

Leicester
City Council

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

DATE: WEDNESDAY, 3 AUGUST 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 Broadwell, Chamund, Joshi, Dr Moore, Pandya, Thalukdar, Valand
and Westley

One unallocated Labour 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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If you have any queries about any of the above or the business to be discussed, please contact:
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Alternatively, email aqil.sarang@leicester.gov.uk / jacob.mann@leicester.gov.uk, or call in at City Hall.

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PUBLIC SESSION

AGENDA

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- 1. APOLOGIES FOR ABSENCE**
- 2. 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 20 April 2022 are a correct record.

- 3. 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.

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) **20220424 31 CLAREFIELD ROAD** [**Appendix B**](#)

(ii) **20212995 17A DUXBURY ROAD** [**Appendix C**](#)

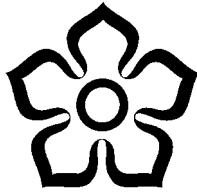
(iii) **20213098 LARCH STREET AND LONGCLIFFE ROAD** [**Appendix D**](#)

(iv) **20220639 8 BRANCASTER CLOSE** [**Appendix E**](#)

(v) **20220694 141 UPPERTON ROAD** [**Appendix F**](#)

5. ANY URGENT BUSINESS

6. CLOSE OF MEETING



Leicester
City Council

Wards:
See individual reports.

Planning & Development Control Committee

Date: 3 August 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.

- 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.

- ## 9 Background Papers

10 Consultations

11 Report Author

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APPLICATION ORDER

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COMMITTEE REPORT

20220424	31 Clarefield Road	
Proposal:	Construction of single storey extension at front and first floor extension to side of house (Class C3) (Amendments received 27.6.2022)	
Applicant:	Mr Gurjeet Rajania	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	19 April 2022	
CY1	TEAM: PD	WARD: Western



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Summary

- Brought to committee as the applicant is a Leicester City Council employee.
- One objection has been received from one City address regarding the loss of light and inaccurate plans.
- Main issues are design and residential amenity.
- The application is recommended for approval.

The Site

The application relates to a two-storey semi-detached property with a cat-slide roof that is situated within a primarily residential area.

The site lies within a critical drainage area.

Background

No planning history.

The Proposal

The application is for a first-floor side extension to enlarge the third bedroom and make space for a fourth bedroom/office space in the former en-suite. The extension will have a width of 3.1m and a depth of 7.3m, with a height to eaves of 5.2m and height to pitch of 8.3m.

There is also the installation of a window to the existing garage side elevation proposed, along with an addition of a mono-pitched roof on the garage at the front.

The materials are proposed to be the same type as existing.

Amendments were received on the 10 May 2022 adding an extension to the ground floor and incorporating a 0.25m setback from the front at first floor level, along with altering some discrepancies.

Further amendments were received on the 27th June, increasing the first floor setback to 0.5m, reducing the depth of the extension at ground floor and adding a mono-pitch to the front of the garage.

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 126: 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 39 states that 'Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.'

Paragraph 56 states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up

decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

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.

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.

Paragraph 159 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Development Plan Policies

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

Supplementary Planning Documents (SPD)

Residential Amenity SPD (2008)

Appendix 01 Vehicle Parking Standards (2006)

Residential Car Parking Research for Leicester (2011)

Leicester Street Design Guide (2020)

Representations

Two objections have been received (one to the original proposal and the other to the first amended proposal) from one address with concerns of the following:

- Loss of light to their ground floor landing and kitchen, along with upper floor landing
- Discrepancies between the internal garage and utility space on the site and floor plan;
- Fencing does not belong to 31 Clarefield Road and they object to this being taken down (not a material planning consideration) and
- Proposed materials of the garage and whether these will match existing.

Consideration

Principle of development

Extensions to houses in primarily residential areas are acceptable in principle subject to the following considerations below.

Design

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

The residential amenity guide states that extensions should not dominate the existing property and setbacks should be maintained from the front and to ridgeline.

The property has a cat slide roof at the side which would be removed as a result of the development. There is a poor quality dormer on the side and the adjoining semi-detached property 33 Clarefield Road has removed their corresponding catslide roof and has a two storey side extension which was granted permission in 1980 (Application 19800747). As there are no further similar roof types in the immediate vicinity, I do not consider the roof to be an important characteristic feature of the property and the street scene and that the loss would not be unduly detrimental to the property or street scene.

There is a setback from the side boundary of the dwelling of approximately 1m. So, with amendments showing a 0.5m setback from the front and the corresponding drop in the ridge line, I consider that the extension would still be relatively subservient to the main house. The windows will align with the existing windows and a condition is recommended for the materials to match existing. With this condition, I consider 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 design.

Living conditions (*The proposal*)

All habitable rooms would have acceptable outlook and the development would not result in a change in the rear amenity space. I consider that the proposal would comply with saved policy PS10 of the Local Plan (2006) and is acceptable in terms of amenity for the host property.

Residential amenity (*neighbouring properties*)

Saved Policy PS10 of the Local Plan (2006) sets out a number of amenity factors to be taken into account when determining planning applications, including the visual quality of the area, privacy, outlook and overshadowing, and the ability of the area to assimilate development.

The residential amenity guide states that *“An extension must not cause any significant loss of sunlight to principal rooms and gardens of neighbouring properties”*.

It goes on to state that a habitable room (used in the document interchangeably with principal room) is *“a room used for living purposes, excluding kitchens with floor area of less than 13 m² (140 ft²), bathrooms, toilets, corridors and halls.”*

Objections raise concerns about the loss of light to their ground floor landing and kitchen windows on the side elevation of 29 Clarefield Road. There is also a first-floor landing window on the side elevation of this dwelling. The landing area does not fall under the definition of habitable or principal room. A site visit was conducted to this property and the kitchen was measured. It was 2.5m width x 2.8m depth with a floor area of under 7m² and is therefore not classed as a habitable or principal room. Therefore, no protection can be afforded to the side windows in accordance with the Residential Amenity SPD.

A new side window is proposed on the side of the ground floor adjacent to 29 Clarefield Road. As this is close to the boundary where there is close boarded fencing on the common boundary, I recommend that it is fitted with sealed obscure glazing (with the exception of top opening light) and retained as such.

The proposal is on the south side of the dwelling and the adjoining neighbouring property at 33 Clarefield Road is located to the north of the application site. Hence the proposal will have a minimal impact on the amenity of the occupiers of this dwelling.

With the recommended condition, I do not consider that the development would result in an overbearing, overshadowing, or overlooking to any neighbouring properties habitable rooms or garden. I consider that the proposal would comply with saved policy PS10 of the Local Plan (2006) and is acceptable in terms of amenity for neighbouring occupiers.

Highways and Parking

Appendix 01 Vehicle Parking Standards (2006) states that a house of this size in this location should have two parking spaces. Leicester Street Design Guide States that the parking spaces should be no less than 5.5m x 2.4m.

A three/four bedroom house would require two off-street parking to be provided. The internal layout of the garage is as such that it could not be used as a parking space. However, the existing driveway could provide one off-street parking space. The shortfall of one space could be accommodated on the street without resulting in a severe highway impact.

I consider that the proposal would comply with saved policy AM12 of the Local Plan and would not conflict with (2006) Policy CS02 of the Core Strategy (2014) and is acceptable in highways terms.

