



Leicester
City Council

MEETING OF THE PLANNING AND DEVELOPMENT CONTROL COMMITTEE

DATE: WEDNESDAY, 13 NOVEMBER 2024

TIME: 5:30 pm

**PLACE: Meeting Rooms G.01 and G.02, Ground Floor, City Hall, 115
Charles Street, Leicester, LE1 1FZ**

Members of the Committee

Councillor Surti (Chair)

Councillor Aldred (Vice-Chair)

Councillors Cassidy, Gopal, Halford (substitute), Joel, Kennedy-Lount, Kitterick,
Modhwadia, 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 Monitoring Officer

Officer contact:

Sharif Chowdhury, Senior Governance Services Officer, email: sharif.chowdhury@leicester.gov.uk

Jessica Skidmore, Governance Services Officer, email: jessica.skidmore@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.

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If you have any queries about any of the above or the business to be discussed, please contact: Error! No document variable supplied., **Governance Services Officer**. Alternatively, email jessica.skidmore@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

Appendix A

Members are asked to confirm that the minutes of the meeting of the Planning and Development Control Committee held on 2 October 2024 are a correct record.

4. APPEALS REPORT: APRIL TO OCTOBER 2024

Appendix B

5. PLANNING APPLICATIONS AND CONTRAVENTIONS [Appendix C](#)

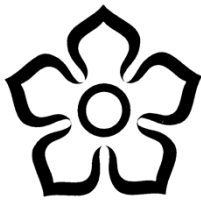
The Committee is asked to consider the recommendations of the Director for Planning, Development and Transportation contained in the attached reports, within the categories identified in the index appended with the reports.

(i) **20241627 - 60 ASQUITH ROAD** [Appendix D](#)

(ii) **20172626 - 113 HARRISON ROAD** [Appendix E](#)

(iii) **20241068 - 97 ROEHAMPTON DRIVE** [Appendix F](#)

6. ANY OTHER URGENT BUSINESS



Leicester
City Council

Appendix A

Minutes of the Meeting of the
PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Held: Wednesday, 2 October 2024 at 5:30 pm

P R E S E N T :

Councillor Surti (Chair)

Councillor Bajaj
Councillor Bonham
Councillor Cassidy

Councillor Gopal
Councillor Joel
Councillor Kennedy-Lount

Councillor Modhwadia
Councillor Mohammed
Councillor Singh Patel

* * * * *

1 APOLOGIES FOR ABSENCE

Councillor Surti, as Chair, welcomed those present and led on introductions.

Apologies for absence were received from Councillors Aldred, Kitterick and Moore.

Councillor Bajaj and Bonham were noted to be in attendance as substitutes for Councillor Aldred and Councillor Moore.

2 DECLARATIONS OF INTEREST

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

Councillor Gopal declared his interest as a Taxi Driver for the Leicester Railway Station items but maintained that he held an open mind.

3 MINUTES OF THE PREVIOUS MEETING

Councillor Kennedy-Lount noted that his apology for absence and Councillor Porters substitution had not been noted in the 24 July 2024 minute.

RESOLVED:

That the minutes of the meeting of the Planning and Development Control Committee held 24 July 2024 and 21 August 2024 be confirmed as a correct record, subject to the above amendment.

4 PLANNING APPLICATIONS AND CONTRAVENTIONS

The Chair noted that the 20240579 115 Evington Valley Road item would be brought forward as the first item on the agenda.

5 20240227 115 EVINGTON VALLEY ROAD

20240227 - 115 Evington Valley Road, Dunlop Business Centre

Ward: Spinney Hills

Proposal: Change of use of part of industrial building (Class B2) to clothing retail shop (Class E) (Amended 03/05/2024)

Applicant: Mr Patel

The Planning Officer presented the report.

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

Members of the Committee considered the application and Officers responded to questions and queries raised by the Committee.

The Chair summarised the application and points raised by Committee Members and moved that in accordance with the Officer recommendation and the addendum report, the application be approved, subject to the Planning Officer's conditions. This was seconded by Councillor Mohammed, 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 parking/service area shall be marked out in accordance with the Proposed Plan drawing no PL77 A201 Rev B before the occupation of any part of the development and shall be retained and kept available for that use thereafter. (To ensure that parking/servicing can take place in a satisfactory manner; and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)
3. The use shall not be carried on outside the hours of 10:00 - 20:00 daily. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS11 of the City of Leicester Local Plan.)

4. 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 other use than a clothing retail shop unless agreed in advance in writing by the Local Planning Authority. (To enable consideration of the amenity, parking and highway safety impacts of alternative Class E uses, in accordance with Policies CS03 and CS15 of the Leicester Core Strategy (2014) and saved Policies PS10 and PS11 of the Local Plan (2006).)
5. Development shall be carried out in accordance with the following approved plans:
Proposed Plan, Drawing no PL77-A200, Rev B, received 07/05/2024
Proposed Plan, Drawing no PL77-A201, Rev B, received 07/05/2024
(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.
2. Please note that any signage on the building would require a further permission for advertisement consent to be granted prior to its installation. Furthermore any external alterations to the building may require a further planning permission.

6 20230594 LEICESTER RAILWAY STATION, LONDON ROAD

20240594 - London Road, Leicester Railway Station, Midland Main Line

Ward: Castle

Proposal: Redevelopment of Leicester Railway Station to include new entrance to ticket hall; pedestrian ramp; erection of a canopy, pedestrianisation and regrading of Station Street to create public realm; relocation of Grade II listed gate piers; relocation of Thomas Cook statue; replacement cycle storage; soft and hard landscaping, lighting and CCTV; relocation of taxi rank, pick up/drop off point, reduced mobility parking bays; refurbishment works to porte cochere; provision of heating and cooling units; services and boundary treatment and other associated works.

Applicant: Leicester City Council

The Planning Officer presented the report and noted the addendum report.

Councillor Kitterick addressed the Committee and spoke in opposition to 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. This was seconded by Councillor Joel 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.

Reason: To comply with Section 91 of the Town & Country Planning Act 1990.

2. The development hereby permitted shall be carried out in full accordance with the following drawings and documents.

Location Plan, 177016-ARC-ZZ-ZZZ-DRG-EAR-081000 P04;05/04/24

Site Plan, 177016-ARC-ZZ-ZZZ-DRG-EAR-081001 P04; 05/04/24

Telecoms CCTV GA Layout 177016-ARC-ZZ-00-DRG-ETL-011000;05/04/24

Ticket Hall Bay Studies, 177016-ARC-ZZ-ZZZ-DRG-EAR-209006 P02; 05/04/24

External Lighting Layout, 1034002-CDL-ZZ-ZZ-DR-Z-9011 05/04/24

Porte Cochere – Bay Studies – Sheet 1, 177016-ARC-ZZ-ZZZ-DRG-EAR-209001 P04 05/04/24

Porte Cochere – Bay Studies – Sheet 2, 177016-ARC-ZZ-ZZZ-DRG-EAR-209002 P04 05/04/24

Porte Cochere – Bay Studies – Sheet 3, 177016-ARC-ZZ-ZZZ-DRG-EAR-209003 P04 05/04/24

Porte Cochere – Bay Studies – Sheet 4, 177016-ARC-ZZ-ZZZ-DRG-EAR-209004 P04 05/04/24

Porte Cochere – Bay Studies – Sheet 5, 177016-ARC-ZZ-ZZZ-DRG-EAR-209005 P04 05/04/24

Porte Cochere – Curtain Walling sheet 1 177016-ARC-ZZ-ZZZ-DRG-EAR-273011 P01 05/08/24

Illustrative Landscape and Public Realm Plan, 177016-ARC-ZZ-ZZZ-DRG-EEN-000102 P02 30/04/24

Landscape Site Layout, 177016-ARC-ZZ-ZZZ-DRG-EEN-000100 P02 30/04/24

Proposed Elevation SW & NW, 177016-ARC-ZZ-ZZZ-DRG-EAR-201001 P07 23/04/24

Proposed Elevations NE & SE, 177016-ARC-ZZ-ZZZ-DRG-EAR-201002 P05 23/04/24

Proposed Plan – Roof Plan, 177016-ARC-ZZ-RF1-DRG-EAR-2000R0 P07, 23/04/24

Proposed Lower Ground Floor Plan, 177016-ARC-ZZ-000-DRG-EAR-200000 P12 23/04/24

Proposed Plans – Ground Floor, 177016-ARC-ZZ-001-DRG-EAR-200010 A03; 29/07/24

Porte Cochere – Curtain Walling sheet 1 177016-ARC-ZZ-ZZZ-DRG-EAR-273011 P01 05/08/24

Porte Cochere – Curtain Walling sheet 2 177016-ARC-ZZ-ZZZ-DRG-EAR-273012 P01 05/08/24

Tree Plan 177016-ARC-ZZ-ZZZ-DRG-EEN-000110 P01 05/08/24

Design & Access Statement 04/07/24

Design & Access Statement Addendum 29/07/24

Reason: For the avoidance of doubt.

