

Leicester  
City Council

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

**DATE: WEDNESDAY, 24 JULY 2024**

**TIME: 5:30 pm**

**PLACE: MEETING ROOMS 1 AND 2, CITY HALL, 115 CHARLES  
STREET, LEICESTER, LE1 1FZ**

**Members of the Committee**

Councillor Surti (Chair)

Councillor Aldred (Vice-Chair)

Councillors Agath, Dr Barton, Cassidy, Gopal, Joel, Kennedy-Lount,  
Kitterick, Mohammed, Dr Moore and Singh Patel

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

for The Monitoring Officer

**Officer contact:**

**Jessica Skidmore, Governance Services Officer, email: [jessica.skidmore@leicester.gov.uk](mailto:jessica.skidmore@leicester.gov.uk) /  
Sharif**

**Chowdhury, Senior Governance Services Officer, email: [sharif.chowdhury@leicester.gov.uk](mailto:sharif.chowdhury@leicester.gov.uk)  
Governance Services, Leicester City Council, City Hall, 115 Charles Street, Leicester, LE1 1FZ**

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- ✓ where filming, to (via the Chair of the meeting) ensure that those present are aware that they may be filmed and respect any requests to not be filmed.

### Further information

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

**Jessica Skidmore, Governance Services Officer, on email: [jessica.skidmore@leicester.gov.uk](mailto:jessica.skidmore@leicester.gov.uk) or Sharif Chowdhury on [sharif.chowdhury@leicester.gov.uk](mailto:sharif.chowdhury@leicester.gov.uk).**

Alternatively, email [committees@leicester.gov.uk](mailto:committees@leicester.gov.uk), or call in at City Hall.

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## **PUBLIC SESSION**

### **AGENDA**

#### **NOTE:**

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- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST**

Members are asked to declare any interests they may have in the business to be discussed on the Agenda.

Members will be aware of the Code of Practice for Member involvement in Development Control decisions. They are also asked to declare any interest they might have in any matter on the committee agenda and/or contact with applicants, agents or third parties. The Chair, acting on advice from the Monitoring Officer, will then determine whether the interest disclosed is such to require the Member to withdraw from the committee during consideration of the relevant officer report.

Members who are not on the committee but who are attending to make representations in accordance with the Code of Practice are also required to declare any interest. The Chair, acting on advice from the Monitoring Officer, will determine whether the interest disclosed is such that the Member is not able to make representations. Members requiring guidance should contact the Monitoring Officer or the Committee's legal adviser prior to the committee meeting.

- 3. MINUTES OF THE PREVIOUS MEETING** **Item 3**

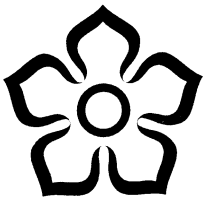
Members are asked to confirm that the minutes of the meeting of the Planning and Development Control Committee held on 12 June 2024 are a correct record.

- 4. PLANNING APPLICATIONS AND CONTRAVENTIONS** **Item 4**

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.

- |              |                                    |                |
|--------------|------------------------------------|----------------|
| <b>(i)</b>   | <b>20240426 6 HYDE CLOSE</b>       | <b>Item 4a</b> |
| <b>(ii)</b>  | <b>20240982 10 ROCKERY CLOSE</b>   | <b>Item 4b</b> |
| <b>(iii)</b> | <b>20240806 2 BROADWAY ROAD</b>    | <b>Item 4c</b> |
| <b>(iv)</b>  | <b>20240303 31 CLAREFIELD ROAD</b> | <b>Item 4d</b> |
| <b>(v)</b>   | <b>20240067 25 GOTHAM STREET</b>   | <b>Item 4e</b> |

**5. ANY URGENT BUSINESS**



Leicester  
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# Item 3

Minutes of the Meeting of the  
PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Held: WEDNESDAY, 12 JUNE 2024 at 5:30 pm

P R E S E N T :

Councillor Surti (Chair)  
Councillor Aldred (Vice Chair)

Councillor Cassidy  
Councillor Gopal

Councillor Kennedy-Lount  
Councillor Dr Moore

Councillor Westley

\* \* \* \* \*

**1. APOLOGIES FOR ABSENCE**

The Chair welcomed those present and led on introductions.

Apologies were received from Councillor Kitterick.

**2. DECLARATIONS OF INTEREST**

Members were asked to declare any interests they had in the business on the agenda.

Councillor Aldred declared an interest in the first application to be heard, Gervas Road, The Mayflower. As the ward councillor for the Thurncourt ward, she had been contacted by members of the public regarding the item and her mother lived close and held strong interest in the ex-mayflower pub. Councillor Aldred noted that she would leave the room during the item and return upon the start of the following item.

**3. MINUTES OF THE PREVIOUS MEETING**

RESOLVED:

That the minutes of the meeting of the Planning and Development Control Committee held 17 April 2024 be confirmed as a correct record.

**4. PLANNING AND DEVELOPMENT CONTROL COMMITTEE MEMBERSHIP 2024-25**

The Membership of the Planning and Development Control Committee for 2024/25 was noted.

**5. PLANNING AND DEVELOPMENT CONTROL COMMITTEE MEETING DATES**

Members were requested to note the dates of forthcoming Planning and Development Control Committee meetings for the 2024/25 municipal year.

**6. PLANNING APPLICATIONS AND CONTRAVENTIONS**

The Chair noted that the fourth application to be heard, 65 Kirkwall Crescent, had been withdrawn from the agenda.

**7. 20240076 GERVAS ROAD, THE MAYFLOWER**

**20240076 - Gervas Road, The Mayflower**

Ward: Thurncourt

Proposal: Change of use from public house (& ancillary flat) (Sui Generis) to place of worship and community/education centre (Class F1) (amended plans 15/5/24)

Applicant: Gervas Properties Ltd

The Planning Officer presented the report.

Councillor Osman addressed the Committee and spoke in support of the application.

Members of the Committee considered the report and Officers responded to the comments and queries raised.

The Chair summarised the application and the points raised by Members of the Committee and moved that in accordance with the Officers recommendation, the application be approved subject to the conditions set out in the report and additional conditions set out in the addendum report. This was seconded by Councillor Cassidy and upon being put to the vote, the motion was CARRIED.

**RESOLVED: That the application be APPROVED subject to the conditions set out below:**

**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 use shall not be carried on outside the hours of Mon-Fri 0900-2100 and Sat-Sun 0900-1700. (In the interests of the amenities of nearby occupiers, and in accordance with saved policy PS10 of the City of Leicester Local Plan.)
3. The use shall not commence until the hardstanding has been marked and laid out in accordance with details shown on the car park layout drawing (drawing ref 454/P1-02, received 15/05/2024), including signs indicating the entrance (vehicular) from Ocean Road and exit (vehicular) onto Gervas Road. The markings (including the entrance and exit signs) shall be retained and the front area of hardstanding shall not be used for any purpose other than access/egress and vehicle parking for the lifetime of the use. (In the interests in highway safety, and in accordance with saved policies AM01 and AM11 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS14.)
4. Notwithstanding the submitted Travel Plan, no part of the development shall be occupied until a 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 a 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;
  - (d) provide details on how additional parking will be provided and managed during peak times of the use of the building, and shall include (i) the peak times when the additional parking spaces will be brought into use, so that for general day to day use the car park shall be used in accordance with the approved site layout; (ii) a plan showing how the additional parking will be arranged within the site when required, (iii) how the use of the additional spaces will be stewarded and managed within the site, (iv) how the flow of vehicles into the site will be efficiently stewarded so vehicles can enter the site unhindered and do not have to unduly wait or queue within the highway (v) how off-site parking will be monitored and discouraged (vi) how a route

through the site will be maintained for emergency access;  
(e) 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).

5. The hardstanding around the site and the grassed area to the south and east of the main building shall not be used for any formal scheduled activities (for example worship, religious events, weddings, classes or community events) at any time during the lifetime of the use (in the interest of the amenity of neighbouring residents and in accordance with saved policy PS11 of the City of Leicester Local Plan).
6. No amplified call to prayer or aural announcement of activities shall take place at the site at any time (in the interest of the amenity of neighbouring residents and in accordance with saved policy PS11 of the City of Leicester Local Plan).
7. The use as a community centre shall not commence until the cycle shelters have been installed as shown on the approved car park layout drawing (drawing ref 454/P1-02, received 15/05/2024). The shelters shall be retained for the lifetime of the use. (In the interests of the satisfactory development of the site and in accordance with saved policy AM02 of the City of Leicester Local Plan).
8. The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated December 2023 and the following mitigation measures detailed within the Flood Risk Assessment (FRA):
  - Safe access/egress
  - Emergency Flood Plan
  - Flood resistance and resilience measures
  - Finished Floor Levels (FFL)The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements detailed 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 provide a safe development and in accordance with Core Strategy policy CS02).
9. Development shall be carried out in accordance with the following approved plans:  
Car park layout - drawing ref 454/P1-02, received 15/05/2024



All plans - drawing ref 454/P1-01, Rev A, received 15/05/2024.  
(For the avoidance of doubt).

## NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process. The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2023 is considered to be a positive outcome of these discussions.
2. The site is partially within Flood Zone 2 and a critical drainage area. Including sustainable urban drainage systems within the development can reduce surface water runoff. The Lead Local Flood Authority recommends that the following SuDS could be integrated: rainwater harvesting; bioretention; green/brown roofing; & blue roofing.
3. The Lead Local Flood Authority recommend that:  
The design should be appropriately flood resistant and resilient by:
  - using flood resistant materials that have low permeability to at least 600mm above the estimated flood level
  - making sure any doors, windows or other openings are flood resistant to at least 600mm above the estimated flood level
  - using flood resilient materials (for example lime plaster) to at least 600mm above the estimated flood level
  - by raising all sensitive electrical equipment, wiring and sockets to at least 600mm above the estimated flood level
  - making it easy for water to drain away after flooding such as installing a sump and a pump
  - making sure there is access to all spaces to enable drying and cleaning
  - ensuring that soil pipes are protected from back-flow such as by using non-return valves.
4. As the building will be undergoing an 'extensive refurbishment program', it is recommended that a Preliminary Bat Roost Assessment (PRA) be carried out in order to determine the likely presence/absence of bats within the building prior to commencement of works.

8. **20212876 190 LONDON ROAD**

**20212876 - 190 London Road**

Ward: Stoneygate

Proposal: Construction of detached three storey building to provide 8 flats (2 x Studio, 6 x 2 bed) (Class C3); provision of soft and hard landscaping, car and bicycle parking, bin store, drainage infrastructure and boundary treatment; removal of trees; demolition of single storey structures adjacent to 190 London Road. (amendments received 26/10/2023)

Applicant: Mr Shameet Thakkar

The Planning Officer presented the report.

Mr Peter Wilkinson addressed the Committee and spoke in support of the application.

Members of the Committee considered the report and Officers responded to the comments and queries raised.

The Chair summarised the application and the points raised by Members of the Committee and moved that in accordance with the Officers recommendation, the application be approved subject to the conditions set out in the report and additional conditions set out in the addendum report.. This was seconded by Councillor Kennedy-Lount and upon being put to the vote, the motion was CARRIED.

**RESOLVED: That the application be APPROVED subject to the conditions set out below:**

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. Before works above ground level, samples of the slate for the roof and treatment for the blacked out windows shall be submitted to and approved by the City Council as local planning authority and the works carried out in accordance with the approved details. (In the interests of visual amenity and the character and appearance of the Evington Footpath Conservation Area, and in accordance with Core Strategy policies CS03 and CS18).
3. Before works above ground level, a 1 sqm sample panel of the brickwork (including brick type, bonding and mortar) for the areas of the front elevation marked "facing brick" and "brick detailing" shall be submitted to and approved by the City Council

- as local planning authority and the works carried out in accordance with the approved details. (In the interests of visual amenity and the character and appearance of the Evington Footpath Conservation Area, and in accordance with Core Strategy policies CS03 and CS18).
4. Before works above ground level, section drawings at a scale of 1:10 for all proposed external windows and doors shall be submitted to and approved by the City Council as local planning authority and the works carried out in accordance with the approved details. (In the interests of visual amenity and the character and appearance of the Evington Footpath Conservation Area, and in accordance with Core Strategy policies CS03 and CS18).
  5. Before works above ground level, section drawings at a scale of 1:20 for the proposed front, side and rear elevations (including balcony sections) shall be submitted to and approved by the City Council as local planning authority and the works carried out in accordance with the approved details. (In the interests of visual amenity and the character and appearance of the Evington Footpath Conservation Area, and in accordance with Core Strategy policies CS03 and CS18).
  6. Prior to occupation of the approved flats insulation and ventilation measures shall be installed in accordance with the treatment detailed at Table 9 and Appendix 2 of the report by Blue Acoustics NS353/4 received by the City Council as local planning authority on 09.08.23 and shall retain the minimum acoustic and ventilation performances detailed in Appendix 2 of that report throughout the lifetime of the development. (In the interests of the amenities of future occupiers, and in accordance with saved policies PS10 and PS11 of the City of Leicester Local Plan.)
  7. Prior to occupation of the development drawings at a scale of 1:20 of the bin storage shown on the Proposed Site Plan shall be submitted to and approved in writing by the City Council as local planning authority. The bin storage shall be installed in accordance with these details and retained as such throughout the lifetime of the development. (In the interests of visual amenity and the character and appearance of the Evington Footpath Conservation Area and in accordance with Core Strategy policies CS03 and CS18).
  8. No part of the development shall be occupied until the cycle parking shown on the Proposed Site Plan has been provided and retained thereafter, in accordance with written details previously approved by City Council as local planning authority. (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).

9. Prior to the occupation of the flats, a turning space, to enable vehicles always to enter and leave the site in a forward direction, shall be made available within the site. The turning space shall be retained throughout the lifetime of the development. (In the interests in highway safety, and in accordance with saved policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)
10. Before the occupation of the flats, the parking spaces shown on the Proposed Site Plan shall be marked out and shall be retained for vehicle parking throughout the lifetime of the development. (To secure adequate off-street parking provision, and in accordance with saved policy AM12 of the City of Leicester Local Plan and Core Strategy policy CS03.)
11. Prior to the commencement of development and notwithstanding the approved plans a revised Arboricultural Impact Assessment shall be carried out and submitted in writing to the local planning authority and shall include provisions for the retention of tree T9 in addition to the measures outlined in the Arboricultural Impact Assessment submitted by Bea Landscape Design and received by the City Council as local planning authority on 26.10.23. (In the interests of visual amenity and proper landscaping and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03) (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
12. Prior to the commencement of development and notwithstanding the approved plans a revised Tree Protection Plan to show tree T9 to be retained shall be submitted in writing to the local planning authority carried out to include provisions for the retention of tree T9 in addition to the measures detailed at Appendix C of the Arboricultural Impact Assessment submitted by Bea Landscape Design and received by the City Council as local planning authority on 26.10.23. (In the interests of visual amenity and proper landscaping and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03). (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
13. Prior to the occupation of the flats a scheme for 15 replacement trees to compensate for those removed to facilitate the scheme shall be submitted to and approved in writing by the City Council as local planning authority. The replacement trees shall be planted within one year of the approval of these details. For a

period of not less than thirty years from the date of planting, the applicant or owners of the land shall maintain all planted trees. The trees shall be replaced if they die, are removed or become seriously diseased. The replacement planting shall be completed in the next planting season. (In the interests of visual amenity and proper landscaping and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03).

14. Prior to the occupation of the first flat a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the City Council as local planning authority. The biodiversity enhancements at (viii) below shall be measured from the environmental condition of the site at 23.11.2021 and the LEMP shall include details of: (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed; (ii) new tree and shrub planting, including plant type, size, quantities and locations; (iii) means of planting, staking, and tying of trees, including tree guards; (iv) other surface treatments; (v) fencing and boundary treatments; (vi) any changes in levels; (vii) the position and depth of service and/or drainage runs (which may affect tree roots) and (viii) the location and type of biodiversity enhancements to be incorporated into the built design or garden areas (ix) management and maintenance details of the Landscape and Ecology Management Plan. The approved landscaping and mitigation scheme shall be carried out within one year of the approval of these details. For a period of not less than 30 years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity, and in accordance with saved City of Leicester Local Plan policy UD06 and Core Strategy policies CS03 and CS17.)
15. 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. No flat shall be occupied until the system has been implemented. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall include: (i) full design details, (ii) a timetable for its implementation, and (iii) a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime. (To reduce surface water

runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy).