Drainage

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

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

Other matters

In relation to the other concerns in the representation that have not yet been considered:

Fencing – the fencing is not proposed to be removed under this application. The red on the site plan was pertaining to the site boundary not demolition works. This has been amended.

Discrepancies – there were several issues in the original plans which have been amended.

- Red lines in the site plan – these were used to show demolition not the site area and have since been altered in colour
- Proposed ground floor plan and site plan showed different layouts in the for the utility and garage space,

Conclusion

In conclusion, I consider that the proposal represents good design that would have a minimal impact on residential amenity and is in accordance with national and local planning policies.

I recommend APPROVAL subject to the following conditions:

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The external elevations shall be constructed in materials to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03.)
3. Before the occupation of the new utility space, the window facing 29 Clarefield Road shall be fitted with sealed obscure glazing to Pilkington level 4 or 5 (or equivalent) (with the exception of top opening light) and retained as such. (In the interests of the amenity of occupiers of 29 Clarefield Road and in accordance with policy PS10 of the City of Leicester Local Plan).
4. Development shall be carried out in accordance with the following approved plans:
Existing Plans & Elevations, 2021-29 -PL-01, received 10 May 2022

Proposed Plans & Elevations - rev 2, 2021-29-PL-02, REVISION 2, received
27 June 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 (and/or pre-application).
The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2021 is considered to be a positive outcome of these discussions.

Policies relating to this recommendation

2006_AM12	Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
2006_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
2014_CS02	Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
2014_CS03	The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
2014_CS15	To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.

COMMITTEE REPORT

20212995	17A Duxbury Road	
Proposal:	Construction of single storey, two storey and first floor extension to community centre; single storey side extension to mosque (Sui Generis); installation of cladding to community centre and alterations (Amended plans received 26/05/2022, 16/06/2022 and 27/06/2022)	
Applicant:	Mr Rajani	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	3 May 2022	
AVB	TEAM: PD	WARD: North Evington



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Summary

- Reported to committee as there are 6 objections from addresses in City.
- Objectors raise issues of inadequate parking, noise and general disturbance, travel plan not adhered to and residential amenity.
- 17 letters of support to the proposal

- Main issues are impact on neighbouring amenity, design, parking, flooding and trees covered by TPO.
- Recommended for approval.

Introduction

This application site is within a primarily residential area and comprises two buildings: a two-storey building is located to the south of the site is used as a place of worship and the single storey building to the north of the site is used as a community centre, located closer to Bridge Road. The site is dual fronted with Duxbury Road and Bridge Road forming the side boundaries to the site. There is a vehicular entrance located on both streets with a one-way system in operation. Vehicles enter the site on Duxbury Road and leave via Bridge Road.

The site is surrounded by residential properties in all directions. The site is located within Flood Zone 2, Critical Drainage Area and Surface Flood 1 in 1000 years.

There is a row of nine trees protected by a tree preservation order along the Bridge Road frontage.

Background

There is an extensive history to this site as follows:

20020372 – Place of worship and community centre (Class D1) was approved in 2002.
 20040222 - Single storey building to form place of worship and community centre; temporary continuation of use of existing building for community use; ancillary car parking and landscaping (Class D1); dwelling (amended plans) was approved in 2004.
 20041548 - Demolition of the building for new place of worship and community centre was withdrawn in 2004.

20050836 - Single storey place of worship and community centre; temporary continuation of use of existing building for community use; ancillary car parking and landscaping (Class D1) (amended) was approved in 2006 and implemented

20080685 - Change of use from community centre (Class D1) to community centre and offices (mixed class) was withdrawn in 2008.

20120301 - Variation of condition 2 (to retain the building) attached to planning permission 20050836 was approved in 2012.

20121684- Discharge of condition 5 (travel plan) attached to planning permission 20120301 was approved in 2013.

20130444 - Two storey extensions to the front; sides and rear of the community centre; associated parking (Class D1) (amended plans) was approved with conditions in 2013 but not implemented.

The Proposal

The applicant has amended the proposal to reduce the depth of the single storey extension at the side of the place of worship. The amended proposal is as follows:

Place of worship:

A single storey extension is proposed on the southern side of the place of worship building. The extension would be 6.5m wide to the west and reducing to 5.3m to the east with an overall depth of approximately 10.8m. It would have a partial pitched and a flat roof with a height of 4.1m to the ridge and 2.6m high to the eaves. The flat roof would measure approximately 2.7m high. The extension would provide a shoe racking area, male washing area, disabled toilet and a snack area.

Community Centre:

A single, first floor and two storey extensions are proposed to the front and sides of the community centre.

There would be a single storey link extension which would connect the place of worship building with the community centre. It would be 2.8m wide to the west elevation and increasing to 4.3m to the east with a flat roof and it will be mostly glazed with openings facing both Bridge Road and Duxbury Road.

The proposed first floor extension would be above the single storey community building and above the new link extension, making that part two storey. Overall, the extension would measure 18m x 12.6m with a flat roof of 5.9m high. A minaret on north-east corner measuring 9.7m high is proposed.

The ground floor would comprise of community rooms, funeral preparation area, toilet facilities, offices, stores, plant room and lobby/seating area. The proposed first floor would comprise of gym area, gaming area, seating area, store, changing rooms and toilet facilities.

The proposed external materials would comprise render, porcelain tiles on the lower part of external walls and the minaret and Mashribiya panels on the first floor elevations and the ground floor of the link extension.

The applicant has stated that the proposed hours of use of the community centre would be similar to the place of worship, 0800-2200 hours daily. The applicant states that the community centre will be open to their members and will be available via a pre-booking system to ensure the numbers are kept to an appropriate amount. No more than 15 to 20 people would be using the gym at any single time and no more than 10 people would be using games/gaming and seating areas.

The applicant has submitted Design and Access and Flood Risk Assessment, Parking Management Plan to support the application.

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 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 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.

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 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.

Development Plan policies

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

Other Guidance

Residential Amenity SPD (adopted 2008)

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)

Consultations

Pollution (Noise Team) - No objections subject to conditions relating to A/C units and related noise assessment.

Local Highway Authority – No objections subject to Travel Plan condition.

Trees and Woodlands – No objection subject to condition.

Lead Local Flood Authority – In receipt of revised Flood Risk Assessment they raise no objections subject to the conditions with regards with to SUDs and Drainage.

Representations

I have received 6 letters of objection and 17 letters of the support from addresses in the City.

Objectors concerns are as follows:

- Exacerbate an existing parking problem;
- Vehicles do not park in the existing car park but use surrounding streets;
- Entrance and egress are always from Duxbury Road;
- Increase in users of the building;
- Children playing in the car park early morning and chanting. The proposal will increase in noise and general disturbance;
- Events late into the evening early morning create noise;
- External lights make it hard to sleep;
- Travel Plan as part of the earlier application is not followed;
- Facilities are not for local residents;

- Loss of light to surrounding properties and
- Similar facilities in the area.

In Support

- Provide facilities and create extra space for children, woman and seniors;
- Design is in keeping with the surrounding area;
- No reduction in parking and
- Benefit physical and mental health of the members of the community and would increase in users of the building.

Consideration

Principle of development

The proposal is for extensions to an existing place of worship and community centre that is within a residential area. Paragraph 93 of the NPPF states that decisions should plan positively for the provision and use of shared spaces, community facilities including places of worship to enhance the sustainability of communities and residential environments. I therefore consider that the proposal is acceptable in principle subject to amenity, design, parking, flooding and trees.