3. No development shall commence until a Phasing Strategy has been submitted to and approved in writing by the Local Planning Authority. The Phasing Strategy shall comprise a) a written scheme setting out the phases of construction, b) a plan identifying the phasing areas, and c) a timetable for construction and timescales for the implementation of the planning conditions set out in this Decision Notice. The development shall be implemented in accordance with the approved Phasing Strategy (unless superseded by a subsequent strategy approved in writing by the Local Planning Authority).

The specific matters controlled by planning conditions that require inclusion within the Phasing Strategy are: hard and soft landscaping, boundary treatments, lighting scheme, cycle parking, car parking, surfacing and marking out of car parking areas, archaeology, sustainable

drainage system, flood risk, biodiversity gain plan, Landscape and Ecological Management Plan (LEMP), entrance canopies, materials, gate piers, Porte Cochere details, and curtain wall details.

Reason: In order to secure the satisfactory development of the application site in accordance with Policies CS01 and CS02 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.

4. Details of hard and soft landscape works for each phase of development shall be submitted to and approved in writing by the Local Planning Authority in accordance with the timescales set out in the approved Phasing Strategy. These details shall include proposed finished levels or contours, means of enclosure, hard surfacing materials, minor artefacts and structures, proposed and existing functional services above and below ground, fully annotated planting plans to a scale of 1:100, showing, where used, locations of individually planted trees, shrubs, hedges, bulbs, and areas of grass. Within ornamental planting areas, plans should be sufficiently detailed to show the locations of different single species groups in relation to one another, and the locations of any individual specimen shrubs. Other information shall include planting schedules, noting species, plant sizes and proposed numbers / densities and details of the proposed planting implementation programme. All hard and / or soft landscape works shall be implemented in accordance with the approved details. The works shall be implemented in accordance with a programme agreed with the Local Planning Authority and thereafter maintained. Any trees or shrubs which, within a period of two years from the completion of the development, die, are removed or become seriously diseased or damaged, shall be replaced in the next planting season with others of similar size and species.

Reason: In order to secure the satisfactory development of the application site, ensure a high quality of external environment and reinforce local landscape character in accordance with Policies CS01 and CS02 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this condition will need to be discharged in accordance with the approved Phasing Strategy.

5. Details of the proposed boundary treatment for each phase of development shall be submitted to and approved in writing by the Local Planning Authority in accordance with the timescales set out in the approved Phasing Strategy and these works shall be carried out as approved. These details shall include plans showing the locations of existing, retained and proposed new boundary treatments and scaled drawings indicating the positions, height, design, materials, type and colour of proposed new boundary treatments. The approved scheme shall be implemented before occupation of the development hereby permitted and shall be maintained and retained thereafter.

Reason: In order to secure the satisfactory development of the application site in accordance with Policies CS01 and CS02 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this condition will need to be discharged in accordance with the approved Phasing Strategy.

6. Details of the lighting scheme for each phase of development shall be submitted to and approved in accordance with the timescales set out in the approved Phasing Strategy and these works shall be carried out as approved. The detailed lighting scheme shall include site annotated plans showing lighting positions for the external spaces, facades, building elevations and structures they illuminate, site plans showing horizontal and vertical overspill to include light trespass and source intensity, affecting surrounding residential premises and details of the lighting fittings including: colour, watts and periods of illumination. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority. All lighting works shall be implemented in accordance with the approved details and shall be completed prior to the occupation of any part of the development hereby permitted and shall be retained and maintained thereafter.

Reason: To ensure a high quality of external environment, to complement the development proposals, and to protect and reinforce local character and biodiversity in accordance with Policy In order to secure the satisfactory development of the application site in accordance with Policies CS01 and CS02 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this condition will need to be discharged in accordance with the approved Phasing Strategy.

7. Cycle Parking: Secure and covered cycle parking shall be provided in accordance with the timescales set out in the approved Phasing Strategy and retained thereafter in accordance with written details previously approved by City Council as local planning authority.

Reason: 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). To ensure that the details are agreed in time to be incorporated into the development, this condition will need to be discharged in accordance with the approved Phasing Strategy.

8. Car Parking: The car parking area shall be provided in accordance with guidance in the Leicester Street Design Guide and Network Rail's car parking standards and implemented in accordance with the timescales set out in the approved Phasing Strategy. The car parking area shall be retained and kept available for that use.

Reason: To ensure that parking/servicing can take place in a satisfactory manner; and in accordance with policies AM01 and AM12 of the City of

Leicester Local Plan and Core Strategy policy CS03. To ensure that the details are agreed in time to be incorporated into the development, this condition will need to be discharged in accordance with the approved Phasing Strategy.

9. All parking areas shall be surfaced and marked out in accordance with details submitted to and approved by the City Council as local planning authority, and implemented in accordance with the timescales set out in the approved Phasing Strategy. The car parking areas shall be retained for parking and not used for any other purpose.

Reason: To ensure that parking can take place in a satisfactory manner, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3. To ensure that the details are agreed in time to be incorporated into the development, this condition will need to be discharged in accordance with the approved Phasing Strategy.

10. Written Scheme of Investigation: No groundworks, slab removal or new development shall take place or commence until a programme of archaeological monitoring and recording has been agreed in accordance with the timescales set out in the approved Phasing Strategy and a prepared Written Scheme of Investigation submitted to and approved in writing by the City Council as the local planning authority. The scheme shall include:

(1) an assessment of significance and how this applies to the regional research framework;

(2) the programme and methodology of site investigation and recording;

(3) the programme for post-investigation assessment;

(4) provision to be made for analysis of the site investigation and recording;

(5) provision to be made for publication and dissemination of the analysis and records of the site investigation;

(6) provision to be made for archive deposition of the analysis and records of the site investigation;

(7) nomination of a competent person or persons or organization to undertake the works set out within the Written Scheme of Investigation.

Reason: To ensure that any heritage assets that will be wholly or partly lost as a result of the development are recorded and that the understanding of their significance is advanced; and in accordance with Core Strategy policy CS18. To ensure that the details are agreed in time to be incorporated into the development, this condition will need to be discharged in accordance with the approved Phasing Strategy.

11. Full details of the Sustainable Drainage System (SuDS) for each phase of development, together with implementation, long term maintenance and management of the system, shall be submitted to and approved in writing to the Local Planning Authority in accordance with the timescales set out in the approved Phasing Strategy. The use shall not commence until the system has been implemented. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall include: (i) full design details, (ii) a timetable for its implementation, and (iii) a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime.

Reason: To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this condition will need to be discharged in accordance with the approved Phasing Strategy.

12. The development shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Assessment (177016-ARC-ZZ-ZZZ-REP-EDR-00500, Rev P03, dated March 2024) and the following mitigation measures detailed within. The mitigation measures for each phase of development shall be fully implemented in accordance with the timescales set out in the approved Phasing Strategy.

Reason: To ensure appropriate flood resilience measures are incorporated in accordance with policy CS02 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this condition will need to be discharged in accordance with the approved Phasing Strategy.

13. A Biodiversity Gain Plan (BGP) shall be submitted to and approved in writing by the local planning authority in accordance with the timescales set out in the approved phasing strategy. The approved BGP shall be implemented within a timescale included with the BGP and shall be maintained for a period of not less than 30 years after the development is occupied in accordance with a maintenance scheme included within the BGP. Any replacement planting shall be completed within the next planting season in accordance with the approved BGP. The BGP shall include:

(a) the steps already taken or to be taken to minimise any adverse effect of the development on the biodiversity of the onsite habitat and any other habitat,

(b) the pre-development biodiversity value of the onsite habitat (with the baseline biodiversity value of the site measured at the biodiversity value of the site as it was at 30.01.2020)

(c) the post-development biodiversity value of the onsite habitat,

Reason: To comply with Paragraph 13 of Schedule 7a of the Town & Country Planning Act 1990). To ensure that the details are agreed in time to be incorporated into the development, this condition will need to be discharged in accordance with the approved Phasing Strategy.