16. Notwithstanding the approved proposed site plan, the boundary treatment at the front of the site fronting London Road shall be retained as existing. (In the interests of visual amenity and the character and appearance of the Evington Footpath Conservation Area, and in accordance with Core Strategy policies CS03 and CS18).
17. Development shall be carried out in accordance with the following approved plans:  
Proposed Site Plan, ref. no. DSA-20075-PL-PRO-01, rev J, received 26.10.2023  
Proposed Floor Plans and Elevations, ref. no. DSA-20075-PL-PRO-02, rev D, received 26.10.2023  
(For the avoidance of doubt).

#### NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process. The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2023 is considered to be a positive outcome of these discussions.

#### **9. 20240175 42 CLAREFIELD ROAD**

##### **20240175 - 42 Clarefield Road**

Ward: Western

Proposal: Change of use from residential dwelling (Class C3) to residential care home (Class C2) (max 2 children)

Applicant: Mr Idris Adetayo

The Planning Officer presented the report.

Members of the Committee considered the report and Officers responded to the comments and queries raised.

The Chair summarised the application and the points raised by Members of the Committee and moved that in accordance with the Officers

recommendation, the application be approved subject to the conditions set out in the report. This was seconded by Councillor Moore and upon being put to the vote, the motion was CARRIED.

**RESOLVED: That the application be APPROVED subject to the conditions set out below:**

**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 change of use hereby approved shall not take place until sound insulation for the shared party wall with number 40 has been installed in accordance with the details set out in chapter 2.2 of the submitted Noise Report (received 17/05/2024) The sound insulation so installed shall be retained thereafter at the same acoustic performance. (To safeguard amenity at the adjoining semi-detached house, and in accordance with policies PS10 & PS11 of the City of Leicester Local Plan (2006)).
3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, or any order amending or revoking and replacing that Order with or without modification, the premises shall not be used for any purpose other than for a care home within Class C2 of the Order, unless otherwise approved in writing by the local planning authority. (To enable consideration of the amenity, parking and highway safety impacts of alternative Class C2 uses, in accordance with Policies CS03, CS08 and CS14 of the Leicester Core Strategy (2014) and saved Policy PS10 of the Local Plan (2006).
4. The premises shall not accommodate any more than 2 residents in care at any one time, unless otherwise approved in writing by the local planning authority. (To enable consideration of the amenity of residents and parking impacts of a more intensive use, in accordance with Policy CS14 of the Leicester Core Strategy (2014) and saved Policy PS10 of the Local Plan (2006).
5. Development shall be carried out in accordance with the following approved plans:  
Floor Plans & Elevations, drawing no DS\_05\_20 P2,  
received 29/01/2024  
(For the avoidance of doubt).

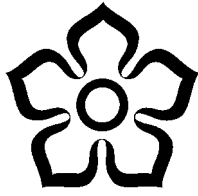
## NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process.  
The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2023 is considered to be a positive outcome of these discussions.

### **10. ANY URGENT BUSINESS**

There being no further business, the meeting closed at 6:59pm.





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**Wards:**  
**See individual reports.**

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Planning & Development Control Committee

Date: 24 July 2024

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## REPORTS ON APPLICATIONS, CONTRAVENTIONS AND APPEALS

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### 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**

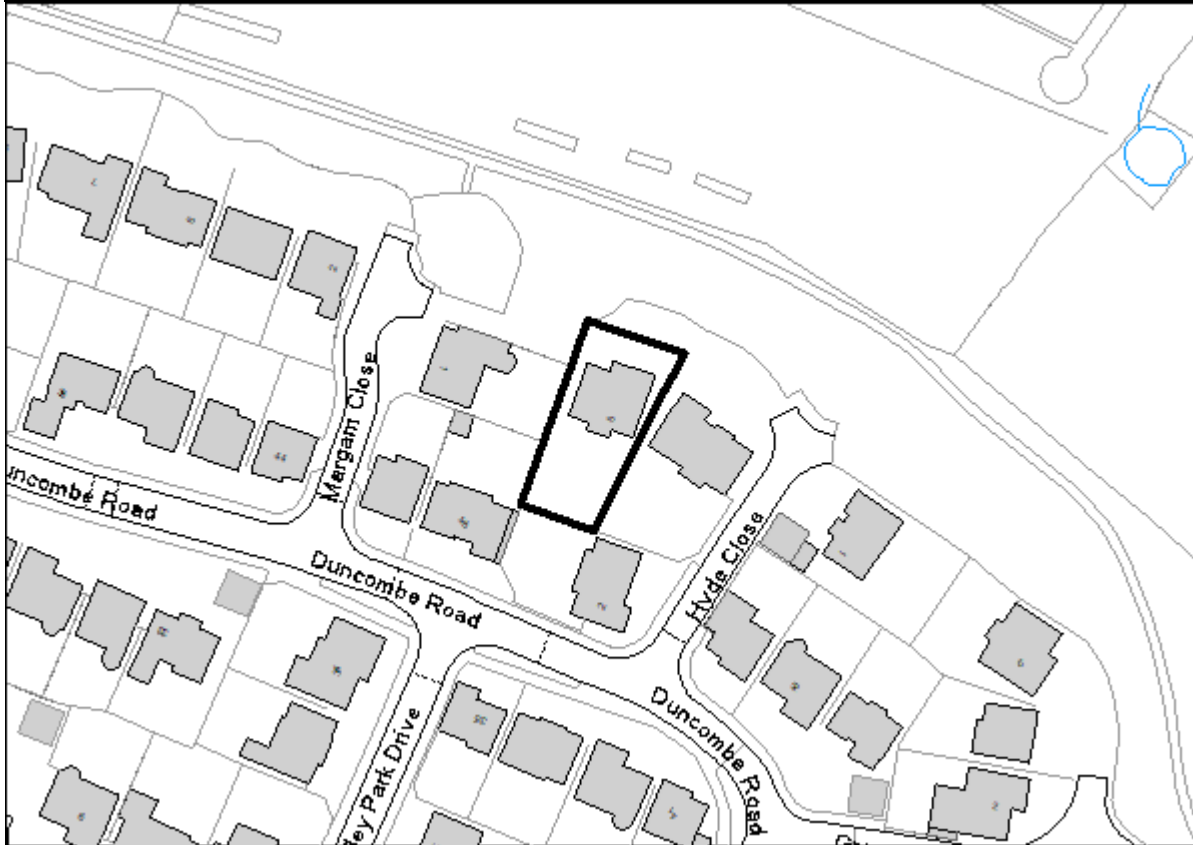
- 8.1 The recommendations in this report are made under powers contained in the Planning Acts. Specific legal implications, including the service of statutory notices, initiating prosecution proceedings and preparation of legal agreements are identified in individual reports. As appropriate, the City 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.



# Item 4a

## COMMITTEE REPORT

<b>20240426</b>	<b>6 Hyde Close</b>	
Proposal:	Change of use from house (Class C3) to residential children's care home (Class C2) (max 3 children)	
Applicant:	Mrs Stacy Jemwa	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	25 July 2024	
SS1	TEAM: PD	WARD: Beaumont Leys



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### Summary

- The application is brought to committee due to more than 5 objections being received;
- The main issues are: the acceptability in principle of the change of use; the character of the area; the amenity of neighbouring occupiers; and parking/traffic impacts;
- The application is recommended for conditional approval.

## The Site

The application relates to a two-storey detached 4-bed dwellinghouse located at the end of a cul-de-sac in a residential estate.

To the west, south and east of the site are neighbouring residential properties. To the north is green space.

The wider area is noted as a critical drainage area and historically was part of a medieval forest.

## The Proposal

The proposal is for the change of use of the property from a dwellinghouse (Class C3) to a residential care home (Class C2). No external alterations are proposed.

The care home would have a kitchen/dining room, study and living room on the ground floor and 4 bedrooms and a bathroom on the first floor.

The application states that:

- The home would accommodate up to 3 young people; with up to 3 staff members on site plus sometimes the manager and visitors;
- Visitors may include social workers, ofsted, reviewers, tutors and friends/family but visitors will be infrequent;
- Shifts will consist of full shifts with sleep ins with full time staff all contracted to 40 hours a week;
- It is proposed to provide a safe home for vulnerable children with individualised care plans for children.