Residential amenity

Single storey side extension to the Place of Worship:

The proposed single storey side extension to the place of worship as amended has been reduced in depth and height. The proposed roof would be part pitched roof (4.1m to ridge and 2.6 to eaves) and part of it will be a flat roof (2.7m high). The single storey extension would be located in close proximity to the common boundary with the neighbouring residential properties at 20 Bridge Road and 19 Duxbury Road.

The proposed extension is located to the north of both of the adjacent properties and there is an existing high boundary treatment on the common boundary with the site. Both the properties have single storey extensions at the rear with no windows in the rear elevation. The proposed extension will not intersect a 45-degree line taken from the nearest principal room window of either of the neighbouring properties. I therefore consider that the proposed single storey side extension as amended by reason of its size, design, height and location will not have significant detrimental impact on the residential amenity of the neighbouring properties in terms of loss of light and outlook. Furthermore, the proposed extension due to its height, orientation and separation distance will not have significant detrimental impact in regard to overbearing and overshadowing impact. There are no windows proposed to the side elevation so it will have minimum impact in regards with the privacy.

Single, two storey and first floor extension to the Community Centre:

Whilst there is no guidance relating to separation distances for community buildings adjacent to residential properties, the Residential Amenity SPD sets out guidance that could be used as a proxy to assess the acceptability of the proposal. The SPD sets out that the minimum distance between any principal room windows in an extension

and the boundary with undeveloped land, including gardens, should be 11 metres and where a window to a principal room faces a similar window of a neighbouring property, the distance between them must not be less than 21 metres.

The extended building would be located approximately 23 metres from the front elevations of residential properties on the opposite side of Bridge Road and would be screened by the existing TPO trees.

The dwelling at to the south of the site at 20 Bridge Road would be approximately 43 metres away from the proposed extension at the community centre.

The proposed first floor extension (north elevation) would be approximately 27 metres from the side gable of 18 Bridge Road and 17 Duxbury Road. These properties do not have any windows to its side gable, but its amenity space is located along the boundary. However, there is the existing car parking between the houses and the northern elevation of the community building.

The properties on the opposite side of Duxbury Road would be 31 metres away from the nearest part of the extension on the east elevation. The proposed extension would have large glazing consisting of mashribiya panels facing the north and east elevations at first floor level and glazing with sliding doors at ground floor elevation facing the east elevation. Although there are glazing elements which would potentially lead to loss of privacy or overlooking but due to the separation distances, I consider that that the proposal would not result in significant loss of light or privacy to nearby residential properties.

I consider the proposed extensions are in excess of recommended separation guidelines set out the Residential Amenity SPD and would therefore not result in unacceptable levels of overlooking, loss of privacy, loss of light or overshadowing.

The first floor of the community centre would be fully glazed on the east elevation facing Duxbury Road and partly glazed on west elevation (Bridge Road). The rest of the elevations would have solid walls. Furthermore, the glazing on the first floor level is non opening and I am satisfied that it would not allow the transmission of noise to nearby residents.

The proposal link extension would have large glazing doors to the east elevation. It is a concern that the proposed doors to the link extension may have the potential to lead to outbreak of noise. However, the applicant states that the sliding doors are only for access and will not be kept open all the time. I consider that this would help to address the issue in regards with the noise outbreak and I have attached a condition in regards to this.

The proposed first floor would be set back from all the neighbouring properties and the ground floor extensions including link extension would be built on land that currently forms a paved and tarmacked area. The building will provide an increased floorspace, however, as discussed below I consider there is adequate parking to accommodate any increase in floor area and resulting increase in its subsequent use. In addition, the applicants have agreed that the existing travel plan and parking

management plan will be updated, and this will also address the increase in potential visitors to the site

Furthermore, the applicant proposes hours of use from 0800-2200 hours daily which I consider would help to protect the residential amenity of the nearby residential properties. A condition is recommended in regards with this.

The applicant proposes a plant room on the ground floor level with louvre door to the north elevation. No noise assessment or additional details have been submitted in regards with the siting of the air conditioning units (AC) and potential noise impact from their use. In principle the siting of the plant room is acceptable and AC units could be sited within the building. I have attached a condition requiring further details to be submitted.

I therefore consider that the proposed development subject to conditions relating to hours of use, plant room and travel and management plan would help to protect the amenities of nearby residential occupiers.

Design

Policy CS03 of the Leicester Core Strategy (2010) seeks high-quality, well-designed developments that contribute positively to the character and appearance of the local built environment. The policy goes on to set out urban design objectives including, at paragraph 1, a requirement for new development to contribute positively to an area's character and appearance in terms of inter alia scale and urban form.

The wider townscape is one marked by domestic scale residential terraced houses with pitched roofs. The site is located between 2 streets with access and egress on Duxbury Road and Bridge Road.

The single storey extension to the side of the place of worship by reason of its size, design, height and location would be in keeping with the design of the building. The proposed materials are to match the existing which are acceptable. I consider that it would have minimum impact on the visual amenity of the surrounding area.

The existing community building is a single storey building with a metal pitched roof. The scheme seeks a contemporary style extension that makes some references to the context in terms of general scale and massing but is overtly modern. I consider that this approach in this instance would be successful and will provide a new typology that adds architectural richness to the townscape. The location of the community centre is more centrally located within the site, and I consider that extensions would sit comfortably in terms of massing and scale considering the separation distances to the nearby residential properties. I am satisfied that the general height and massing is acceptable in terms of the wider character of the area and the detailing and materials complement the modern architectural style.

The applicant proposes textured white silicon-based render with Mashribiya Panel to be 5mm laser cut aluminium and porcelain tiles for the extensions on the community centre. The first floor would have part glazing and part solid wall with mashribiya panels, and the ground floor would have render finish with porcelain tiles at ground floor. The proposed link extension would be glazed with mashribiya panels. The

development as currently proposed provides good quality design and materials which are contextually appropriate response to the modern style of the proposed building. The visuals and drawings have been provided, which show the proposed materials. To ensure that the proposed design and materials are of a high quality and durable over time, which would enhance the character and appearance of the area, I consider it necessary to attach conditions that require the material detailing is provided prior to the construction above ground level. This would ensure that the details can be suitably incorporated into the design in time.

A minaret on north-east corner measuring 9.7m high is proposed and will help to provide a strong identity to the use of the site in keeping with its use and this is welcomed.

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 buildings on the site and the surrounding area.

Parking

The site combined with the mosque and the community centre needs to address the parking demand for both uses. The proposed development does not propose any amendments to the current site access, which uses an access from Duxbury Road as an entrance into the site and exists off onto Bridge Road. These accesses are deemed acceptable for the site and location.

The proposed development does not propose any additional off-street parking. Currently, there are 61 spaces, including 5 disabled spaces. The Leicester Street Design Guide refers to the Vehicle Parking Standards as set out in the Saved Local Plan Policies. For developments of this size and location, the standard is for 1 space per 22 sqm. The total internal space of the development including the new proposed development will be 1130sqm. This means the requirement for off street parking is 52 spaces. Therefore, the current provision is sufficient to meet the requirement of the existing and the proposed development, and is therefore deemed acceptable.

Concerns have been raised that users of the centre park do not park their vehicles in the car park and park them within surrounding area. Where and how users park when visiting the centre cannot be dictated either by the applicant or by the attachment of conditions in this respect. However, the requirement to update the existing Travel Plan should encourage users to make use of the parking provided on the site.