14. A detailed Landscape and Ecological Management Plan (LEMP) showing the treatment and maintenance of all parts of the site which will remain unbuilt upon shall be submitted to and approved in writing by the local planning authority in accordance with the timescales set out in the approved Phasing Strategy. The LEMP shall be implemented within a timescale to be agreed with the Local Planning Authority.

Reason: To ensure habitats are reinstated, enhanced, and managed, to maximise potential for biodiversity. To ensure that the details are agreed in time to be incorporated into the development, this condition will need to be discharged in accordance with the approved Phasing Strategy.

15. Architectural drawings detailing the entrance canopy structures illustrating their design, component size, technical specification, material, RAL colour and finish and how they will be assimilated with the existing building shall be submitted to and approved in writing to the Local Planning Authority in accordance with the timescales set out in the approved Phasing Strategy. The development shall be carried out in complete accordance with the approved details and be retained for the lifetime of the development.

Reason: In the interests of visual amenity and the character and appearance of the Listed Building, and in accordance with Core Strategy policies CS01 and CS02. To ensure that the details are agreed in time to be incorporated into the development, this condition will need to be discharged in accordance with the approved Phasing Strategy.

16. A full materials schedule shall be submitted to and approved in writing by the local planning authority in accordance with the timescales set out in the approved Phasing Strategy. The sample panels shall illustrate how the materials are composed together and provide the depth and sculptural quality of the elevations for inspection by Officers and approval in writing by the local planning authority. The development shall be carried out in accordance with the approved details and be thereafter maintained.

Reason: In the interests of visual amenity, the character and appearance of the area and in accordance with Core Strategy policies CS01 and CS02. To ensure that the details are agreed in time to be incorporated into the development, this condition will need to be discharged in accordance with the approved Phasing Strategy.

17. Details of the reconstruction of the Gate Piers shall be submitted to and approved in writing by the Local Planning Authority in accordance with the timescales set out in the approved Phasing Strategy. The details shall outline the proposed method / technique of dismantling and

reconstruction of the gate piers as well details on how the current location of the gate piers will be marked for the purpose of heritage interpretation and also the provision of a heritage interpretation panel at a position to be identified to describe the historic importance of the gate piers and other heritage features associated with the railway station. The reconstruction shall take place in accordance with the approved details and be thereafter maintained.

Reason: In the interests of visual amenity, the character and appearance of the area and in accordance with Core Strategy policies CS01 and CS02. To ensure that the details are agreed in time to be incorporated into the development, this condition will need to be discharged in accordance with the approved Phasing Strategy.

18. Details of the treatment and positioning of the ornate metal gates and panels on the Porte Cochere shall be submitted to and approved in writing to the Local Planning Authority in accordance with the timescales set out in the approved Phasing Strategy. The details shall set out, where appropriate, the proposed locations for the removal and retention of the gates. The positioning of the ornate metal gates and panels shall take place in accordance with the approved details and be thereafter maintained.

Reason: In the interests of visual amenity, the character and appearance of the area and in accordance with Core Strategy policies CS01 and CS02. To ensure that the details are agreed in time to be incorporated into the development, this condition will need to be discharged in accordance with the approved Phasing Strategy.

19. Details of curtail wall glazing fixings shall be submitted to and approved in writing to the Local Planning Authority in accordance with the timescales set out in the approved Phasing Strategy. This will include how these features will relate to floor and walls, and how far they project from the structure as well as the RAL colour specification. With regard to glazed elements detailed information is required on fixings, corners, soffits and junctions between materials, overall design, headers, sills, glazing bar and frame dimensions and arrangement, materials, reveal depth. The development shall be implemented in accordance with the approved details and thereafter maintained.

Reason: In the interests of visual amenity, the character and appearance of the area and in accordance with Core Strategy policies CS01 and CS02. To ensure that the details are agreed in time to be incorporated into the development, this condition will need to be discharged in accordance with the approved Phasing Strategy.

20. No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by the City Council as local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: (i) the parking of vehicles of site operatives and visitors; (ii) the loading and

unloading of plant and materials; (iii) the storage of plant and materials used in constructing the development; (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) wheel washing facilities; (vi) measures to control the emission of dust and dirt during construction; (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works; (viii) temporary arrangements for public access, parking and servicing.

Reason: To ensure the satisfactory development of the site, and in accordance with policies AM01, UD06 of the City of Leicester Local Plan and Core Strategy policy CS03. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.

21. Space shall be kept available within the curtilage of the site to allow for loading and unloading (including taxis and general purpose Pick-up / Drop-off areas) to take place within the site in accordance with the approved plans.

Reason: In the interests in highway safety, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.

22. Turning space, to enable vehicles always to enter and leave the site in a forward direction, shall be kept available within the site in accordance with the approved plans.

Reason: In the interests in highway safety, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.

23. All public realm and street works including works to create the car parking area, pick-up / Drop-off area, Taxi Rank shall be constructed in accordance with the Leicester Street Design Guide and Network Rail Design Guidance, and in accordance with approved plans.

Reason: To achieve a satisfactory form of development, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3).

24. Noise from any heating and cooling units as proposed in the approved plans shall not exceed 5dB(A) below the existing background noise level. A correction factor should be added to the measured sound pressure level if noise contains any distinguishable characteristics (whine, hiss, screech, hum, etc.) or is irregular enough to attract attention in line with BS4142, when measured at 1 metre from the facade of any nearby residential properties.

Reason: In the interest of the amenities of nearby occupiers, and in accordance with saved policies PS10 and PS11 of the City of Leicester Local Plan.

25. The development shall be carried out in full accordance with the air quality mitigation measures as set out in Appendix A of the air quality assessment (Arcadis, March 2024).

Reason: To manage and mitigate the impact of the construction works on air quality and amenity, in accordance with saved policies PS10 and PS11 of the City of Leicester Local Plan.

26. The development shall be carried out in accordance with the energy efficiency measures as outlined in the Sustainability Statement (document ref: 1034002-CDL-XX-XX-RP-SY-70201).

Reason: In the interests of development to mitigate and adapt to climate change and in accordance with Core Strategy Policy CS02.

27. If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site. Prior to the recommencement of development on that part of the site, a risk assessment and remediation scheme for the discovered contamination must be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied or brought into use until the approved remediation has been carried out and a verification report has been submitted to and approved in writing by the local planning authority.

Reason: To accord with saved policies PS10 and PS11 of the City of Leicester Local Plan.

28. Prior to implementation of the landscaping scheme, full details of all tree canopy lost; proposed tree planting and projected tree canopy extent at 25 Year post development shall be submitted to and approved in writing by the Local Planning Authority. This will include planting and maintenance specifications, including cross-section drawings of tree pit dimensions and available roosting volume, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times. Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

Reason: In order to secure the satisfactory development of the application site and safeguard and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with policies CS01 AND CS02.

29. Adequate facilities as shown in the approved plans are to be maintained to ensure inclusive access for people with mobility and sensory disabilities in accordance with details on the approved plans.

Reason: In order to secure the satisfactory development of the application site in accordance with policies AM01 and AM12 of the City of Leicester Local Plan.

30. The following works shall be carried out in accordance with details shown on the approved plans: (a) footway crossing(s) at each vehicular access; (b) alterations to footway crossing(s); (c) reinstatement of any redundant footway crossings and/or damaged or altered areas of footway or other highway.

Reason: To ensure a satisfactory means of access to the highway, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)

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.
2. The Highway Authority's permission is required under the Highways Act 1980 and the New Roads and Street Works Act 1991 for all works on or in the highway.
3. The Highway Authority's permission is required under the Highways Act 1980 and the New Roads and Street Works Act 1991 for all works on or in the highway.
4. Temporary direction signing for developments can be provided within the highway. The Highway Authority requires all temporary signing schemes are designed, implemented and maintained to an appropriate and acceptable standard. The temporary signing scheme including details of the sign faces, locations and means of fixing must be submitted for approval. These signs must comply with the Traffic Signs Regulations and General Directions (TSRGD). Applications must be submitted to the Council at least four weeks before the signs are to be erected. Applicants will agree to reimburse the City Council for the full costs involved in the processing of the application and any subsequent planning, design, implementation and maintenance of the signs. The Local Authorities

(Transport Charges) Regulations 1998 refers, and charges are set in LCC minor charges report updated annually; available via this link <https://www.leicester.gov.uk/media/181997/minor-fees-and-charges-for-transportation-services-2020-2021.pdf>.

In the event of signs not being removed expeditiously, the Council will remove them and recharge the costs to the promoter. For more information please contact highwaysdc@leicester.gov.uk.