## Policy Considerations

### National Planning Policy Framework 2023

Paragraph 2 (Primacy of development plan)

Paragraph 11 (Sustainable development)

Paragraph 115 (Unacceptable highways impact)

Paragraph 116 (Highways requirements for development)

Paragraph 135 (Good design and amenity)

Paragraph 191 (Pollution impacts)

Paragraph 194 (Land Use)

### Local Policies

CLPP policy AM01 (Impact of development on pedestrians)

CLLP policy AM12 (Residential car parking provision)

CLLP policy PS10 (Residential amenity and new development)

CLLP policy PS11 (Protection from pollution)

Policy CS03 (Designing quality places)

Policy CS06 (Housing strategy)

Policy CS14 (Transport network)

### Supplementary guidance

Appendix 1 CLLP 2006 - Vehicle Parking Standards.

## Representations

Objections have been received from 36 separate city addresses and 1 out-of-city address. A further general comment has been received from 1 city address.

Issues raised were:

### *Lack of Information*

- Lack of details of the operation makes it difficult to assess the wider impacts of the proposal;

### *Parking and Traffic*

- Existing traffic/parking pressure from other commercial/hospital uses in the area and this proposal would add to on-street congestion;
- Not enough on-street parking in the area;
- Vehicles have damaged a neighbour's trellis/fence;
- Private drives are used for vans/other vehicles to turn;
- Pictures/videos were sent showing vehicles in the surrounding area;
- The cul-de-sac is small and vans sometimes need to reverse out its full distance (80m);
- Turning space has not been demonstrated in the parking area/it is not suitable size;
- The proposal cannot accommodate the amount of vehicles needed at handovers;
- No cycle parking information is provided;
- Overall the proposal will harm highway safety contrary to NPPF 115 and 116 and CS15;
- Lack of nearby amenities will exacerbate traffic movements;

### *Neighbouring Residential Amenity*

- Noise/disturbance would be greater than from typical dwellings due to the occupiers, including at night;
- Noise assessment should be submitted;
- Proposal contrary to NPPF 135 and CS03;

### *Principle of Development/Character of the Area*

- This is a residential institution/business, not a dwelling, it is not in the character of the area, harming the neighbourhood, causing safety concerns;
- Children would cause anti-social behaviour;

### *Publicity*

- Only one site notice with bushes around it;
- Only one neighbour received a letter;

### *Other Issues*

- Neighbouring house prices affected;

- Precedent would be set if approved;
- The scope could be increased from 3 children in future;
- Lack of amenities for the children/not a safe area for the children;
- Lack of facilities/infrastructure at the site;
- Detrimental to the environment as there may be different requirements for waste/energy efficiency; and
- Impact on local services and infrastructure.

## Consideration

### Principle of Development/Character of the Area

I note the concerns raised in objections regarding the development being inappropriate in a residential area for families and how objectors consider the proposed care home as a commercial business. However, the proposed care home will be managed housing with assisted living provided for residents. The proposal is small in scale and I do not consider its managed nature would be particularly perceptible in the wider area. It would have an acceptable impact on the suburban character of the area in terms of general noise and disturbance.

Furthermore, and in accordance with Core Strategy policy CS06, the City Council aims to facilitate the provision of a range of accommodation to meet the special housing needs of all City residents including identified special needs. As such, the principle of the use is in accordance with the aims of this policy and the principle of development is acceptable.

### Parking and Traffic

#### *Policy Context*

Local Plan saved policies AM01 and AM02, and NPPF paragraphs 108, 114, and 116 require developments to provide suitable facilities for traffic and parking. Local Plan Appendix 01 provides maximum parking requirements for each type of use.

Local Plan Appendix 01 calls for one car parking space per 4 bedspaces for Class C2 residential institutions. There would be space for 3 cars on the front driveway. As such the proposal would comply with Appendix 01.

#### *Context of the Area*

Hyde Close is a cul-de-sac for 4 dwellings, including no.2 on the left hand side near the entrance of the cul-de-sac, no.1 on the right hand side further down, and nos.4 and 6 at the end round a bend to the left. There is a turning head at the end on the right hand side next to the front drive at no.1. No.2 has capacity for 2 off-street parking spaces and nos.1, 4 and 6 has capacity for 3 spaces. As such dwellings in the area have sufficient off-street parking.

An objector sent a number of videos from security cameras in the nearby area show vehicles including cars, delivery vans and a bin lorry manoeuvring into/around the area including turning in residential drives, reversing out of Hyde Close. A number of photographs were also sent showing cars parked on and around Hyde Close and images of a damaged metal fence and a broken trellis.



## *Considerations*

It would be expected that a house of this size, as existing, would often attract 2 cars. There would be 3 staff on site following the change of use. Overall I would expect that the site would attract 3 cars at most times, with occasionally times where there could be 4.

Concerns have been raised in objections that vehicles would not have space to turn and exit the site in forward gear. I agree that if 3 vehicles were parked at the site they may need to reverse along the access drive past 4 Hyde Close to exit the area. However, once they are past 4 Hyde Close, there is a turning head that they can reverse into before being able to proceed in forward gear along Hyde Close, well before going onto Duncombe Road. As such, given the small scale of the proposal and small area that there could be some reversing along, I would not consider the proposal would present significant highway safety concerns. I acknowledge that videos/photos sent in objections show that sometimes cars have parked in the turning head making it more awkward for cars to exit Hyde Close. However this would be a matter for parking enforcement and would not mean that the proposed change of use would be unacceptable in planning terms.

The proposal would see a handful of cars coming and going through the estate at staff handover times and attract a modest amount of visitors. Other than at handover times, I would not consider there to be a significant increase in traffic than could be generated by a dwellinghouse of this scale. At handover times, there may be some manoeuvring required in Hyde Close for staff to be changing over. However given the existence of the turning head on Hyde Close and the extremely low speed that cars would be travelling I still would not consider that there would be any significant amount of congestion or disturbance caused by the modest scale of this use and I consider that the staff would be likely to be able to manage handovers appropriately in due course. Overall there would be no reason for traffic caused by the development to cause significant harm to highway safety. I acknowledge that videos/photos sent in objections show that sometimes cars have parked along Hyde Close making it more awkward for cars to exit Hyde Close. However this would be a matter for parking enforcement and would not mean that the proposed change of use would be unacceptable in planning terms, including having regard for the need for safe access to the close from bin lorries.

I acknowledge that there is concern regarding existing traffic demand in the area including from the LOROS hospice and objections note that there is overspill parking in the area from Glenfield Hospital and the Elis factory. Whilst this may be the case, I would not consider this modest sized development would cause a significant or unacceptable additional impact in terms of traffic to the residential estate.

I acknowledge the occurrences shown in the videos and photos which show less than ideal use of the highway. However generally these show issues associated with other uses. However I do not consider the proposed development in itself would exacerbate these issues to a degree which would cause significant harm to highway safety.

Overall, I do not consider that there would be expected to be demand for any more than 1 additional on-street parking space required due to the development. Whilst I acknowledge the existing parking issues shown in videos and photos, I consider that this would be unlikely to cause unacceptable or severe highways/parking impacts

above the existing situation as a C3 house. The proposal would be in accordance with NPPF paragraph 115 and the policies listed above, and the proposal would not warrant refusal on highways grounds.

#### Neighbouring Residential Amenity

Taken together, NPPF paragraph 135f, and Local Plan policies PS10 and PS11 require a good standard amenity to be retained for neighbouring residents.

I note the concerns raised in objections in relation to noise impacts from the site and the proposed use.

The property is a detached property. As such there would not be likely to be significant noise impacts from internal use of the property to neighbouring dwellings.

The proposal is to provide managed care for 3 young people with carers always present for professional oversight and supervision. Whilst there would be potential for there to be more people present in the house regularly during daytimes, there would not be likely to be any noisy uses or activities that would be out of character for a residential area. Whilst neighbours may experience different character of activities such as staff changes and, possibly, more transient occupiers over the longer term, I do not consider that these differences will equate to harm. I do not consider that use of the rear garden by staff and occupiers of the home, nor general comings and goings associated with the property, are likely to give rise to noise impacts that would be very significantly different from the existing 4-bedroomed dwelling or unacceptably impact amenity at any neighbouring properties.

I conclude that the proposal would not conflict with NPPF paragraph 135f, and Local Plan policies PS10 and PS11, and that the proposal would be acceptable in terms of impact upon amenity.

The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise complaints be received but there would be no planning justification to withhold permission on this basis. NPPF paragraph 194 states that: *'The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.'* As the proposal would be an acceptable use of land and given the suitable insulation between the application site and the neighbour, there is no planning reason to require a noise management plan on the grounds of noise/disturbance/anti-social behaviour which again, could be dealt with by noise pollution control, the police or Ofsted. I also consider that a noise management plan for this type of use would present significant technical enforcement challenges and as such would not be appropriate to impose.