The Design and Access Statement references a Travel Plan, which has not been submitted as part of the application. However, I have attached a condition in regards with this that should address concerns raised regarding management of traffic and parking.

Trees

There is a row of nine protected trees along the Bridge Road boundary. The proposed extension to Community Centre building will not be extended towards the existing trees and it will not be within the root protection area. The combination of the existing

paved areas and permanent fencing all of which will be retained will protect the tree trunks and their root protection areas.

A temporary Tree Protection Fencing is proposed to protect eastern canopies of the trees throughout the construction period. The proposed Tree Protection fencing will perform the function of preventing site traffic using the areas under the tree canopies and also to prevent materials storage within this area. I have attached a condition to secure this.

Flooding

The proposed development is located within Flood Zone 2, the fluvial flood risk (from Main Rivers) in this zone is between 1 in 100 year (1%) and 1 in 1000 years (0.1%) annual chance event. Therefore, the site is considered Medium risk to fluvial flooding.

A Flood Risk Assessment (FRA) has been provided, which assesses the risk from all sources of flood risk and proposes mitigation measures (in the form of flood resistance and resilience measures). An assessment of proposed finished floor levels (FFL) and flood resilience measures has been included as part of the FRA and it is stated that the FFL will be set no lower than the level of the existing internal FFL and a number of flood resistance and resilience measures have been proposed to be included. I consider this to be acceptable.

The site is also located within Critical Drainage Area and Surface Flood 1 in 1000 years area. The applicant has submitted Flood Risk Assessment with drainage details. Lead Local Flood Authority have suggested conditions in regards with Sustainable Urban Drainage Systems and Drainage. I consider that it is appropriate to attach the conditions in this regards.

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

Conclusion

The proposed development would have a minimal impact on the amenity of the adjacent neighbouring residential properties. There would be minimal harm in terms of highways, drainage and trees subject to attachment of conditions.

The designs of the extensions are acceptable, and they would make a positive contribution to the character and appearance of the buildings on the site and the wider area.

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

CONDITIONS

1. START WITHIN THREE YEARS
2. Prior to the commencement of any works above the ground level, full details of all external materials, including all manufacturer details, shall be submitted in

writing to the City Council as Local Planning Authority and a full size sample panel providing all materials to be used for external finishes and showing their construction together shall be constructed on site for inspection and approval in writing by the City Council as Local Planning Authority. The development shall only be constructed in accordance with the approved materials and details of construction. (In the interest of visual amenity and character and appearance of the area and in accordance with 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 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, this is PRE-COMMENCEMENT condition)
4. Prior to the commencement of development details of drainage, shall be submitted to and approved 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, this is PRE-COMMENCEMENT condition.)
5. There shall be no external amplified call to prayer or aural announcement of activities to take place or taking place within the building without the prior submission of details to and approval by the City Council as local planning authority. (In the interests of residential amenity and in accordance with policy PS10 of the City of Leicester Local Plan.)
6. The use shall at all times be managed and operated in full accordance with a Management Plan the details of which shall first be submitted to and approved in writing by the local planning authority before the first use of the development. The management plan shall set out procedures for the use and number of people attending at any one time and arrangements for appointments, management of attendees on and around the premises and other matters as appropriate. The management plan shall be publicly viewable (via the planning register at <https://www.leicester.gov.uk/planning-and-building/planning-applications/search-planning-applications/>) and shall identify a single point of contact. (To ensure the development is properly managed so as to minimise its effect on the surrounding area and in the interests of the safety and security of its occupiers in accordance with the aim of Core Strategy policies CS03 and CS15 and policy PS10 of the City of Leicester Local Plan).
7. Prior to the use of the development at the community centre the details of the air conditioning units and noise assessment report is submitted and approved

by the City Council as local planning authority and it shall be maintained and operated thereafter in accordance with the manufacturer's instructions (In the interests of the amenities of nearby occupiers, and in accordance with policies PS10 and PS11 of the City of Leicester Local Plan.)

8. All external doors and windows shall be kept closed, other than for access and egress, in all rooms when amplified/live music or speech is taking place. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
9. There shall be no live or amplified music played within the building or within the curtilage of the site which would be detrimental to the amenities of occupiers of nearby properties. (In the interests of the amenity of occupiers of nearby houses in accordance with policies PS10 and PS11 of the City of Leicester Local Plan).
10. The use shall not be carried on outside the hours of 0800 to 2200 daily. (In the interests of the amenities of nearby occupiers, and in accordance with policies CL08 and PS10 of the City of Leicester Local Plan)
11. No part of the development shall be occupied until an updated Travel Plan for the development has been submitted to and approved in writing by the City Council as local planning authority and shall be carried out in accordance with a timetable to be contained within the Travel Plan, unless otherwise agreed in writing by the Council. The Plan shall: (a) assess the site in terms of transport choice for staff, users of services, visitors and deliveries; (b) consider pre-trip mode choice, measures to promote more sustainable modes of transport such as walking, cycling, car share and public transport (including providing a personal journey planner, information for bus routes, bus discounts available, cycling routes, cycle discounts available and retailers, health benefits of walking, car sharing information, information on sustainable journey plans, notice boards) over choosing to drive to and from the site as single occupancy vehicle users, so that all users have awareness of sustainable travel options; (c) identify marketing, promotion and reward schemes to promote sustainable travel and look at a parking management scheme to discourage off-site parking; (d) include provision for monitoring travel modes (including travel surveys) of all users and patterns at regular intervals, for a minimum of 5 years from the first occupation of the development brought into use. The plan shall be maintained and operated thereafter. (To promote sustainable transport and in accordance with policies AM01, AM02, and AM11 of the City of Leicester Local Plan and policies CS14 and CS15 of the Core Strategy).
12. Before the development is begun, all existing TPO trees on the site shall be protected by fences erected not within the root protection area as shown on existing tree survey and protection plan. No materials whatsoever shall be stored, rubbish dumped, fires lit or buildings erected within these fences; no changes in ground level shall be made within the spread of any tree, shrub or hedge without the previous written approval of the local planning authority. No trees shall be used as anchorages, nor shall any items whatsoever be affixed

to any retained tree. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)

13. The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated May 2022 (ref: DRL-FRA-0001.F01.00) and the following mitigation measures detailed within the FRA:
 - Safe access/egress
 - Emergency Flood plan
 - Flood resistance and resilience measuresThe mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the Lead Local Flood Authority. (To minimise the risk of damage in times of flooding, and in accordance with policy CS02 of the Core Strategy).
14. Development shall be carried out in accordance with the following approved plans:
 - Location and Block Plan - 463-05 Rev B received 16/06/2022
 - Proposed Mosque floor plans and elevations - 463-04 Rev D received 16/06/2022
 - Proposed Community Centre floor plans and elevations- 463-04 Rev B received 27/06/2022
 - Proposed Community Centre section - 463-10 received 26/05/2022
 - Existing tree survey and protection plan - 463-07 received 08/03/2022(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.
2. The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2021 is considered to be a positive outcome of these discussions.