7 **20240595 LEICESTER RAILWAY STATION**

20240595 - London Road, Leicester Railway Station, Midland Main Line

Ward: Castle

Proposal: Internal and external alterations to Grade II listed building and relocation of Grade II listed gate piers.

Applicant: Leicester City Council

The Planning Officer presented the report.

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 Joel 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.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The development hereby permitted shall be carried out in full accordance with the following drawings.

Location Plan, 177016-ARC-ZZ-ZZZ-DRG-EAR-081000 P04;05/04/24

Site Plan, 177016-ARC-ZZ-ZZZ-DRG-EAR-081001 P04; 05/04/24

Telecoms CCTV GA Layout 177016-ARC-ZZ-00-DRG-ETL-011000;05/04/24

Ticket Hall Bay Studies, 177016-ARC-ZZ-ZZZ-DRG-EAR-209006 P02; 05/04/24

External Lighting Layout, 1034002-CDL-ZZ-ZZ-DR-Z-9011 05/04/24

Porte Cochere – Bay Studies – Sheet 1, 177016-ARC-ZZ-ZZZ-DRG-EAR-209001 P04 05/04/24

Porte Cochere – Bay Studies – Sheet 2, 177016-ARC-ZZ-ZZZ-DRG-EAR-209002 P04 05/04/24

Porte Cochere – Bay Studies – Sheet 3, 177016-ARC-ZZ-ZZZ-DRG-EAR-209003 P04 05/04/24

Porte Cochere – Bay Studies – Sheet 4, 177016-ARC-ZZ-ZZZ-DRG-EAR-209004 P04 05/04/24

Porte Cochere – Bay Studies – Sheet 5, 177016-ARC-ZZ-ZZZ-DRG-EAR-209005 P04 05/04/24

Porte Cochere – Curtain Walling sheet 1 177016-ARC-ZZ-ZZZ-DRG-EAR-273011 P01 05/08/24

Illustrative Landscape and Public Realm Plan, 177016-ARC-ZZ-ZZZ-DRG-EEN-000102 P02 30/04/24

Landscape Site Layout, 177016-ARC-ZZ-ZZZ-DRG-EEN-000100 P02 30/04/24

Proposed Elevation SW & NW, 177016-ARC-ZZ-ZZZ-DRG-EAR-201001 P07 23/04/24

Proposed Elevations NE & SE, 177016-ARC-ZZ-ZZZ-DRG-EAR-201002 P05 23/04/24

Proposed Plan – Roof Plan, 177016-ARC-ZZ-RF1-DRG-EAR-2000R0 P07, 23/04/24

Proposed Lower Ground Floor Plan, 177016-ARC-ZZ-000-DRG-EAR-200000 P12 23/04/24

Proposed Plans – Ground Floor, 177016-ARC-ZZ-001-DRG-EAR-200010 A03; 29/07/24

Porte Cochere – Curtain Walling sheet 1 177016-ARC-ZZ-ZZZ-DRG-EAR-273011 P01 05/08/24

Porte Cochere – Curtain Walling sheet 2 177016-ARC-ZZ-ZZZ-DRG-EAR-273012 P01 05/08/24

Tree Plan 177016-ARC-ZZ-ZZZ-DRG-EEN-000110 P01 05/08/24

Design & Access Statement 13/05/24

Design & Access Statement Addendum 29/07/24

Reason: For the avoidance of doubt

3. No development shall commence until a Phasing Strategy has been submitted to and approved in writing by the Local Planning Authority. The Phasing Strategy shall comprise a) a written scheme setting out the phases of construction, b) a plan identifying the phasing areas, and c) a timetable for construction and timescales for the implementation of the planning conditions set out in this Decision Notice. The development shall be implemented in accordance with the approved Phasing Strategy (unless superseded by a subsequent strategy approved in writing by the Local Planning Authority).

The specific matters controlled by planning conditions that require inclusion within the Phasing Strategy are: archaeology, entrance canopies, materials, gate piers, Porte Cochere details, and curtain wall details.

Reason: In order to secure the satisfactory development of the application site in accordance with Policies CS01 and CS02 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.

4. No groundworks, slab removal or new development shall take place or commence until a programme of archaeological monitoring and recording has been agreed in accordance with the timescales set out in the approved Phasing Strategy and a prepared Written Scheme of Investigation submitted to and approved in writing by the City Council as the local planning authority. The scheme shall include:

(1) an assessment of significance and how this applies to the regional research framework;

(2) the programme and methodology of site investigation and recording;

(3) the programme for post-investigation assessment;

(4) provision to be made for analysis of the site investigation and recording;

(5) provision to be made for publication and dissemination of the analysis and records of the site investigation;

(6) provision to be made for archive deposition of the analysis and records of the site investigation;

(7) nomination of a competent person or persons or organization to undertake the works set out within the Written Scheme of Investigation.

Reason: To ensure that any heritage assets that will be wholly or partly lost as a result of the development are recorded and that the understanding of their significance is advanced; and in accordance with Core Strategy policy CS18. To ensure that the details are agreed in time to be incorporated into the development, this condition will need to be discharged in accordance with the approved Phasing Strategy.

5. Architectural drawings detailing the entrance canopy structures illustrating their design, component size, technical specification, material, RAL colour and finish and how they will be assimilated with the existing building shall be submitted to and approved in writing to the Local Planning Authority in accordance with the timescales set out in the approved Phasing Strategy. The development shall be carried out in complete accordance with the approved details and be retained for the lifetime of the development.

Reason: In the interests of visual amenity and the character and appearance of the Listed Building, and in accordance with Core Strategy policies CS01 and CS02. To ensure that the details are agreed in time to be incorporated into the development, this condition will need to be discharged in accordance with the approved Phasing Strategy.

6. A full materials schedule shall be submitted to and approved in writing by the local planning authority in accordance with the timescales set out in the approved Phasing Strategy. The sample panels shall illustrate how the materials are composed together and provide the depth and sculptural quality of the elevations for inspection by Officers and approval in writing by the local planning authority. The development shall be carried out in accordance with the approved details and be thereafter maintained.

Reason: In the interests of visual amenity, the character and appearance of the area and in accordance with Core Strategy policies CS01 and CS02. To ensure that the details are agreed in time to be incorporated into the development, this condition will need to be discharged in accordance with the approved Phasing Strategy.

7. Details of the reconstruction of the Gate Piers shall be submitted to and approved in writing by the Local Planning Authority in accordance with the timescales set out in the approved Phasing Strategy. The details shall outline the proposed method / technique of dismantling and reconstruction of the gate piers as well details on how the current location of the gate piers will be marked for the purpose of heritage interpretation and also the provision of a heritage interpretation panel at a position to be identified to describe the historic importance of the gate piers and other heritage features associated with the railway station. The reconstruction shall take place in accordance with the approved details and be thereafter maintained.

Reason: In the interests of visual amenity, the character and appearance of the area and in accordance with Core Strategy policies CS01 and CS02. To ensure that the details are agreed in time to be incorporated

into the development, this condition will need to be discharged in accordance with the approved Phasing Strategy.

8. Details of the treatment and positioning of the ornate metal gates and panels on the Porte Cochere shall be submitted to and approved in writing to the Local Planning Authority in accordance with the timescales set out in the approved Phasing Strategy. The details shall set out, where appropriate, the proposed locations for the removal and retention of the gates. The positioning of the ornate metal gates and panels shall take place in accordance with the approved details and be thereafter maintained.

Reason: In the interests of visual amenity, the character and appearance of the area and in accordance with Core Strategy policies CS01 and CS02. To ensure that the details are agreed in time to be incorporated into the development, this condition will need to be discharged in accordance with the approved Phasing Strategy.

9. Details of curtail wall glazing fixings shall be submitted to and approved in writing to the Local Planning Authority in accordance with the timescales set out in the approved Phasing Strategy. This will include how these features will relate to floor and walls, and how far they project from the structure as well as the RAL colour specification. With regard to glazed elements detailed information is required on fixings, corners, soffits and junctions between materials, overall design, headers, sills, glazing bar and frame dimensions and arrangement, materials, reveal depth. The development shall be implemented in accordance with the approved details and thereafter maintained.

Reason: In the interests of visual amenity, the character and appearance of the area and in accordance with Core Strategy policies CS01 and CS02. To ensure that the details are agreed in time to be incorporated into the development, this condition will need to be discharged in accordance with the approved Phasing Strategy.

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.