#### Other Issues

I note the issues raised in objections relating to lack of information. An email provides some information on the proposed operation of the use. I consider that there is sufficient information to make an assessment of the proposed use.

I note the issues raised in objections relating to impact on property values. However, planning decisions are concerned with land use in the public interest and applications are determined in accordance with policies in the development plan for Leicester.

I note the issue raised in objections that approval of this application would set a precedent for others. However this application is considered on its own merits as all applications are required to be.

I note the issue raised in objections that the scope of the house would increase. However I have recommended a condition limiting the number of children to be 3.

I note the issue raised in objections that the proposal could be detrimental to the environment. There is no reason to believe there would be material impacts on the environment from this small change of use.

I note the issue raised in objections regarding increased impacts on local facilities/infrastructure. There is no reason to believe there would be material impacts on the local infrastructure from this small change of use.

I note the issue raised in objections that there is a lack of amenities at the site and in the surrounding area for the children and concerns that the area is not suitable for children. However I consider that the site and area would provide suitable amenity for the children and there is no reason to believe there would be lack of safety.

I note the issues raised in objections in relation to publicity of the application. Neighbours have been notified and the site notice was clearly displayed. The statutory publicity requirements have been met and a decision can be issued accordingly.

### Conclusion

Within Class C2 the property could be used for a residential school, college, training centre or health facility. Further consideration for these types of uses would be necessary and for this reason I am recommending a condition that restricts the uses of the property to a care home.

The proposal is for 3 children and I recommend a condition to limit the number of children being looked after to 3 as any increase would also require further consideration.

The application is acceptable in principle and I recommend approval.

### 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. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, or any order amending or revoking and replacing that Order with or without modification, the premises shall not be used for any purpose other than for a care home within Class C2 of the Order, unless otherwise approved in writing by the local planning authority. (To enable consideration of the amenity, parking and highway safety impacts of alternative Class C2 uses, in accordance with Policies CS03, CS08 and CS14 of the Leicester Core Strategy (2014) and saved Policy PS10 of the Local Plan (2006).
3. The premises shall not accommodate any more than 3 residents in care at any one time, unless otherwise approved in writing by the local planning

authority. (To enable consideration of the amenity of residents and parking impacts of a more intensive use, in accordance with Policy CS14 of the Leicester Core Strategy (2014) and saved Policy PS10 of the Local Plan (2006).

4. Development shall be carried out in accordance with the following approved plans:  
Existing & Proposed Site Plan, drawing no NHD/02403/002  
Proposed Floor Plans, drawing no NHD/02403/003  
received 28/5/24  
(For the avoidance of doubt).

#### NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process.  
The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2023 is considered to be a positive outcome of these discussions.

# Item 4b

## COMMITTEE REPORT

<b>20240982</b>	<b>10 Rockery Close</b>	
Proposal:	Change of use from dwellinghouse (Class C3) to residential children's home (Class C2) (4 children)	
Applicant:	Mr Ranjit Singh Baines	
App type:	Operational development - full application	
Status:	Change of use	
Expiry Date:	5 August 2024	
SS1	TEAM: PD	WARD: Thurncourt



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### Summary

- The application is brought to committee due to more than 5 objections being received;
- The main issues are: the acceptability in principle of the change of use; the character of the area; the amenity of neighbouring occupiers; and parking/traffic impacts;
- The application is recommended for conditional approval.

## The Site

The application relates to a two-storey detached 6-bed dwellinghouse located at the end of a residential cul-de-sac accessed off Uppingham Road.

To the southeast and southwest west of the site are neighbouring residential properties.

The wider area is noted as a critical drainage area and is within 250m of a known air pollutant.

## The Proposal

The proposal is for the change of use of the property from a dwellinghouse (Class C3) to a residential care home (Class C2). No external alterations are proposed.

The care home would have a living room, play room, kitchen/breakfast room, office, utility room and WC on the ground floor, 2 carer bedrooms, 2 children's bedrooms and a bathroom on the first floor and 2 children's bedrooms on the second floor.

The application states that:

- The house will provide a full-time residence for up to 4 children between the age of 8-17, in which 2 adult carers will occupy the property at all times, operating on a shift pattern;
- A home manager will be a regular visitor to the home for administrative and supervision purposes; and
- The proposed shift pattern for carers will be 24hr shifts with changeover arranged for 11am.

## Policy Considerations

### National Planning Policy Framework 2023

Paragraph 2 (Primacy of development plan)

Paragraph 11 (Sustainable development)

Paragraph 115 (Unacceptable highways impact)

Paragraph 116 (Highways requirements for development)

Paragraph 135 (Good design and amenity)

Paragraph 191 (Pollution impacts)

Paragraph 194 (Land Use)

### Local Policies

CLPP policy AM01 (Impact of development on pedestrians)

CLLP policy AM12 (Residential car parking provision)

CLLP policy PS10 (Residential amenity and new development)

CLLP policy PS11 (Protection from pollution)

Policy CS03 (Designing quality places)

Policy CS06 (Housing strategy)

Policy CS14 (Transport network)

### Supplementary guidance

Appendix 1 CLLP 2006 - Vehicle Parking Standards.

## Representations

Objections were received from 19 separate addresses. One of them was marked as a support comment but the content indicated an objection and I have treated it as such.

Issues raised were:

- Noise and disturbance;
- Adequacy of parking/increased traffic, there is already congestion and parking on pavements in the area, proposal causes increased congestion/safety concerns especially for pedestrians/children and access for emergency vehicles/bin lorries, the site is on a corner near a blind spot;
- Loss of privacy;
- Impacts on house values;
- Anti-social behaviour/safety/security concerns for the community – there is already anti-social behaviour occurring;
- Overdevelopment/out of scale;
- It would not be a dwellinghouse, affecting the residential area, this is not a place for business, it will alter the character of the area;
- Greater intensity of use from the staff on shift patterns;
- Neighbours not informed;
- Infrastructure strain;
- Environmental impact;
- Insufficient information in terms of needs of the children, placements, security, safeguarding, or emergency measures;
- C2 use could change to other C2 uses without permission; and
- Approval would set a precedent for commercial activity.

## Consideration

### Principle of Development/Character of the Area

I note the concerns raised in objections regarding the development being inappropriate in a residential area for families and how objectors consider the proposed care home as a commercial business. However, the proposed care home will be managed housing with assisted living provided for residents. The proposal is small in scale and given the existing use as a 6-bed dwellinghouse, I do not consider its managed nature would present an excessively perceptible difference or significant impacts in the wider area. As a primarily residential use it would have an acceptable impact on the suburban character of the area in terms of general noise and disturbance.

Furthermore, and in accordance with Core Strategy policy CS06, the City Council aims to facilitate the provision of a range of accommodation to meet the special housing needs of all City residents including identified special needs. As such, the

principle of the use is in accordance with the aims of this policy and the principle of development is acceptable.

### Parking and Traffic

#### *Policy Context*

Local Plan saved policies AM01 and AM02, and NPPF paragraphs 108, 114, and 116 require developments to provide suitable facilities for traffic and parking. Local Plan Appendix 01 provides maximum parking requirements for each type of use.

Local Plan Appendix 01 calls for one car parking space per 4 bedspaces for Class C2 residential institutions. I saw on my site visit that there would be space for 3 cars on the front driveway. As such the proposal would comply with Appendix 01.

#### *Context of the Area*

Rockery Close is a cul-de-sac serving 1-12 and 14-23 Rockery Close, and also gives access to a drive for 341 Uppingham Road.

All dwellings in the close provide at least 2 off-street parking spaces, with many having room for 3 or more. As such dwellings in the area have sufficient off-street parking.

#### *Considerations*

It would be expected that a house of this size, as existing, would be likely to attract 2 cars. There would be 2 staff on site following the change of use but there would be likely to be visitors at times. Overall I would expect that the site would attract 3 cars at most times which the site can provide for.

Concerns have been raised in objections in terms of amount of traffic/parking required for the development. I note that there are photos included in objections showing the close with several cars being parked on-street, including cars parked half-on the pavement. This is including at the application site. Notwithstanding this, as all the houses have sufficient off-street parking that would be considered policy compliant and the proposed use would have sufficient parking that would be policy compliant, the proposed development in itself would not be likely to cause a significant material impact on highway safety sufficient to represent a valid reason to refuse the proposal on highways grounds. It follows that I conclude that the further impacts alleged in objections of harm to highway safety of pedestrians and children and impediment to emergency vehicles/bin lorries would not be inherently likely to come to pass as a result of this permission being granted. The proposal would be in accordance with NPPF paragraph 115 and the policies listed above, and the proposal would not warrant refusal on highways grounds.