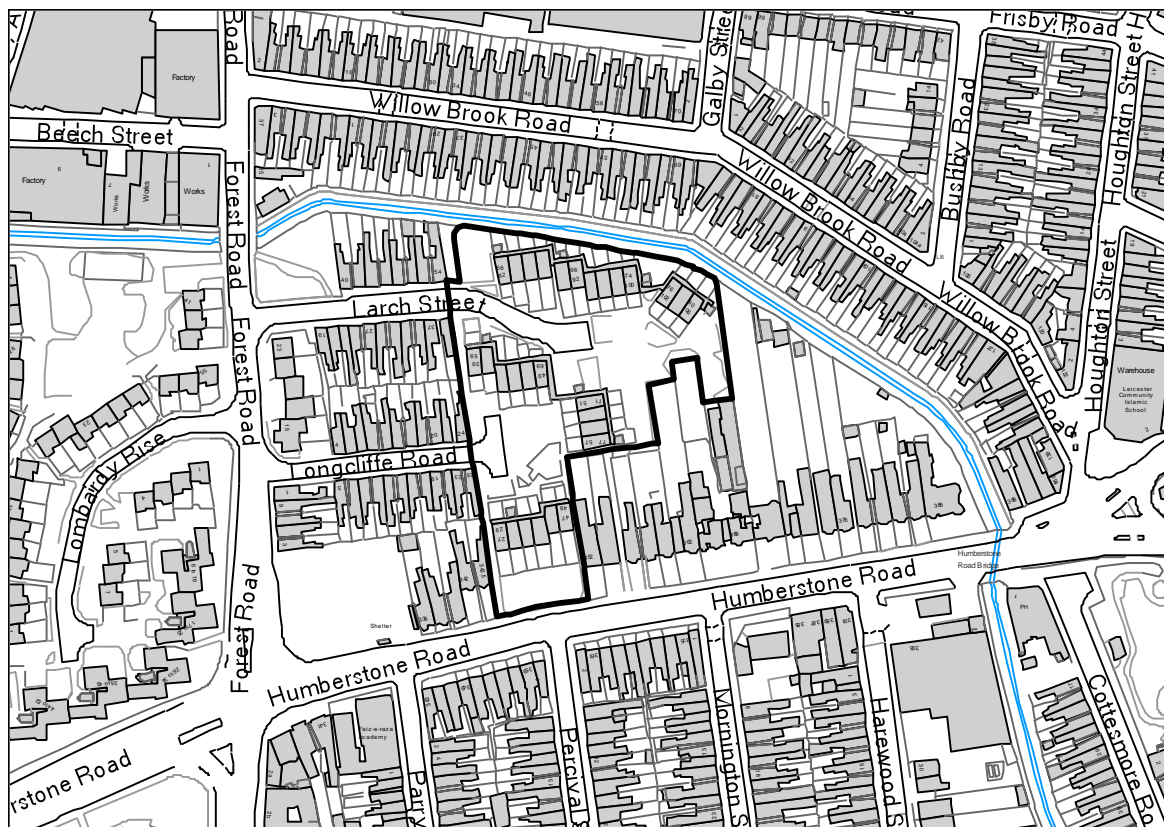
Policies relating to this recommendation

- 2006_AM01 Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.

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

COMMITTEE REPORT

20213098	Larch Street and Longcliffe Road	
Proposal:	Installation of security fencing, gates, infill panels to balconies and bin enclosures to maisonettes (Class C3) (Amended Plans received 13 th June)	
Applicant:	PA Housing	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	15 July 2022	
CY1	TEAM: PD	WARD: North Evington



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Summary

- Reported to committee as there are 9 objections from 7 different addresses in the city and a petition with 25 signatures.
- Objectors raise issues of lack of parking and access to walkways outside of the housing estate, obtrusive design, impact on mental health, lack of publicity for residents along Longcliffe Road and incorrect land ownership.

- The main issues are design, and the amenity of occupier of existing and neighbouring properties.
- The application is recommended for approval.

The Site

The application relates to a housing estate that is managed by PA Housing (a Registered provider of social housing) at the end of Larch Street and Longcliffe Road comprising 58 maisonettes split over nine buildings of a three and four storey (Class C3). The estate is sited within a primarily residential area. Willow Brook is to the north of the site.

There are flooding constraints on the site with the site being within flood zones 2 and 3a, along with being in a critical drainage area and final hotspots.

Background

Planning application 028412 - Development of Site of 4 dwellinghouses (to be Demolished) & land at the rear of existing dwellinghouses by erection of 58 four person maisonettes (Revised Plans), Granted Conditional Approval in 1974.

Consent granted in 1976 (1976009) for amendments to previously approved plans under permission 28412 in May 1974 to provide 58 four person maisonettes with provision of two access roads and ancillary car parking.

The Proposal

The application is for the following works:

- 1) Installation of mesh fencing to existing boundary walls to bring the heights up to 1.8m, fencing around the waste storage areas and amenity areas to properties. Fencing would be colour coated in dark green.
- 2) Installation of 1.8m high mesh fencing and pedestrian gates to enclose the open path to some of the maisonettes. These would also be coated in dark green.
- 3) Installation of black metal balustrade infill panels to balustrades of existing balconies. These would also be coated in black.

Amendments have been received showing examples of materials proposed for the mesh fencing, balcony infill panels and all elevations for the different fencing heights.

A new location plan was also submitted rectifying the incorrect land ownership details on the original submission and as a result of this the application was re-publicised.

Policy Considerations

National Planning Policy Framework (NPPF)

Paragraphs 2 (Application determined in accordance with development plan and material considerations)

Paragraph 11 (Presumption in favour of Sustainable Development)

Paragraphs 39 and 40 (Pre-applications)

Paragraphs 43 (Sufficient information for good decision making)

Paragraph 56 (Six tests for planning conditions)

Paragraphs 111 and 112 (Highways impacts)

Paragraphs 126, 130, 132 and 134 (Good design and ensuring high standard of amenity)

Paragraphs 159 and 167 (Flooding and Drainage)

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

Environment Agency – no response

Waste Management – no objection subject to code access being provided for the bins rather than fobs.

Police (Crime and Disorder) – no response

Representations

9 objections have been received from 7 householder addresses, along with 2 further comments with the following concerns:

- Loss of parking for residents outside of the Housing Association complex;
- Loss of access to walkways for residents outside of the Housing Association complex;
- Lack of publicity to residents off Longcliffe Road;
- Incorrect ownership line on location plan;
- Obtrusive design;
- Children may be obstructed or hurt when playing outside of the gated areas;
- Lack of explanation from LPA regarding the development;
- Fence would affect freedom and mental health of residents;
- Application has affected mental health to resident and letter of apology should be issued to objector;
- Reduction of accessibility;
- No more applications should be submitted and
- Moving in and out of properties will be more difficult.

1 petition has also been received with 25 signatures regarding loss of parking and access to the walkways.

Consideration

Principle of development

The addition of security features to a residential property within a primarily residential area is acceptable in principle subject to the considerations set out below including representations.

Design

Objections have been received regarding the obtrusive design of the scheme fencing, gates and panels. Whilst timber fencing or railings would have been desirable, the dark green mesh which has been proposed would allow visibility and reduce the sense of enclosure created by the added height whilst still giving security to the area. I consider the design to be acceptable.

Replacement infill panels are proposed to balconies which will be coloured black. I consider this part of the proposal would have a neutral impact to the character and appearance of the dwellings and the wider area.

I have attached a recommended condition to ensure the fencing, gates, and infill panels are coated in a durable finish that would comply with policy CS03 of the Core Strategy (2014) and would not conflict with saved policy PS10 of the Local Plan (2006). The proposal is considered acceptable in design terms as it would not harm the character and appearance of the housing estate and the wider area.