- (i) 20240548 42 BARNES CLOSE

20240548 - 42 Barnes Close

Ward: Troon

Proposal: Construction of single storey extension at side and rear of house (Class C3) (amended plans)

Applicant: Mr & Mrs Ruparel

The Planning Officer presented the report.

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 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. The new walls and roof shall be constructed in materials to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
3. Development shall be carried out in accordance with the following approved plans:
A201 Proposed First Floor & Roof Plan
A202 Proposed Elevations
A203 Amenity Space
A204 Block Plan
received on 09/09/2024
A200 Proposed Ground Floor Plan Rev B
received on 12/09/2024
(For the avoidance of doubt).

NOTES FOR APPLICANT

1. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption/transitional arrangement is considered to apply:

Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development

Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

2. 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.

8 **ANY URGENT BUSINESS**

There being no other urgent business, the meeting closed at 19:41pm.



WARDS AFFECTED: ALL

PLANNING AND DEVELOPMENT CONTROL COMMITTEE

13th November 2024

Report of the Director of Planning, Development and Transportation

Appeals Report: April to October 2024

1 Purpose of Report

1.1 The purpose of this report is to provide members of the Planning and Development Control Committee with an update on the outcomes of appeals received during the first six months of the 2024/25 financial year.

2 Background

2.1 Most planning applications received by the Council are determined by officers on behalf of the PDCC under delegated powers and the vast majority are approved.

For those applications which are refused, or not determined within the prescribed time limits set by the Government, applicants have the right to appeal to the Government's Planning Inspectorate to seek an approval.

The majority of appeals are dealt with by a process of exchange of Written Representations, although there are provisions for Informal Hearings or Full Public Inquiries as necessary.

2.2 This report provides details of appeals received during the first 6 months of calendar year 2024 and sets out the outcomes of the cases involved for Members' information.

3 Appeals received and Determined April to October 2024

3.1 Appendix A lists of appeals which were decided from 1st April 2024. Out of 30 appeals – 22 appeals were dismissed, 1 was withdrawn and 7 appeals were allowed.

The details of the individual appeals could be found on the links provided within the table below in the appendix.

Currently there are 27 outstanding appeal decisions yet to be received. Securing a positive result in 76% of cases determined in the first 6 months of the year is considered to represent a very good performance by planning and enforcement officers defending decisions taken under delegated powers on behalf of the Committee.

3.2 Further details can be provided for any of the cases upon request, and could help from the basis of future Training or Briefing Sessions in due course.

4 Recommendations

4.1 Committee Members are requested to note the report.

5 Report Author

Grant Butterworth
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Planning, Development and Transportation
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Grant.butterworth@leicester.gov.uk

APPENDIX A

Appeal Tracker: Decided Appeals From 01/04/2024 to 29/10/2024

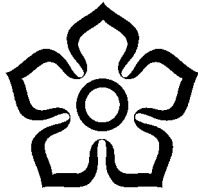
Ref	Appeal Type	Appeal Status	Location	Proposal	Appeal Decided Date	URL	Notes
20248036A	Planning Appeal	Dismissed	9 Ridgway Road	Retrospective application for the construction of carport at front of house (Class C3)	20241021	https://planning.leicester.gov.uk/Appeals/Display/20248036A	
20248037A	Planning Householder Appeal	Dismissed	17 Lakeview Chase	Construction of car port to front of house (Class C3)	20241018	https://planning.leicester.gov.uk/Appeals/Display/20248037A	
20248020A	Planning Appeal	Allowed	186 Welford Road	Demolition of antiques warehouse (Sui Generis); construction of two blocks (1 x 3 storey & 1 x 3&4 storey) for student accommodation (Sui Generis) to provide 50 studio flats	20241017	https://planning.leicester.gov.uk/Appeals/Display/20248020A	Costs awarded against Council
20248027A	Planning Appeal	Dismissed	755 Welford Road	Construction of single and two storey extensions at front; first floor extension at side; alterations to house (Class C3)	20241008	https://planning.leicester.gov.uk/Appeals/Display/20248027A	
20248018A	Planning Appeal	Dismissed	18 Lutterworth Road	Construction of single storey detached residential annexe at rear of house (Class C3)	20241008	https://planning.leicester.gov.uk/Appeals/Display/20248018A	
20248031A	Planning Householder Appeal	Dismissed	196 Scraftoft Lane	Construction of single storey extension at front; single & two storey extension at side; single & two storey extension at side/rear; & dormer extensions at front & rear of house; construction of single storey outbuilding (gym) at rear (Class C3)	20241007	https://planning.leicester.gov.uk/Appeals/Display/20248031A	
20248016A	Planning Appeal	Allowed	5 Belvoir Drive	Construction of detached dwellinghouse at rear (2-bed) (Class	20240925	https://planning.leicester.gov.uk/A	

				C3); installation of 1.8 metre high boundary fence; parking & landscaping		ppeals/Display/20248016A	
20248001A	Planning Appeal	Dismissed	2 Atkinson Street	Change of use of part of ground floor from auto repair shop (Class B2) to retail shop (Class E); change of use of first and second floor factory and ground floor ancillary office (Class B2) to five self contained flats (4 x 1 bed, 1 x 2 bed) (all Class C3) with associated management office, bin and cycle storage; construction of 4 dormer extensions with balconies to front; alterations	20240917	https://planning.iceicester.gov.uk/Appeals/Display/20248001A	
20238043A	Planning Appeal	Dismissed	Land at junction of Vaughan Way and Margaret's Way	Outline application for construction of a 9 and 7 storey building to provide 104 flats (63 x 1 bed, 41 x 2 bed) (Class C3) with access, appearance, layout and scale committed and other matters (landscaping) reserved.	20240903	https://planning.iceicester.gov.uk/Appeals/Display/20238043A	
20248022A	Planning Householder Appeal	Dismissed	325 Narborough Road	Retrospective application for the construction of single storey extension at front of house (Class C3)	20240823	https://planning.iceicester.gov.uk/Appeals/Display/20248022A	
20248021A	Planning Householder Appeal	Allowed	40 Park Rise	Construction of dormer extension at front; & single storey extensions at side and rear of house Class C3)	20240823	https://planning.iceicester.gov.uk/Appeals/Display/20248021A	
20248019A	Planning Householder Appeal	Allowed	16 The Wayne Way	Construction of two storey extension at front; single and two storey extension at rear of house (Class C3)	20240812	https://planning.iceicester.gov.uk/Appeals/Display/20248019A	
20248017A	Planning Householder Appeal	Dismissed	96 Osmaston Road	Construction of single storey extension at front; single storey extension at side; alterations to house (Class C3)	20240812	https://planning.iceicester.gov.uk/Appeals/Display/20248017A	
20238049A	Planning Appeal	Dismissed	39 Lower	Notification of proposed single storey	20240809	https://planning.iceicester.gov.uk/Appeals/Display/20238049A	

			Keyham Lane	extension at rear of dwellinghouse of dimensions: 4.4 metres beyond the rear wall of the original dwellinghouse; maximum height 3.0 metres; height of the eaves 3.0 metres (Class C3)		eicester.gov.uk/Appeals/Display/20238049A	
20248012A	Planning Appeal	Dismissed	6 Flora Street	Retrospective change of use from residential care home (3 bed) (Class C2) to HMO (5 bed) (Class C4); Installation of door to side and internal alterations	20240801	https://planning.eicester.gov.uk/Appeals/Display/20248012A	
20248011A	Planning Appeal	Dismissed	113 Duncan Road, Land at rear	Outline application for construction of bungalow (1x1 bed) (Class C3) details of access, appearance, layout and scale; with some matters reserved (landscaping)	20240801	https://planning.eicester.gov.uk/Appeals/Display/20248011A	
20248014A	Planning Appeal	Dismissed	23-27 Lincoln Street	Part Retrospective application for change of use from three houses to 16 self-contained flats (4 x studio, 8 x 1 bed, 4 x 2 bed) (Class C3) (Amended plans received 26/10/2023)	20240730	https://planning.eicester.gov.uk/Appeals/Display/20248014A	
20248009A	Planning Appeal	Dismissed	343 East Park Road	Retrospective application for the variation of condition 3 (Hours of use from 0700 - 2300 daily) attached to planning permission 20171172 (change of use from retail to restaurant (Class E)) to allow for extended opening hours to 0700- 0200 daily	20240729	https://planning.eicester.gov.uk/Appeals/Display/20248009A	
20248015A	Planning Appeal	Dismissed	103 Barkby Road, rear of	Retrospective application for the change of use from yard associated with factory (Class B2) to car storage (Class B8)	20240722	https://planning.eicester.gov.uk/Appeals/Display/20248015A	
20248008A	Planning Appeal: Lawful Use	Allowed	593 Welford Road	Certificate of lawful proposed development for construction of two rooflights at front; dormer at rear of house (Class C3)	20240617	https://planning.eicester.gov.uk/Appeals/Display/20248008A	