### Neighbouring Residential Amenity

Taken together, NPPF paragraph 135f, and Local Plan policies PS10 and PS11 require a good standard amenity to be retained for neighbouring residents.

I note the concerns raised in objections in relation to noise impacts from the site and the proposed use.

The property is a detached property. As such there would not be likely to be significant noise impacts from internal use of the property to neighbouring dwellings.

The proposal is to provide managed care with carers always present for professional oversight and supervision. Whilst there would be potential for there to be more



people present in the house regularly during daytimes, the proposal is to provide a residential setting and as such it is not inherently likely for there to be any noisy uses or activities that would be out of character for a residential area. Whilst neighbours may experience different character of activities such as staff changes and, possibly, more transient occupiers over the longer term, I do not consider that these differences will equate to harm. I do not consider that use of the rear garden by staff and occupiers of the home, nor general comings and goings associated with the property, are likely to give rise to noise impacts that would be very significantly different from the existing 6-bedroomed dwelling or unacceptably impact amenity at any neighbouring properties.

I conclude that the proposal would not conflict with NPPF paragraph 135f, and Local Plan policies PS10 and PS11, and that the proposal would be acceptable in terms of impact upon amenity.

The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise complaints be received but there would be no planning justification to withhold permission on this basis. NPPF paragraph 194 states that: 'The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.' As the proposal would be an acceptable use of land and given the suitable insulation between the application site and the neighbour, there is no planning reason to require a noise management plan on the grounds of noise/disturbance/anti-social behaviour which again, could be dealt with by noise pollution control, the police or Ofsted. I also consider that a noise management plan for this type of use would present significant technical enforcement challenges and as such would not be appropriate to impose.

#### Other Issues

I note the issues raised in objections relating to lack of information. The supporting statement provides some information on the proposed operation of the use. I consider that there is sufficient information to make an assessment of the proposed use.

I note the issues raised in objections relating to impact on property values. However, planning decisions are concerned with land use in the public interest and applications are determined in accordance with policies in the development plan for Leicester.

I note issues raised in objections that the development would cause harm to safety and privacy of residents of the area. However I do not consider that there is a likelihood that the change of use could cause such issues.

I note the issue raised in objections that approval of this application would set a precedent for others. However this application is considered on its own merits as all applications are required to be.

I note the issue raised in objections that the proposal could be detrimental to the environment. There is no reason to believe there would be material impacts on the environment from this small change of use.

I note the issue raised in objections regarding increased impacts on local facilities/infrastructure. There is no reason to believe there would be material impacts on the local infrastructure from this small change of use.

I note the issues raised in objections in relation to publicity of the application. Neighbours were notified and the statutory publicity requirements have been met and a decision can be issued accordingly.

### Conclusion

The application is acceptable in principle and I recommend approval.

As noted by an objection, within Class C2 the property could be used for a residential school, college, training centre or health facility. Further consideration for these types of uses would be necessary and for this reason I am recommending a condition that restricts the uses of the property to a care home.

The proposal is for 4 children and I recommend a condition to limit the number of children being looked after to 4 as any increase would also require further consideration.

### 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. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, or any order amending or revoking and replacing that Order with or without modification, the premises shall not be used for any purpose other than for a care home within Class C2 of the Order, unless otherwise approved in writing by the local planning authority. (To enable consideration of the amenity, parking and highway safety impacts of alternative Class C2 uses, in accordance with Policies CS03, CS08 and CS14 of the Leicester Core Strategy (2014) and saved Policy PS10 of the Local Plan (2006).
3. The premises shall not accommodate any more than 4 residents in care at any one time, unless otherwise approved in writing by the local planning authority. (To enable consideration of the amenity of residents and parking impacts of a more intensive use, in accordance with Policy CS14 of the Leicester Core Strategy (2014) and saved Policy PS10 of the Local Plan (2006).
4. Development shall be carried out in accordance with the following approved plans:  
Ground Floor Plan, First Floor Plan, Second Floor Plan, drawing no 20 00 01, revision P1, received 04/06/2024  
(For the avoidance of doubt).

### NOTES FOR APPLICANT

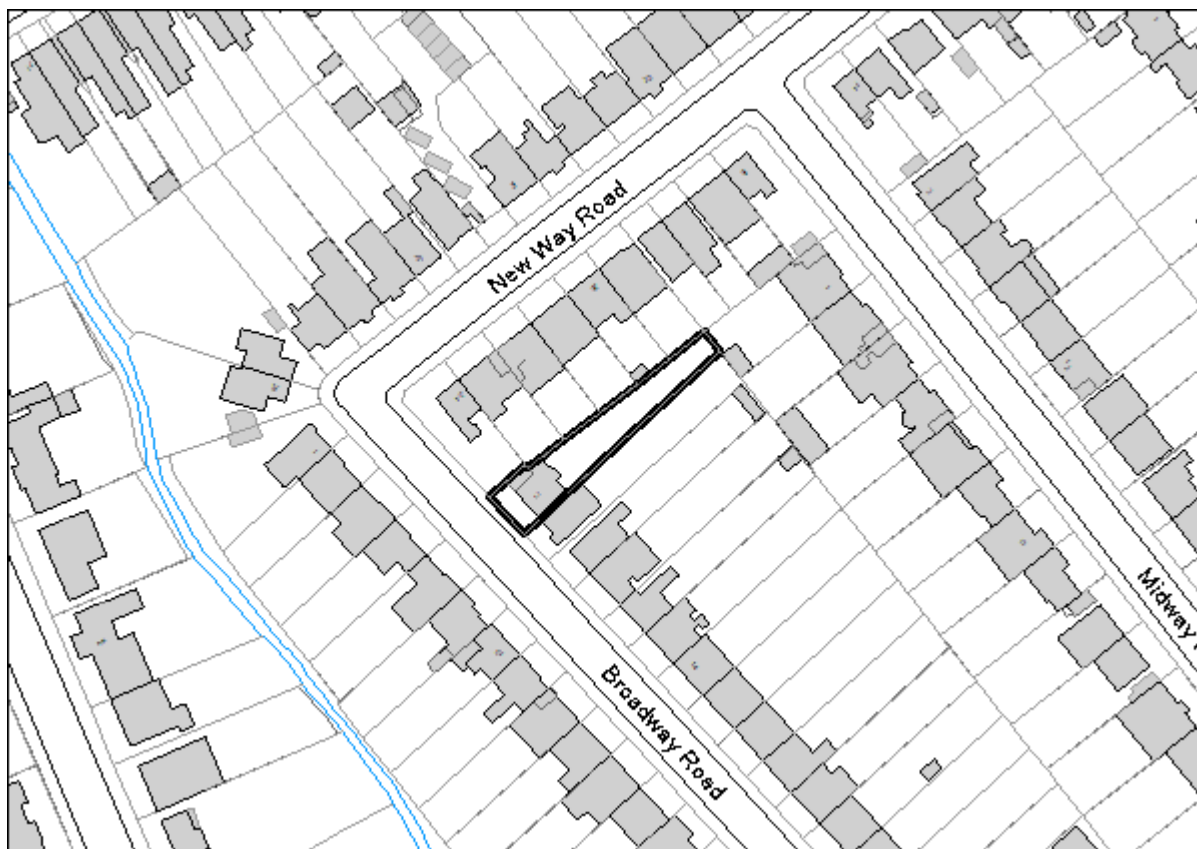
1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the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

The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2023 is considered to be a positive outcome of these discussions.



## COMMITTEE REPORT

<b>20240806</b>	<b>2 Broadway Road</b>	
Proposal:	Retrospective application for construction of a hip to gable roof alteration and dormer to the rear of house (Class C3)	
Applicant:	Mr O Ebrahim	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	17 July 2024	
DJ	TEAM: PE	WARD: Stoneygate



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### Summary

- The application is reported to committee at the request of Councillor Sood. The extension has been largely constructed, and the current application involves an attempt to reduce the impacts of the proposal with amendments. The referral of this application allows the committee to consider urban design implications of the proposal.

- 1 representation has been received objecting to the application. 3 letters of support have been received.
- The main issues are the design and impact on neighbouring amenity.