Living conditions and access (*The proposal*)

An objection has been received with the concerns that the fencing would affect freedom and mental health of residents namely children who use the area. The proposed fencing is not unusual in places used by children for example in schools and play areas for safeguarding reasons.

The design of estate has large amount of permeability through the site, though most of this is a network of numerous uncontrolled pedestrian routes next to residents' entryways and habitable rooms along with the windowless sides of the existing blocks. The enclosed areas lead to little surveillance for residents when entering their properties and shared amenity spaces and as stated by the applicant has led to antisocial behaviour that has been difficult to manage.

The installation of gates and fencing would disrupt the permeability between the site and add slight inconvenience to taking out waste. However, the proposal would give extra safety to the residents on the estate by reason of securing the entrances to waste storage and many properties entrances along with adding new panels to balconies. It would also increase the user's privacy to their property entrances, waste storage, and shared amenity space.

I consider 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 living conditions for the existing and future occupiers of the housing estate.

Residential amenity and access (*neighbouring properties*)

Objections have been received regarding loss of access to the walkways for properties outside of the housing estate. The only walkways that would no longer be accessible are small areas around bins where there are entrances and windows to specific properties, and the shared amenity space behind 56 to 105 Larch Street. Whilst the site includes adopted highways, the fencing is on the housing association land only and would give the occupiers of these properties more privacy and security. I do not consider that the loss of access to these areas would disrupt the permeability for neighbouring properties to and from Larch Street, Longcliffe Road, and Humberstone Road nor would the fencing result in a detrimental impact to residents outside of the estate.

Objections have been received with concerns that children may be obstructed or hurt when playing outside of the gated areas. It is not considered that the proposed fencing is likely to directly cause harm to children above the existing situation.

I consider that the proposal would comply with policy CS03 of the Core Strategy (2014) which states that access and permeability matters need to be considered alongside the need for security and privacy matters and would not conflict with saved policy PS10 of the Local Plan (2006) and is acceptable in terms of amenity for the existing and neighbouring occupiers.

Waste storage and collection

New security measures will mean that eight of the existing bin areas will be behind security fencing and access will be through locked, metal mesh security gates.

The Waste Management Team have requested that the gates/doors should be of a sturdy construction, be wide enough for bins to be taken out and gates should be able to be secured in an open position. The gates would be of a sturdy design with sufficient width of 1.2m for bins to fit through and I consider it appropriate to attach a condition to ensure that the gates can be secured in an open position, not just for waste management collection, but also to allow ease of access for all users who may struggle to use the gates without this feature.

Waste Management would prefer access to the secured bin areas to be via key codes but would accept key fobs that must be provided to them and any replacements to be provided free of charge. I understand that the applicant intends to use key fobs. I have attached a Note to Applicant that details that the applicant must contact Waste Management Team to agree arrangements.

Highways and Parking

There are existing parking spaces on the site contrary to the information on the application form, however it is clear from the submitted drawings that these would not be affected by the proposal.

Objections have been received regarding perceived loss of parking for residents who live outside of the estate because on-site parking would be fenced up. However loss of parking has not been proposed, and in any event the on-site

parking provision is controlled for residents of the estate and not for non-residents living outside of the application site.

I conclude that the proposal would comply with policy CS14 of the Core Strategy (2014) and would not conflict with saved policy AM12 of the Local Plan (2006) and is acceptable in terms of parking provision.

Drainage and Flooding

The site is within a critical drainage area, final hotspot, flood zones 2 and 3a, along with being in close proximity to a water course. The proposal is for mesh fencing and balustrades mainly to existing walls and fences, with new fencing and gates being mesh.

I consider that a requirement for a flood risk assessment and scheme of sustainable drainage would be onerous and that the impact of the proposal in terms of increased surface water run-off and flooding is unlikely to be significant.

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

Other matters

IN respect of the following concerns from objectors have not yet been dealt with above:

Lack of publicity for Longcliffe Road:

Five further site notices were placed on Longcliffe Road and Larch Street and were replaced when the application was re-publicised. The display of site notices to publicise application is compliant with provisions set out in planning legislation.

Incorrect ownership line on location plan:

The location plan originally showed ownership of the adopted highways, this was rectified and a noticed served on the highway authority. The application was then re-publicised.

Lack of explanation from LPA and applicant regarding the development:

All plans and details submitted have been publicised online showing the proposal. Whilst it is recommended that applicants speak and/or consult with neighbouring properties and tenants before applying for permission this is not a statutory requirement.

Application has affected mental health to resident and letter of apology should be issued to objector

There is a statutory requirement for local planning authorities to assess and determine valid planning applications that are submitted to them in accordance with national and local policies.

The application has been live three times and no more applications should be submitted:

There has only been one planning application for the proposed works, however publicity was carried out on three separate occasions due to concerns raised by local residents that there had been a lack of publicity and that incorrect land ownership on the site plan had been shown.

Conclusion

The proposal would help provide additional security to the estate and would have a minimal impact on the amenity of the existing and nearby occupiers of residential properties. The design of the works including materials to be used are acceptable and would not harm the appearance and character of the estate and wider area. It would be compliant with national and local policies.

I recommend that this application is APPROVED subject to 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 metal mesh fencing and gates shall be colour coated dark green in a durable finish and the metal balcony infill panels shall be colour coated black in a durable finish. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03.)
3. The gates shall be fitted so that they can be secured in an open position to allow bins to be taken in and out of the enclosed area. (In the interest of easy access and in accordance policy CS03 of the Core Strategy.)
4. Development shall be carried out in accordance with the following approved plans:
Security fencing proposal, 101-423/(P)001, received 13 June 2022
Boundary Treatment Plan, 101-423/(P)002H, received 13 June 2022
Site Location Plan, 101-423/(P)005B, received 13 June 2022
Balcony Treatment Plan, 101-423/(P)003A, received 24 December 2021
(For the avoidance of doubt).

NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has

been the subject of positive and proactive discussions with the applicant during the process (and/or pre-application).

The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2021 is considered to be a positive outcome of these discussions.

2. The applicant is advised to contact Waste Management Team to arrange security access to waste storage areas.

Policies relating to this recommendation

- | | |
|-----------|--|
| 2006_AM01 | Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations. |
| 2006_AM02 | Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations. |
| 2006_AM12 | Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01. |
| 2006_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents. |
| 2014_CS02 | Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City. |
| 2014_CS03 | The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'. |

COMMITTEE REPORT

20220639	8 Brancaster Close	
Proposal:	Retrospective application for change of use from house (4 bed) (Class C3) to four self-contained flats (4 X 1 bed) (Class C3); demolition of existing garage at no. 9 Brancaster Close (Amended Plans received 26.04.2022, 16.06.2022)	
Applicant:	Mr & Mrs Gawera	
App type:	Operational development - full application	
Status:	Change of Use	
Expiry Date:	10 August 2022	
SMC	TEAM: PE	WARD: Abbey



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Summary

- Reported to committee as there are more than five objections;
- 11 objections from 11 different households have been received on the grounds of parking, residential amenity, the quality of accommodation and the principle of the change of use

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

The Site

The property is a semi-detached house in a residential part of the city. The property is also in a critical drainage area.