20248007A	Planning Householder Appeal	Dismissed	593 Welford Road	Construction of single storey extension at front and rear; two storey extension at side; hip to gable roof; dormer extension at rear of house (Class C3); alterations	20240617	https://planning.leicester.gov.uk/Appeals/Display/20248007A	
20238054A	Planning Householder Appeal	Allowed	1 Hutton Place	Construction of single storey extension at rear of house (Class C3)	20240611	https://planning.leicester.gov.uk/Appeals/Display/20238054A	
20238053A	Enforcement Notice Appeal	Dismissed	12 Narrow Lane	Alterations to the first floor window in the side elevation (facing 16 Narrow Lane) of the Property	20240517	https://planning.leicester.gov.uk/Appeals/Display/20238053A	
20238047A	Enforcement Notice Appeal	Dismissed	15 Southernhay Road	Installation of boundary fence to front of dwellinghouse	20240517	https://planning.leicester.gov.uk/Appeals/Display/20238047A	
20238029A	Enforcement Notice Appeal	Allowed	330 VICTORIA PARK ROAD	UNAUTHORISED CHANGE OF USE OF SINGLE DWELLING HOUSE TO 7 SELF CONTAINED FLATS	20240517	https://planning.leicester.gov.uk/Appeals/Display/20238029A	
20248013A	Planning Appeal	Withdrawn	1A Roman Street	Retrospective application for the change of use of ground floor from Class B1 to shop/office (Class E); installation of shop front; change of use of first & second floor from office (Class B1) to office (Class E) and serviced accommodation (Class C1)	20240409	https://planning.leicester.gov.uk/Appeals/Display/20248013A	
20248006A	Planning Householder Appeal	Dismissed	46 Myrtle Road	Construction of single storey extension at rear of house (Class C3)	20240409	https://planning.leicester.gov.uk/Appeals/Display/20248006A	
20248002A	Enforcement Notice Appeal	Dismissed	352 Fosse Road North	unauthorised removal of chimneys and installation of solar panels	20240409	https://planning.leicester.gov.uk/Appeals/Display/20248002A	

20238055A	Planning Appeal	Dismissed	508 Welford Road	Demolition of single storey extension at front; construction of two storey extension at side and rear; single storey extension at side and rear; alterations to house (Class C3)	20240409	https://planning.leicester.gov.uk/Appeals/Display/20238055A	
20238052A	Planning Appeal	Dismissed	72 Lamborne Road	Construction of hip to gable roof (Class C3)	20240409	https://planning.leicester.gov.uk/Appeals/Display/20238052A	



Leicester
City Council

Wards:
See individual reports.

Planning & Development Control Committee

Date: 13 November 2024

REPORTS ON APPLICATIONS, CONTRAVENTIONS AND APPEALS

Report of the Director, Planning and Transportation

1 Introduction

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

2 Planning policy and guidance

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

3 Sustainability and environmental impact

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

- 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

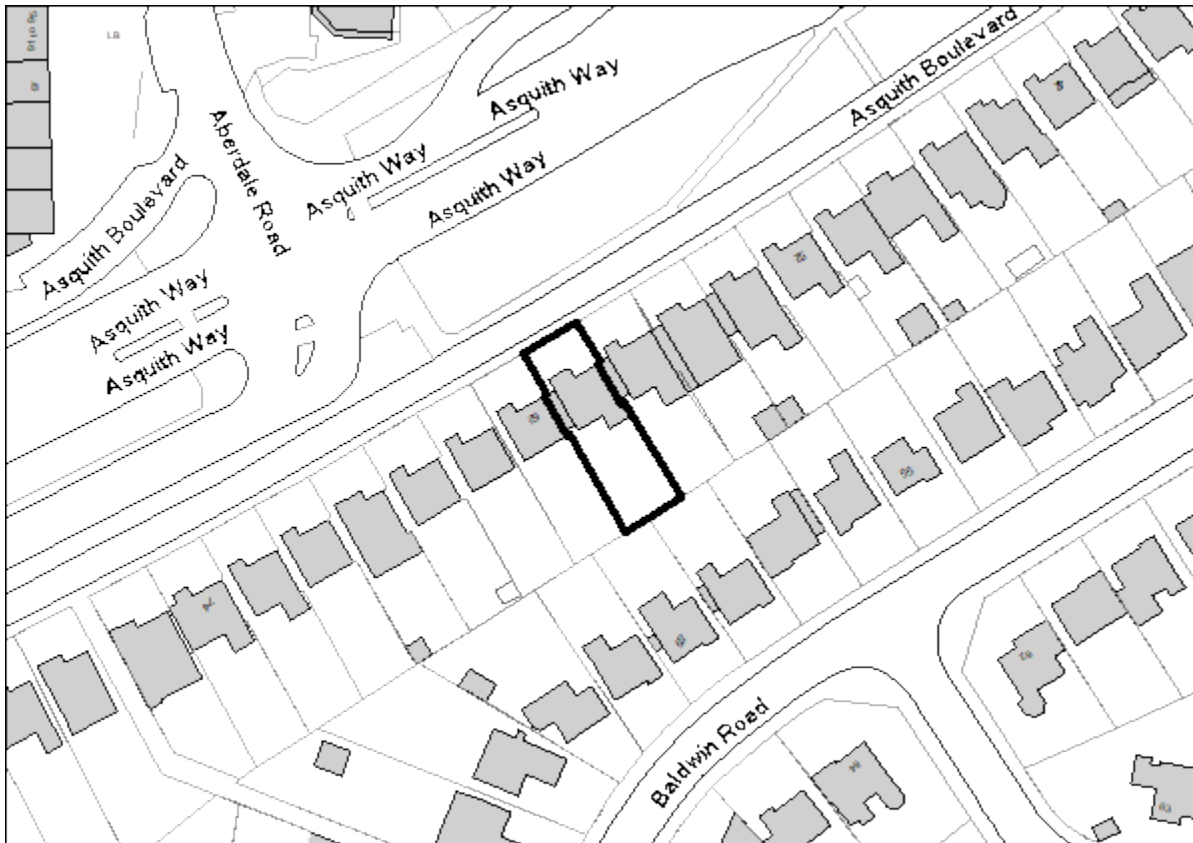
- 7.1 Where impacts arise from proposed development the City Council can require developers to meet the cost of mitigating those impacts, such as increased demand for school places and demands on public open space, through planning obligations. These must arise from the council's adopted planning policies, 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.

Appendix D

Recommendation: Conditional approval	
20241627	60 Asquith Boulevard, Sakeena House
Proposal:	Change of use from dwellinghouse (Class C3) to residential young persons care home (2 children) (Class C2); installation of two bike racks
Applicant:	Mr Sulman Ahmed
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20241627
Expiry Date:	21 November 2024
DJ	WARD: Knighton



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Summary

- The application is brought to committee due to more than 5 objections being received;
- 6 letters and a petition with 33 signatures from 31 addresses have been submitted in objection to the site. The main concerns are regarding the appropriateness of the site within the area, parking, and the impact on neighbouring properties
- 7 letters from 7 addresses have also been submitted in support of the application.
- 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 site is an existing two storey detached four bedroom residential dwelling (Use Class C3) on the south of Asquith Boulevard which is a primarily residential area.

The surrounding properties on Asquith Boulevard are primarily residential dwellings, with a public footpath to the west of the site. The surface flooding on the site is assessed as 1 in 1000.

Background

20041199 – First floor extension at side of house – conditionally approved in 2004 the works have not been implemented.

20241436 – Notification of proposed single storey extension at rear of dwellinghouse of dimensions: 6.0 metres beyond the rear wall of the original dwellinghouse; maximum height 3.05 metres; height of the eaves 2.7 metres (Class C3) – Prior approval deemed not to be required in 2024 – The works have not been implemented.

The Proposal

The proposal is for the change of use from a residential dwelling (Use Class C3) to a young persons care home (Use Class C2) for the care of up to 2 children aged between 7 and 14.

On the ground floor, there is to be a living room, a drawing room, a games room, a kitchen, a bathroom and a staff room.

On the first floor, there are to be 2 bedrooms, a staff room/ sleep in room and a bathroom.

No external alterations to the building are proposed as part of this application.