## The Site

The site is a semi-detached dwelling located on the north - east of Broadway Road.

The site is located within Flood Zone 2 and a critical drainage area.

## Background

20221897 – Construction of single storey extension at rear of house (Class C3) – conditionally approved in 2022.

20240305 – Retrospective application for the construction of a second-floor extension at rear of the house (Class C3) – refused in 2024 for the following reason:

1. The proposed second floor extension by reason of its size and location, would have a detrimental visual impact on the application property, the neighbouring property of 4 Broadway Road and Broadway Road's street scene. As such, the proposal would represent a poor design in conflict with policy CS03 of Leicester Core Strategy (2014) and paragraphs 131 and 139 of the National Planning Policy Framework (2023).

## The Proposal

The proposal is for partially retrospective planning permission for the construction of a hip to gable roof alteration, seeking consent for changes proposed to be made to present the second floor extension in the form of a rear facing dormer window.

The dormer window would be 5.8m wide, 3.7m deep and 2.8m high to the flat roof and have a rear facing Juliet balcony.

The hip to gable alteration is proposed to match the height, width and depth of the existing building.

Whilst hip to gable roof alterations and dormer windows can be completed via Schedule 2, Part 1, Class B of the General Permitted Development Order (2015) (As Amended), this application is not eligible to be subject of a lawful development certificate as the works have been commenced and constructed as a second storey extension needing planning permission- this was applied for and refused under application 20240305.

An extension which is built, cannot retrospectively be adapted to be deemed as permitted development, so the proposal must therefore be considered against the applicable policies in the Development Plan.

## Policy Considerations

National Planning Policy Framework (NPPF) 2023

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)  
Paragraph 131 ( Good Design)  
Paragraph 135 (Good design and amenity)  
Paragraph 139 (Design decisions)  
Paragraph 165 (Avoiding flood risk or making development safe)

#### Development Plan Policies

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

#### Other legal or policy context

Residential Amenity SPD (2008)  
Leicester Street Design Guide (2020)

### Consultations

No consultation responses have been received.

### Representations

1 objection has been received which raises the following concerns:

- Loss of light to neighbouring garden
- Unsightly addition
- Loss of privacy from gable window
- Concerns regarding the structure's foundations with the additional storey.

3 comments have been received in support of the proposal referring to the acceptability of the proposal and other existing structures in the area.

### Consideration

#### Principle of development

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

#### 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.

The site is one of a pair of semi detached dwellings located on Broadway Road just to the south of the road becoming New Way Road. Given that application site is the first house with even numbers from the junction with New Way Road it has substantially more visible front and side elevations which are more prominent in the street scene than other properties, and the design standards expected in such locations should respect this prominence.

The hip to gable alteration is flush with the existing side elevation of the main building and would also match the height of the existing ridge line. The proposed dormer window is set in by 0.2m at the side and is 0.1m lower than the ridge of the main dwelling. Whilst it is noted that this dormer not being flush to the side elevation and it will marginally reduce the visual harm, it is considered that there would still be a substantial bulking effect which be a discordant element causing substantial visual harm to adjoining houses on New Way Road and wider street scene.

A similar conclusion was reached by the Planning Inspectorate in appeal 20211618 (Inspectorate Ref: 3288669) at 9 Egerton Avenue, for Construction of single storey extension at front; hip to gable roof; dormer at rear; installation of 3 rooflights at front of house (Class C3), where the inspector stated:

*In my judgement, the proposed dormer window by reason of its design and size would appear as a bulky, dominant and unsympathetic addition to the property. I note that the appellant has attempted to retain the semblance of the hipped roof at the frontage of the property by setting the dormer window back. However, this attempt would not prevent the existing roof from being subsumed by the dormer window, resulting in the property appearing as a three-storey dwelling with a flat roof, and appearing wholly at odds with the surrounding character. The blank and featureless front and side elevations of the dormer window would only exacerbate its unattractiveness. While it may sit within the existing ridgeline, I do not find the proposed dormer window would be subservient as the appellant suggests.*

Furthermore, as the application property is one half of a pair of semi-detached dwellings, with existing hipped roofs, the dormer extension, which is clearly visible from the street scene, would result in substantial visual harm by unbalancing this pair of semi detached houses.

It is noted that there are similar works completed at No.6 Broadway Road (but the dormer is set back from the front). However, no planning application has been submitted for this development, which has become immune from enforcement action due the passage of time beyond the 4 years cut off point. Furthermore, the side elevation of the application property is more prominent and exposed when viewed from the main road and the houses on New Way Road. Therefore, these two are not comparable cases.

It is therefore considered that the dormer window and alteration of the roof from a hip to a gable causes significant visual harm to occupiers of both the neighbouring houses on New Way Road, the neighbouring dwelling (no.4 Broadway Road) and the wider Broadway Road street scene contrary to policy CS03 of the adopted Core Strategy 2014 and NPPF 2023 paragraphs 131 and 139.



### Residential amenity (neighbouring properties)

The proposal includes a window in the side elevation which is to serve a stairwell. There are existing windows in the side elevation at first floor level. This new window in the gable would look directly into the gardens of 32-34 New Way Road as this is for a stairwell, if the application is to be approved, it is recommended that a condition requiring obscure glazing in the window to prevent overlooking should be included.

With regards to the loss of privacy to neighbouring properties from the rear facing Juliet balcony and window, it is noted that the window is obscure glazed meaning there would not be loss of privacy to neighbours from this small window. The balcony's primary outlook will be rear facing onto the applicant's garden which is 41m deep meaning that the loss of privacy to 1 Midway Road would be minimal. Whilst there would be views onto the neighbouring gardens of properties on New Way Road and 4 Broadway Road, due to the angle, these would not be severe enough to warrant a refusal.

There is a separation distance of approximately 16.5m between the two storey element of 32 New Way Road and the proposed gable of the application property. A minimum of 15m separation distance is required as per guidance in the Supplementary Planning Document 'Residential Amenity' (Appendix G). With regards to an overshadowing impact and loss of outlook from Nos. 32-34 New Way Road, whilst there would be an increase on the massing of the house causing shadows to increase within the garden area, due to the distance between the properties, it is considered unlikely that there would be an unacceptable loss of outlook or light to either property.

With regards to noise, as the site is a residential property in a residential within a residential area, it is considered there would be no unacceptable noise increase from the site.

It is therefore considered that subject to a condition requiring the side facing window to be obscure glazed, that the proposal does not cause an unacceptable level of harm to the amenity of the neighbouring properties on New Way Road in terms of loss of light and outlook. The proposal is therefore considered not in conflict with saved policy PS10 of the Local Plan.

### Drainage

The site is within Flood Zone 3 and a critical drainage area. However, I consider the proposal would not have adverse impact in terms of increased surface water run-off. 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

A comment was received which raised concerns regarding the foundations of the property. This is a building control matter, not planning and therefore cannot be considered as part of this planning application.

## Conclusion

Overall, it is considered that whilst the proposal is acceptable with regards to the principle of development, the neighbouring amenity and drainage the design of the proposal would lead to significant visual harm to the adjoining houses and the street scene and I recommend REFUSAL for the following reasons:

### REASONS FOR REFUSAL

1. The proposed roof alteration and dormer extension by reason of its size and location, would have a detrimental visual impact on the adjoining properties on New Way Road, the application property, 4 Broadway Road (the adjoining half of a pair of semis by unbalancing the pair) and Broadway Road's street scene. As such, the proposal would represent poor design in conflict with policy CS03 of Leicester Core Strategy (2014) and paragraphs 131 and 139 of the National Planning Policy Framework (2023).

### NOTES FOR APPLICANT

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

### **Policies relating to this recommendation**

2006\_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'.

# Item 4d

## COMMITTEE REPORT

<b>20240303</b>	<b>31 Clarefield Road</b>	
Proposal:	Variation of condition 4 (approved plans condition) attached to planning permission 20220424 (single storey extension at front and first floor extension to side of house (Class C3)) to include construction of single storey extension to front of house	
Applicant:	Mr Gurjeet Rajania	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	9 April 2024	
CY1	TEAM: PD	WARD: Western



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### Summary

- Brought to committee as the applicant is a Leicester City Council employee.

- Main issues are design, residential amenity, and parking created by changes to the front extension only.
- 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

Application 20220424 was approved for a single storey extension at front and first floor extension to side of house. It was approved on the 3<sup>rd</sup> August 2022 at planning committee.