Background

20162422 – In 2016 the owner submitted a notification under the prior approval scheme for a proposed single storey extension at the rear of the dwellinghouse of dimensions: 6 metres beyond the rear wall of the original dwellinghouse; maximum height 3.9 metres; height of the eaves 2.8 metres. Prior approval was not required as no objections were received. This has not been implemented.

20170974 – Planning permission was granted for the construction of a two storey extension at the side and rear of the house (Class C3) and roof alterations. This has been implemented

20212720 – An application was submitted retrospectively seeking permission for a change of use from a four bed roomed house (Class C3) to four self contained flats (2 x bedsit, 2 x 1 bed) (Class C3) and was refused for the following reason:

“The proposal would cause significant detrimental harm to the amenity of the existing and proposed residents by failing to provide access to the rear amenity space for the first floor flats, contrary to policy PS10 and HS07 of the City of Leicester Local Plan (2006) and paragraph 130 of the NPPF.”

The Proposal

The proposal as amended is for the change of use of the building to 4 flats, 2 on the ground floor and 2 on the first floor.

Flats on the ground floor and first floor of the original house (flats 2 and 4) will have a kitchen, lounge, a bathroom and a separate bedroom. Each of the flats will have a floorspace of 38 metres².

The flats on the ground floor and first floor in the extension (Flat 1 and 3) will have a combined bedroom and lounge and a separate kitchen and each of these will have a floor space of 37 metres².

The garage at no 9 along the boundary between 9 and 8 Brancaster Close is to be demolished to facilitate access to the rear along this boundary. A 1.8m high fence is

to be installed 1 metre away from the application property along the shared boundary with No. 9.

2 off street parking spaces are proposed to the front of the house with covered bike and bin storage to the rear of the property.

Policy Considerations

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

National Planning Policy Framework (NPPF) 2021

Chapter 12 of the NPPF stresses the importance of good design to achieve well-designed places.

Paragraph 126: 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.

This paragraph, specifically 130(f), also requires development to afford a high standard of amenity for existing and future occupiers and is consistent with policy PS10 of the City of Leicester Local Plan

Paragraph 134 goes on to state that permission should be refused for development that is not well designed especially where it fails to reflect 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.

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.

Development Plan policies

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

Supplementary Planning Documents (SPD)

Residential Amenity SPD

Appendix 01 – City of Leicester Local Plan

Other legal or policy context

Corporate Guidance – Achieving Well Designed Homes (October 2019)

Consultations

Highways – no comments to make as long as standing advice is followed.

Private sector housing – No comments.

Representations

8 objections, including ones from Cllrs Byrne and Saini, have been received on the following grounds:

- Lack of available parking for residents and their visitors;
- Increased rubbish on the street;
- Overcrowding the local area leading to lack of spaces in schools/doctors;
- The proposal would have an impact on refuse collection, emergency services alongside with other services that the public have access to due parking in a narrow cul-de-sac;
- Low building standards leading to devaluing house prices (not a planning consideration);
- Loss of sunlight to neighbouring properties;
- Flats will also overlook gardens and impact on privacy;
- Works already being carried out and the objector is disappointed that the application was not submitted or made public to neighbours until after the site had been improved (Planning legislation allow retrospective applications)
- Flatted accommodation is available in the near vicinity.
- Lack of consultation to changes at no 20 Brancaster Close (This is not relevant to the consideration of this application);
- Approval would set a precedent for future developments leading to a further worsening of the situation;
- Other four or five properties are owned by the applicant and if other properties changed the use to flats it would change the character of the Close;
- As a result of the multiple occupancies of the property parking at the top of the cul de sac, it has made hazardous for the residents to turn around their cars;
- Cllrs Byrne and Saini support their constituents' objections.

Consideration

Principle of development

The conversion of the property into four separate flats has taken place. This application is to regularise the planning situation and to include development that would overcome the concerns of the refusal under 20212027. The applicant is the owner of the adjacent site at 9 Brancaster Close.

The property is not situated in Belgrave and Spinney Hill areas where Policy H10 requires retention of larger residential properties. Furthermore, it is not also located in an area where permitted development rights for conversions to houses in multiple occupation are restricted by article four direction.

The Housing and Economic Development Needs Assessment (2017), suggests that in terms of demand across the city, there is a greater demand for 2 bedroomed dwellings than 4 or more bedroomed dwellings. However, this assessment is outdated and being updated.

Policy H05 safeguards against loss of housing, and the application will not result in the loss of residential property to non-residential uses. Whilst one larger family house will be lost, 4 smaller dwellings would be created which would make a modest contribution to the housing need of Leicester.

The proposal is in keeping with the broad objectives of saved City of Leicester Local Plan policies H05 and H07 and of Core Strategy policies CS06 and CS08 in providing a supply of dwellings of varying types- and at present as the City Council cannot demonstrate a 5 Year Land supply of housing, the provisions of the NPPF in favour of residential development which would increase the housing supply apply in line with the 'tilted balance'.

The principle of the development is acceptable subject considerations of the impact on residential amenity, living environment, highways, drainage and third party representations.

Design

The change of use of the enlarged house has taken place without the benefit of planning permission. No physical changes are proposed or taken place to the dwelling itself to regularise the use.

However, the flat roofed brick garage attached to 9 Brancaster Close that is in the same ownership as the application site will be demolition to provide access to the rear amenity space for all the users of the application site. The loss of the garage would not harm the visual amenity of the dwelling at no. 9 and wider area and is therefore acceptable.

Fencing with a height of 1.8m is proposed along the common boundary with the application site and no. 9 which will be similar in design to the other properties in the area. I consider that the fencing as proposed would not adversely impact on appearance and could be installed with the benefit of permitted development.

I conclude that the proposal is acceptable and would comply with Policy CS03 of the Core Strategy (2014) and would not conflict with saved Policy PS10 of the Local Plan (2006) and would have a minimal impact on the character and appearance of the dwelling and the wider area.

Living conditions *(The proposal)*

The plans show that the proposed flats would meet the Nationally Described Space Standards, (although noting these are not yet adopted policy of the Council). I consider that the floorspace in this case is adequate together with the reasonable and workable layout.

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

The ground floor flats would have direct access to the rear garden and flats on the upper floors would have access via the side of the property. The existing garden space (165sqm) would provide more than the required private rear amenity space, as set out in SPD Residential Amenity (2 sqm for each of flats). The property is close to Heacham Drive Open Space which provides good public amenity space.

As such, I consider that the site is large enough to comfortably accommodate the proposed flats.

Having regard to the SPD and the site context, I consider that the proposal would provide satisfactory living conditions for the future occupiers and would not be contrary to Core Strategy Policy CS06 and saved Local Plan Policies H07 and PS10.

Residential amenity (*neighbouring properties*)

The proposed fencing is 1.8m in height. This is lower than that could be installed under permitted development (maximum height of 2m). Furthermore, the proposed fence would be similar to the existing boundary fence.

The proposed use would still be residential. Although there would be a greater number of occupants than the existing use as a house. However, I do not consider that the proposal would result in significant or unreasonable harm in terms of noise and general disturbance materially above the existing lawful use as a 4-bed dwelling.

I conclude that the proposal would not conflict with saved Local Plan Policy PS10 and paragraph 130(f) of the NPPF 2021 which requires development to afford a high standard of amenity for existing and future occupiers, having regard to the SPD, is acceptable in terms of the privacy and amenity of the neighbouring occupiers.

