tilted balance' further.

Conclusions

The application site is located within a wider area that suffers from an over concentration of houses in multiple occupation. However, the applicant has exercised permitted development rights to enlarge the property and change its use to a six persons house in multiple occupation. The subject proposal, effectively for the addition of a further one-person bedroom, would not create a 'new' house in multiple occupation within the area nor would involve the loss of an existing larger family house. In these respects, therefore, I conclude that there would be no conflict with the relevant provisions of Policies CS06 & CS08 of the Core Strategy.

I have found that the addition of a further one-person bedroom would not exacerbate most of the impacts upon the character of the area and the local population balance that the permitted change of use has already had to any material or unacceptable degree, and that in respect of waste management and the retention of appropriate cycle storage these are matters that can be secured as conditions of planning permission. I conclude that there would be no conflict with the relevant provisions of Policies CS03 & CS06 of the Core Strategy, nor with the relevant provisions of saved Policy PS10 of the Local Plan, in these regards.

I have found that the proposal would provide an acceptable standard of accommodation for its existing and future occupiers. In reaching this finding, I have had regard to the NDSS (that is not an adopted policy of the Council), the Residential Amenity SPD and the consultation response (raising no objection) from the Council's Private Sector Housing team. I conclude that there would be no conflict with the relevant provisions of Policy CS03 of the Core Strategy, nor with the relevant provisions of saved Policy PS10 of the Local Plan, in this regard.

I acknowledge the particular circumstances of Dulverton Road but find that, on balance of the likely low propensity of future occupiers to own a car, the proposal would not pose a significant risk of materially exacerbating local on-street car parking conditions. As noted above, the retention of the already-provided cycle storage can be secured as a condition of planning permission. I conclude that there would be no conflict with the relevant provisions of Policy CS15 of the Core Strategy, nor with the relevant provisions of saved Policies AM02 & AM12 of the Local Plan, in this regard.

I therefore recommend APPROVAL subject to the following conditions:

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The house shall not be occupied by more than six persons until four bins (2 x 240 litres waste bins & 4 x 240 litres recycling bins) have been provided on the site, and these shall be retained on the site in the position shown on the approved plan numbered 19032-P-001 (Site Location Plan) except on the day prior to collection and the day of collection. (To ensure that arrangements are in place on site for the storage of waste and recycling material arising from the occupiers of the house, in the interests of convenience and living conditions of the occupiers of the house and to ensure that the visual quality of the area is not diminished by indiscriminate storage of bins on the forecourt, in accordance with Policy CS03 of the Leicester Core Strategy (2014) and saved Policy PS10 of the City of Leicester Local Plan (2006)).
3. Four covered cycle parking stands shall be retained on the site in the position shown on the approved plan numbered 19032-P-001 (Site Location Plan). (To ensure that arrangements remain in place on the site for secure and weather-protected cycle parking for the occupiers of the house, in the interests of promoting sustainable transport and in accordance with Policy CS15 of the Leicester Core Strategy (2014) and saved Policy AM02 of the City of Leicester Local Plan (2006)).
4. Development shall be carried out in accordance with the following approved plans: 19032-P-001 (Site Location Plan) and 19032-P-402 (Proposed Plans and Elevations) - rec'd 07/02/2022. (For the avoidance of doubt).

NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material planning considerations, including planning policies and representations that may have been received and subsequently determining to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 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_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014_CS06 The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
- 2014_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
- 2014_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.

Appendix A4

20213057	4 Woodborough Road	
Proposal:	Single storey porch extension at front; alterations to front, side and rear elevations of single storey extension at side of house (ClassC3)	
Applicant:	Mr & Mrs Harish Kumar & Kirti Harish Kumar Joshi	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	25 March 2022	
SSA	TEAM: PD	WARD: Evington



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Summary

- Brought to Committee as the applicant is a Leicester City Council employee.
- Main issues are character and appearance of the area, design, neighbouring amenity and parking.
- The application is recommended for conditional approval.

The Site

The application relates to a two-storey detached dwellinghouse (Class C3), located on a corner plot on the east side of Woodborough Road. The surrounding area is characterised by a mix of detached and semi-detached houses.

Coleman Centre (Leicester General Hospital) is to the north-west, on the opposite side of the road. There is a TPO protected tree at rear of the site which will not be affected by the development.

Background

- 20101233 Planning permission was granted for a non-material amendment to planning application 20100407 (to increase projection of the side extension from 5.25 metre to 5.75 metre) in August 2010.
- 20100407 Planning permission was granted in May 2010 for a single storey extension at the side of the house - implemented.
- 20010414 Single storey extension at the rear and alterations to the garage was approved in 2001.
- 19941675 Two-storey sitting room/bedroom extension at the side of the house was approved 1995.

Woodborough Road, Rear of nos. 2- 4

20100406 and 20090875 - Applications for change of use from public open space to residential gardens, 2-metre-high boundary fence at the rear (Class C3) were refused in 2009 and 2010.

The Proposal

The application is for a single storey extension at the front to enlarge the existing porch. It would measure 1.3m wide by 1.7m deep and would have a flat roof.

The existing conservatory at the side of the house with the fully glazed hipped roof would be replaced with a tile apex roof. The overall height would remain the same. The glazing at the front, side and rear of the existing conservatory would be replaced with brick work and insertions of a window on the side elevation and a window and patio door on the rear elevation.

Policy Considerations

National Planning Policy Framework (NPPF) 2021

Paragraph 2. The framework requires that applications for planning permission 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.

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 development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance, taking in local design guidance and supplementary planning documents. Significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

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)

Consultations

None

Representations

None

Consideration

Principle of development

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

Character and Design

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 several 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 principal rooms and the gardens of neighbouring properties.

The application property is located on a prominent corner, and the size and scale of the front porch is small and is acceptable in design terms. The size, footprint and height of the side extension remains unchanged. The front, side and rear elevations, including the profile of the roof would change but it would be in keeping with the character and design of the existing house and the wider area.

The proposed porch and alterations would not significantly result in visual harm on the street scene or the character and appearance of the area. However, to ensure that the proposal is successfully integrated with the existing dwelling I consider it appropriate to attach a condition requiring materials to match.

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

Residential amenity

The front porch will not have a detrimental impact on the amenity of the existing house or the wider area.

The size and height of the side extension remains unchanged. Due to the siting of the proposed development on the west of the house, it will not have a significant detrimental impact on the privacy, light and outlook on principal rooms of the neighbouring properties nor on the amenity of the existing house

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

Highways and Parking

There is no change to the existing off-site parking provision.

Conclusion

The proposal would not have a detrimental impact upon the character and appearance of the area nor on the amenity of the existing house and the neighbouring properties. Overall, the proposal is considered acceptable and would be in accordance with the aims of the NPPF, development plan policies.

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 of the existing side extension shall be constructed in materials to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03.)
3. Development shall be carried out in accordance with the following approved plans:

Plan nos. 001 to 007 - Site plan, floor plans and elevations - received 20/12/2021
(For the avoidance of doubt).

NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material planning considerations, including planning policies and representations that may have been received and subsequently determining to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2021.

Policies relating to this recommendation

- | | |
|-----------|--|
| 2006_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents. |
| 2014_CS03 | The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'. |