## The Proposal

The application seeks to vary condition 4 in the approved 20220424 application to allow for an extension to the front of the garage and to the entryway of the house. This would have a total width of 5.3m and depth of 1.4m, with a height to eaves of 2.6m and total height of 3.4m. Materials are proposed to match the existing house.

Amendments were received on the 11<sup>th</sup> June fixing an error on the site plan.

## Policy Considerations

### National Planning Policy Framework (NPPF) 2023

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)

Paragraph 114 (Assessing transport issues)

Paragraph 115 (Unacceptable highways impact)

Paragraph 116 (Highways requirements for development)

Paragraph 135 (Good design and amenity)

Paragraph 139 (Design decisions)

Paragraph 140 (Clear and accurate plans)

### 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)

## Representations

None received

## Consideration

The principle of the development has been established under the previous planning permission 20220424. Further alterations to that approval are proposed which relate to the addition of a front extension, and as such the only consideration is design, impact on amenity, and highways and parking.

### 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 proposed extension is modest in size and would not dominate the existing property. Materials are proposed to match the existing house and such a condition is already attached the previous application.

### 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 front extension would not result in an overbearing, overlooking, nor overshadowing to any neighbouring properties.

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 spaces to be provided. The increased garage size would still not fit a car. However, even with the proposed front extension, the existing driveway could provide one off-street parking space parallel to the road as with the previously approved application.

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.

## 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 the initial permission (4<sup>th</sup> August 2022). (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:  
Proposed variation of condition, 2021-29-PL-03- rev 1, received 11 June 2024  
(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 2023 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.





# Item 4e

## COMMITTEE REPORT

<b>20240067</b>	<b>25 Gotham Street</b>	
Proposal:	Construction of dormer extension at rear; installation of two skylights at front; conversion of basement to store room and Installation of window at front and rear of basement; alterations to house (Class C3) (Amended plans received 31/05/2024)	
Applicant:	Souad Haddouch	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	14 June 2024	
LKL	TEAM: PE	WARD: Stoneygate

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### Summary

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

## The Site

The application relates to a two storey terraced house located within an established residential area. The site is within the South Highfields Conservation Areas. The property is covered by an Article 4 Direction which limits permitted development rights for most external alterations and HMO conversion. The site is also within the Air Quality Management Area 2008, critical drainage area, and an area of monument polygon and Laapc 250m buffer.

## Background

Planning permission 20141407 for replacement door and window to side and rear of flat (Class C3) was approved on 17/09/2014.

Planning permission 20060856 for replacement UPVC windows to side and rear elevation of house (Class C3) was approved on 21/07/2006.

## The Proposal

The proposal relates to the following works:

- At the rear of house an 'L' shaped dormer extension would be constructed with a flat roof, measuring 4.5m in width and 2.5m in height. It will extend beyond the two storey rear elevation over the outrigger to a depth of 2m. The extension will accommodate a bedroom and an ensuite bathroom. The dormer cheeks are to be cladded in hanging tiles to match the existing roof tiles.
- The basement of the property will be converted to a storeroom. This includes the installation of windows at front and rear of the basement. As shown on the amended elevations and cross sections, a brick arch on top of the windows will be retained and timber fillet will be used to fill in the arch between top of the window and brick arch. The window to the front of basement would be timber and the rear window would be made of Upvc and glazing.
- Two Velux top hung Heritage Conservation rooflights will be installed to the front.

## Policy Considerations

### National Planning Policy Framework (NPPF) 2023

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)

Paragraph 116 (Highways requirements for development)

Paragraph 135 (Good design and amenity)

Paragraph 139 (Design decisions)

Paragraph 140 (Clear and accurate plans)

Paragraph 195 (Heritage as an irreplaceable resource)

Paragraph 200 (Heritage statement)

Paragraph 201 (Considering impact on heritage assets)

Paragraph 203 (Sustaining significance of heritage assets)  
Paragraph 205 (Conservation of designated heritage assets)  
Paragraph 206 (Clear & convincing justification for heritage impacts)  
Paragraph 208 (Less than substantial harm)

#### Development Plan Policies

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

#### Other legal or policy context

Residential Amenity SPD (2008)  
South Highfields conservation area character statement (2015)  
Planning (Listed Building and Conservation Areas) Act (1990)  
Planning (Listed Building and Conservation Areas) Regulations (1990)  
Appendix 01 Vehicle Parking Standards (2006)

### Consultations

Conservation comments are incorporated in the consideration section of the report.

### Representations

None received.

### Consideration

The development in a residential area is acceptable in principle subject to considerations regarding impact on the appearance and character of the conservation area, residential amenity and parking.

#### Character and design

In this instance considerations of design are intrinsically related to the proposal's historic and architectural value and so are considered below.

#### Heritage

The house is a traditional 19th century terraced property which retains most of its original features to the front and makes a positive contribution towards the character and appearance of the conservation area.

#### *Dormer*

The large rear dormer window would form a dominant feature on the rear roof slope and sit at odds with the general character of the property. Notwithstanding this, it would not be visible from the public highway within the conservation area and as such would have a very limited impact on its character and appearance. As such, there are no formal heritage objections to this element. Additionally given a similar dormer extension has been constructed at 21 Gotham Street under planning permission 20192449, a refusal due to the impact on visual amenity and the South Highfields Conservation Area would not be justified.

#### *Rooflights*

The front roof slope is visible from the public highway in longer views, but would not affect the overall form of the roof and there is local precedent for front

rooflights. As amended in the drawings, manufacturers details are provided ensuring an acceptable model is used. I am therefore satisfied that the rooflights element would not result in a detrimental impact on the character and appearance of the conservation area.

#### *Basement window to front*

A new window is proposed in the lightwell to the front of the property. This would involve the removal of part of the existing concrete and brick structure in the front yard. There appears to be some form of opening to the sub-basement level, potentially an old coal hole which has a brick arch above.

As amended, more detailed plans at 1:20 are provided of the sub-basement to the front, showing the existing wall and opening and where the new windows would be located. Cross sections have also been provided in addition to show how much of the concrete to the front would be removed and timber fillet would be used to fill in the gap between top of the window and the brick arch.

Given that none of the existing brick arch would be removed and that the window to the front would be timber framed rather than uPVC, I consider this element is acceptable in terms of design subject to a condition that the new window should be made from timber.

A condition is recommended to ensure all external materials are to match the existing.

#### Impact on residential amenity

The dormer window to the rear would face towards the rear garden of the application site and the side window facing number 27 would be obscured glazed with no opening below 1.7m from first floor level. I am satisfied that the new windows would not cause an unacceptable level of overlooking to neighbouring property and the massing of the new dormer would not cause any significant overshadowing.

Windows will be installed to the front and rear of the basement. I consider it reasonable to attach a condition to ensure the basement will not be used as a habitable room in the interests of residential amenity.

#### Parking

On-street parking is available to the front of property. Whilst not ideal, I consider the proposed bedroom is unlikely to result in an unacceptable impact on the highway.

## Conclusion

The proposal would not result in unacceptable impact on the appearance and character of the conservation area and would help to preserve its character and appearance. It would have an acceptable relationship with the adjoining properties.

I therefore recommend that this application is APPROVED subject to 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 cheeks of the dormer(s) shall be constructed in materials to match the existing roof. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
3. The basement window to the front shall be made from timber. (In the interests of visual amenity and the character and appearance of the Soth Highfields Conservation Area, and in accordance with Core Strategy policy CS3 and CS18)
4. The external elevations of the proposed light wells shall be constructed in materials to match those existing. (In the interests of visual amenity and the character and appearance of the Soth Highfields Conservation Area, and in accordance with Core Strategy policy CS3 and CS18)
5. The basement shall not be used as a habitable room. (In the interests of residential amenity in accordance with Policy PS10 of the City of Leicester Local Plan.)
6. Development shall be carried out in accordance with the following approved plans:  
Existing and Proposed Elevations, D201 - 31/12/2023, Rev A received 31/05/2024  
Proposed Floor Plans, D102 - 31/12/2023, Rev A received 31/05/2024  
Existing and Proposed Elevations, D202 - 31/12/2023, Rev A received 31/05/2024  
Existing and Proposed Sections, D203 - 31/12/2023, Rev A received 31/05/2024  
Existing and Proposed Sections, D203 - 31/12/2023, received Rev A 31/05/2024  
(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 2023 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\_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014\_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.