The proposal also includes the installation of 2 bike storage racks, with one by the front door and the other adjacent to the bay window.

There will be four members of staff present during the day with two members of staff then staying overnight.

A management plan has been received as part of this application which provides an overview of how the unit will be managed on a day to day basis.

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 (Noise and light pollution)
Paragraph 194 (Land Use)

Core Strategy (2014) and Local Plan (2006)

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

Supplementary guidance

Appendix 1 CLLP 2006 - Vehicle Parking Standards

Consultations

No consultation responses have been received.

Representations

6 letters and a petition with 33 signatures from 31 addresses have been submitted in objection to the site.

Also 7 letters from 7 addresses have been submitted in support of the application.

The objections raise the following concerns:

Principle of Development

- Proposal will significantly alter the character of the area,
- The site will be out of keeping and incompatible with residential area,
- Proposal is a commercial establishment in a residential area,
- The proposal will prevent the site being used for residential use when in a housing crisis,
- Previous application in area 20220086,(28 Asquith Boulevard)
- Already a care home on the street (no.26 Asquith Boulevard),
- 26 Asquith Road is now a bed and breakfast causing concerns about viability of proposal,
- Contrary to policy H05 which seeks to prioritise housing stock across the city,
- The area is residential not commercial,
- Areas of Leicester where a number of commercial sites have been converted

Amenity

- Increase in noise,
- Without sufficient support structures nearby, there may be negative implications on both the children and residents,

Highways and Parking

- Influx of visitors, staff and transport of children may lead to traffic and parking challenges,
- Will increase congestion,
- Already difficult to manoeuvre/drove around on the road,
- How will onsite parking be enforced,
- Onsite parking will be used by staff so visitors will have to park on road,

Other Matters

- Insufficient consultation has been completed,
- Neighbours did not receive letters informing them of the application,
- Different people coming and going from the property,
- Loss of value to their property,
- Wants stable neighbours,
- Known drug dealing in area,
- Area known for anti-social behaviour and proposal would add to it,
- Children may be behaviourally challenged,
- May exacerbate tensions within community,
- Increase in crime,
- Will be a constant rotation of children entering the property increasing likelihood of antisocial behaviour,
- Unclear how the site will integrate with the local services and amenities,
- Will disrupt community dynamics,
- How will proposal meet relevant regulations and standards,
- A previous householder application was recently approved,
- Potential second site coming forward if proposal is approved,
- No mention of the company running the site is made in the application,
- Could make area a no-go area,
- Do the council have the resources to monitor the standards and welfare of young people?
- Questions regarding safety of users in a care facility.

The letters of support raise the following points:

- Right place to make a difference for children who need stability and support,
- Addition of 2 children will not be disruptive,
- Children deserve a safe, caring environment,
- Thought has been put into making the home able to fit in with the neighbourhood,
- Will be a positive contribution to the neighbourhood,
- Provides a chance for children to develop with stability and security,
- Proposal is small and fits in well within existing residential setting,
- Will be Ofsted regulated,

Consideration

Principle of development

Concerns were raised in submitted 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 so is in principle a use compatible in a residential area. The proposal is small in scale and it is not considered 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.

However, it is considered reasonable to include a condition to any approved planning decision restricting the ability to change the use class of the site from C2 without planning permission.

Design

No external alterations are included as part of the application. It is therefore considered the proposal would not provide any additional visual harm to either the site or the wider street scene.

Living conditions (*The proposal*)

The dwelling is to be occupied by up to 2 children.

With regards to the levels of outlook, light, privacy and noise levels for the occupants, the proposed floor plan is primarily the same as the existing floor plan. It is therefore considered that the occupants would benefit from the same levels of light, outlook, privacy and noise as existing occupants of the dwelling.

The dwelling also benefits from a private garden area which is circa 190sqm. It is therefore considered that the future occupants would have sufficient outdoor garden space.

It is therefore considered that the proposal provides a sufficient quality of living space for future occupants as a Care facility for 2 children and the works are in accordance with Policy CS03 of the adopted Core Strategy.

Residential amenity (*neighbouring properties*)

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

As no external alterations are being completed on the property, there would be no impact to the levels of outlook, light or privacy to neighbouring properties.

It is noted that there are concerns raised in objections in relation to potential 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 2 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, it is not considered that these differences will equate to harm. It is also not considered that the 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.

However, to ensure this remains the case, it is recommended that a condition is included which limits the unit to up to 2 children.

Therefore, the proposal would not conflict with NPPF paragraph 135f, and Local Plan policies PS10 and PS11, and 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 separation 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. It is also considered 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. Furthermore, in the event of any situation arising, the submitted management plan clearly identifies points of contacts and procedures for specific scenarios.

Highways and Parking

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

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

It is also noted that whilst the road is narrow, there are no parking restrictions on Asquith Boulevard and there were not many cars parked on the public highway at the time of the site visit.

Concerns have been raised in objections in terms of amount of traffic/parking required for the development 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.

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- Government policy requires evidence of severe traffic impacts to be required should planning permission be withheld on transport grounds.

Drainage

The site is within an area where predicted surface flooding is 1 in 1000 on the site. It is considered that a requirement for a scheme of sustainable drainage would be unnecessary and onerous and that the impact of the proposal in terms of increased surface water run-off is unlikely to be significant.

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

Other matters

An objection was received questioning whether the consultation procedure was correctly completed. The application has followed both the Development Management Procedure Order (DMPO) and the Statement of Community Infrastructure regulations/instructions.

Objections were received regarding the loss of house values. This is not a material planning consideration and cannot be the consideration for any planning decision.

Concerns were raised in the submitted objections regarding the approval of the application setting a precedence, especially when this is the second care facility in the area. However this application is considered on its own merits as all applications are required to be.

There was also a comment regarding a potential second application at a neighbouring site if this one is to be approved. No application has been submitted for consideration and would need to be considered on its own material considerations. Furthermore, any potential future applications can not be considered with regards to the current planning application.

There have also been a number of objections raising concerns regarding the potential the application could increase the levels of crime and anti-social behaviour within the area and this causing division and tensions within the community. As stated previously

within this report, this permission does not indemnify against criminal activity or anti social behaviour which should be reported to the relevant body when necessary.

An objection also questioned the approval of the previous prior approval application on the site. Should the planning application be approved and implemented, the prior approval decision can not be implemented and any extension works will need to be reapplied for.

Objections were also received relating to the impact to local services and amenities. There is no reason to believe there would be material impacts on the local infrastructure from this small change of use.

Concerns were raised also with regards to who the end user will be and how the site will be kept up to the correct standards with other comments raising concerns about previous failings in the wider care industry. As part of this application a Care Management Plan has been submitted which confirms how the site will be run on a day to day basis as well as providing an overview on how the community engagement will be achieved. The document also provides the contact details for the director of the organisation to directly communicate with when there are any concerns about the standards or regulations not being met.

Local authorities do not have any powers in relation to the regulation of privately run children's care homes, as those powers rest with Ofsted. Planning legislation should not- and cannot- legally be used as a proxy for controlling matters which are the responsibility of Ofsted who have the remit for the oversight of these facilities.

Conclusion

This is a residential use proposed to be located in a residential area.

Overall, the application has been considered from the perspectives of the principle of development, the design, the living conditions, the neighbouring amenity, the parking standards, the drainage of the site, as well as other matters raised by public representations.

In all cases, the proposal has been considered acceptable.

I recommend that this application is APPROVED subject to conditions:

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. 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. (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 2 residents in care at any one time. (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 and documents:
Proposed Floor Plans - Received 19/09/2024
Bicycle Rack Details - Received 27/09/2024
Care Management Plan - Received - 24/10/2024
(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 planning considerations, including planning policies and representations that may have been received and subsequently determining to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2023.
2. As the rear extension approved via prior approval (Ref:20241436) was not implemented before the submission of application 20241627, the rear extension can not be completed parallel to the change of use application and if still required must be re-applied for via the relevant process.
3. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption/transitional arrangement is considered to apply:

Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

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_CS06 The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
- 2014_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.

COMMITTEE REPORT

20172626	133 Harrison Road	
Proposal:	Demolition of existing factory. Construction of three storey building to provide 42 flats (23 x 1 bed, 17 x 2 bed, 2 x 3 bed). Parking and landscaping. (amended plans 24th July 2023)	
Applicant:	JALPUR MILLERS LTD	
App type:	Operational development - full application	
Status:	Smallscale Major Development	
Expiry Date:	24 October 2024	
RB	TEAM: PM	WARD: Rushey Mead



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Summary

- Brought to the committee as the recommendation is for approval and objections have been received from more than five different City addresses.
- 17 objections have been received. They raise concerns including: highway concerns, design and impact on the amenity of neighbouring occupiers.
- The main issues are: design, residential amenity and parking.
- The application is recommended for approval subject to conditions.