Waste storage and collection

Four bins are shown in the rear garden which could be moved on collection days to the front of the property and are acceptable for the proposed development and compliant with policy H06.

Highways and Parking

Paragraph 111 of National Planning Policy Framework 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.

There will be a provision for 3 cycle storage spaces within the rear garden.

The 'Vehicle Parking Standards' suggests 1 bicycle storage space per 2 bedspaces. I consider that 3 cycle storage spaces are acceptable and in accordance with the guidance. I recommend a condition to secure the provision of the cycle storage.

There would be loss of a garage at 9 Brancaster Close, however there is space for two parking spaces to the front of this property.

A four-bedroom house requires two parking spaces as set out in the 'Vehicle Parking Standards'. Two car parking spaces are proposed at the front of the application site. The maximum parking requirement for 4 one bed flats would be 4 spaces. However, the property is located at the end of a cul-de-sac where on street parking is limited due to the design of the highway. It would not be possible to provide additional car parking spaces within the site, however, the provision of cycle storage and the proximity of good public transport. I consider that the proposed onsite parking would be acceptable and would not result in a severe harm on highway safety to justify a refusal on highway grounds.

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

Drainage

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

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

Other matters

Some of the objections referred to potential change of use of other houses owned by the applicant and are concerned about the precedent this proposal would have. Each planning application should be considered on its own individual merits. Concerns relating to potential impact of other houses being converted into flats cannot justify refusal of this application.

The parking situation in any potential future applications would be taken into consideration during the assessment of such applications should they come forward.

Conclusion:

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

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

CONDITIONS

1. Within 3 months from the date of this decision, three secure and covered cycle parking spaces shall be provided and retained thereafter, in accordance with the approved plans. (In the interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan).

2. Within three months from the date of this decision, two parking spaces, as shown on the approved plans, shall be provided and shall be retained for vehicle parking. (To secure adequate off-street parking provision, and in accordance with policy AM12 of the City of Leicester Local Plan and Core Strategy policy CS3.)

3. Within 3 months from the date of this decision, the proposed permeable paving shall be installed as shown in the approved plans and retained thereafter. (To reduce surface water runoff in accordance with policy CS02 of the Core Strategy).

4. Within 3 months from the date of this decision, a bin storage area shall be provided and retained thereafter, in accordance with the approved plans. (In the interests of the satisfactory development of the site and in accordance with policy H07 of the City of Leicester Local Plan).

5. The development shall be carried out in accordance with the following approved plans:

PL-08 A201 Proposed first floor plan Rev A dated 21/03/2022
PL-08 A203 Proposed Elevations Rev A dated 21/03/2022
PL-08 A202 Proposed Roof Plan Rev A dated 21/03/2022
PL-08 A207 Proposed Site Plan Rev B dated 26/04/2022
PL-08 A200 Proposed ground floor plan Rev B dated 16/06/2022
PL-08 A200 Location plan Rev B dated 16/06/2022
PL-08 A200 Block plan Rev B dated 16/06/2022
(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 (and/or pre-application). The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2021 is considered to be a positive outcome of these discussions.

Policies relating to this recommendation

2006_AM02	Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
2006_AM12	Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
2006_H05	Planning applications involving the loss of housing will be refused unless they meet criteria.
2006_H07	Criteria for the development of new flats and the conversion of existing buildings to self-contained flats.
2006_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.

2014_CS15	To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.
2014_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_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.

COMMITTEE REPORT

20220694	141 Upperton Road, Elms Park View	
Proposal:	Construction of dormer extension and installation of rooflight at front of house (Class C3)	
Applicant:	Mr Peter Barron	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	23 May 2022	
ACB	TEAM: PE	WARD: Westcotes



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Summary

- The application is reported to the committee as the applicant is an employee of the City Council
- No objections have been received
- The issues are design and impact on residential amenity.
- The application is recommended for approval.

The Site

The application relates to a two storey mid-terrace house located within a residential part of the City. The property has an Article 4 direction restricting the change of use to a house in multiple occupation and is located within an area covered by a Regulation 7 direction restricting the display of To Let boards. The property is surrounded by residential properties while Westcotes Gardens is immediately opposite the site.

Background

There have been no previous planning applications

The Proposal

The application is for the construction of a dormer extension to the front of the house. The dormer would be 2.2m wide and 1.6m high with a projection from the roof of 2.2m. The dormer would be constructed with a lead finish to the cheeks and roof. A rooflight is also proposed to the front of the property but this would not project more than 20cm from the roof and therefore does not require permission.

The proposed plans also show alterations to the kitchen, but these are internal and do not require permission.

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 126: 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.

This paragraph, specifically 130(f), also requires development to afford a high standard of amenity for existing and future occupiers and is consistent with policy PS10 of the City of Leicester Local Plan

Development Plan policies

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

Most relevant Core strategy policy is CS03 and Local plan policy is PS10

Representations

No objections have been received

Consideration

Principle of development

As the property is a house in a residential area, extensions and alterations to it are acceptable in principle subject to considerations regarding design and residential amenity.

Design

Policy CS03 of the Leicester Core Strategy states that good quality design is central to the creation of attractive, successful and sustainable places. We expect high-quality, well-designed developments that contribute positively to the character and appearance of the local natural and built environment. Development must respond positively to the surroundings, be appropriate to the local setting and context and take into account Leicester's history and heritage.

The Residential Amenity SPD Appendix G states that the construction of roof extensions and dormer windows must not dominate the original house. It further states that that dormer windows should relate to the shape, position, design and size of the existing windows.

The proposed dormer extension would have a flat roof. There are other flat roofed dormers on this part of Upperton Road particularly at 145 and 147. In addition, the dormer is smaller than the windows on the ground and first floor and I do not consider that it would result in a dominating effect. The materials to be used are lead roll for the cheeks and roof of the dormer. Whilst the Residential Amenity SPD states that the materials for dormers should match the roof I consider that the other dormers on Upperton Road also have lead finishes to the cheeks and roof and that the materials chosen are acceptable in this case. I therefore consider that the flat roof of the dormer would be a design that responds to the surroundings and is therefore not contrary to policy CS03 of the Leicester Core Strategy.

Living conditions (*The proposal*)

The property already has a bedroom in the roof space with velux windows in the rear elevation. The proposed dormer would enlarge this room to a combined bedroom and study area for the occupier of the house. The dormer is of a scale that would enable the occupiers to stand and move around the room and I therefore consider that it would provide an acceptable standard of living accommodation for the occupiers.

Residential amenity (*neighbouring properties*)

The proposed dormer would face towards Westcotes Gardens and I therefore consider that there would be no impact on the residential amenity of the occupiers of the neighbouring properties on either Upperton Road or Beaconsfield Road. I therefore consider that the proposal is not contrary to paragraph 130 of the National Planning Policy Framework or saved policy PS10 of the City of Leicester Local Plan.

Conclusion

In conclusion I consider that the proposal represents an acceptable design that would have a minimal impact on residential amenity and is in accordance with national and local planning policies.

I recommend APPROVED subject to the following conditions.

CONDITIONS

1. START WITHIN THREE YEARS
2. The cheeks and roof of the dormer shall be constructed in lead roll as stated in the application form. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
3. Development shall be carried out in accordance with the following approved plans:
Proposed dormer window and internal alterations, PB.22.URL.001, received 28 March 2022.
(For the avoidance of doubt).

NOTES FOR APPLICANT

1. APPROVAL - NO DISCUSSION

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'. |