The Site

The site is located at the corner of Harrison Road and Canon Street and covers an area of 0.26 of a hectare. It is located within a primarily residential area. To the east, south and west of the site are a mixture of terrace and semi-detached houses. The site to the north of the site would remain in employment use. Part of the site to the north is within the same ownership as the application site.

Currently the site contains a large single and two storey factory (Class B1) which will be demolished.

Harrison Road and Canon Street are within Surface flood 1 in 1:1000. To the front on Canon Street are a number of street trees. There is also a wide grassed verge to the front on Canon Street.

Background

Planning permission (20120511) was approved for the 'change of use of 137a Harrison Road from retail (Class A1) to wholesale (Class B8); change of use of 133c Harrison Road from manufacturing and wholesale (Class B2/B8) to retail (Class A1); additional second floor to Harrison Road; alterations to roof; associated car parking; security shutters; metal cladding to side walls; 2 metre high fencing and gates to Canon Street in 2012.

The Proposal

Full planning permission is sought for the demolition of the existing building and for the construction of a three storey building containing 42 self-contained flats (23 x 1 bed, 17 x 2 bed and 2 x 3 bed) (Class C3).

The proposed layouts of each floor are:

Basement: 44 x car parking spaces and 3 x motorcycle parking spaces. Access to the basement would be off Canon Street to the side of the proposed building with a slip road going under.

40 cycle parking spaces and an additional 12 car parking spaces are proposed at ground floor level.

Ground floor: 8 x 1 bedroom flats, 5 x 2 bedroom flats and 1 x 3 bedroom flat.

First floor: 8 x 1 bedroom flats, 5 x 2 bedroom flats and 1 x 3 bedroom flats.

Second floor: 7 x 1 bedroom flats and 7 x 2 bedroom flats.

The design of the building would be one block facing Harrison Road and an attached block facing Canon Street at 90°. The block facing Harrison Road would be positioned close to the back of the footway with a small area of landscaping. The block facing Canon Street would be set back from the edge of the pavement by approximately 13m.

The proposed building is designed with a flat roof with 2 areas dedicated to green roofs, 1 roof area would be dedicated to solar panels and a further area would be dedicated to air source heat pumps.

The following documents have been submitted in support of the planning application:

- Design and Access Statement

- Drainage Strategy
- Energy Statement
- Affordable Housing Statement
- Parking Management Strategy
- Residents Travel Pack
- Transport Statement
- Waste Management
- Landscape Scheme
- Planning Statement

Policy Considerations

National Planning Policy Framework (NPPF) 2023 December

The following sections/paragraphs of the NPPF are of relevance to the proposal:

Section 2 – Achieving sustainable development.

Section 4 – Decision-making.

Section 5 – Delivering a sufficient supply of homes.

Section 8 – Promoting healthy and safe communities.

Section 9 – Promoting sustainable transport.

Section 11 – Making effective use of land.

Section 12 – Achieving well-designed places.

Section 14 – Meeting the challenge of climate change, flooding and coastal change.

Section 15 – Conserving and enhancing the natural environment.

Development Plan policies

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

Supplementary Planning Documents (SPD)

Affordable Housing SPD

Climate Change SPD

Green space SPD and calculations documents

Residential Amenity SPD

Other legal or policy context

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

Achieving well designed homes – Leicester City Corporate Guidance

Leicester Street Design Guide (June 2020)
National Design Guide (NDG)
Nationally described space standards (NDSS)
Building for a Healthy Life

Consultations

Housing: Either:

Affordable Housing Mix to include Intermediate Affordable Housing: Total 8 units:

A. HEDNA Mix (with Intermediate Affordable Housing): total 8 units (100%)

Rent Affordable Housing units: 6 units (81%)

2 x 1 bed/2 person flats to National Accessible and Adaptable Standard M4(2).

3 x 2 bed/4 person flats to National Accessible and Adaptable Standard M4(2).

1 x 2 bed/4 person flat to National Wheelchair Accessible Standard M4 (3)(2)(b) to be located on the ground floor.

Intermediate Affordable Housing units: 2 unit (19%)

1 x 1 bed/2 person flat to National Accessible and Adaptable Standard M4(2).

1 x 2 bed/4 person flat to National Accessible and Adaptable Standard M4(2).

Or:

Affordable Rent (without Intermediate Affordable Housing): total 8 units:

B. All Affordable Rent (without Intermediate Affordable Housing): total 8 units.

3 x 1 bed/2 person flats to National Accessible and Adaptable Standard M4(2).

4 x 2 bed/4 person flats to National Accessible and Adaptable Standard M4(2).

1 x 2 bed/4 person flat to National Wheelchair Accessible Standard M4 (3)(2)(b) to be located on the ground floor.

Local Highway Authority (LHA): Revised plans have now been submitted, reducing the number of flats to 42. The original proposal included a scheme for 40 off-street car parking spaces, some of which did not meet current size requirements, and therefore could not be counted as usable parking spaces. The revised proposals have addressed this and now incorporate 56 spaces that meet those size requirements. The number of car parking spaces proposed with the original application fell well short of the Council's current parking standards. However, given the reduction in the number of flats, the proposed provision of 56 spaces almost meets this standard, which would call for 61 spaces. However, the City Councils' residential car parking research' document indicates that future parking demand for this type of development in this ward is likely to be met by the proposed 56 spaces. This therefore addresses the LHA earlier concerns about overspill on-street parking contributing to road casualties. As such the revised proposal is acceptable in this respect. Therefore, in light of the comments above, the Highway Authority does not raise any objections to the proposal, subject to conditions.

Lead Local Flood Authority (LLFA): the following information is still required: full details of the sustainable drainage system, drainage details and water quality assessment. This information can be secured by way of conditions.

Pollution (noise): details have been received regarding the ventilation strategy so that windows can remain shut.

Pollution (land contamination): a land contamination condition should be attached due to the historical use of the site.

Education: The education contribution would be £22,223.24 towards primary schools and £12,874.17 towards secondary schools. Primary schools within 1 mile of the site and secondary schools within 2 miles of the site have been identified. The total contribution towards education would be £35,097.41.

Open Space:

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

Based on the formula from the Green Space SPD and the amended proposals for this site the following contributions are required:

- £21,513 for path improvement works and tree planting at Cossington Recreation Ground
- £5,841 for improved play provision at Cossington Recreation Ground
- £23,935 towards improvements to the Cossington Street MUGA and/or the provision of cricket nets at Cossington Sports Centre.

Total = £51,289.

Archaeology: although the current building retains the original factory frontage the site has been significantly altered over time. Therefore, it is considered there to be little to no archaeological significance affected.

Better Buildings (sustainable energy): It is agreed that the site is too far away from the district heating network. The details of the solar PV panels and Air Source heat Pumps in the Energy Statement are accepted. Therefore, full design details for these systems can be conditioned.

Waste strategy

Access paths and doors must have a minimum width of 2 metres as per Leicester City Council planning guidance.

A maximum distance from the bin store entrance to the refuse collection vehicle of 10m is required for bins to qualify for an assisted collection.

Communal properties that share bins require an assisted collection. These bin areas appear to exceed the maximum distance of 10m for an assisted collection & there is no proposal for the management of presenting the waste.

Representations

17 objections have been received who have raised the following issues:

- Too dominant and overbearing at 3-4 storeys in height;
- Would block out light, loss of privacy and outlook. Issues with right to light;
- Proposal would create flooding issues;
- Decrease in the value of the property. (Not a material planning consideration);
- Release of hazardous substances when existing building is demolished;
- The proposal would lead to traffic and parking issues; and
- The proposal would have an impact on the vulnerable people in the area.

Consideration

The main issues to consider in terms of the application are: townscape, massing and urban form, design, residential amenity, SuDS/landscaping, access, affordable housing and traffic.

Principle of Development

Policy CS06 of the Leicester Core Strategy (2014) undertakes to meet the City's housing requirements over the plan period through, inter alia, limited housing growth within established residential areas and small housing infill to support the development of sustainable communities. It goes on to require new housing developments to provide an appropriate mix of housing and in particular larger family housing.

As the Council cannot currently demonstrate a 5 Year land supply, in determining the application the benefits of the site's potential contribution to housing should be considered positively in line with the 'tilted balance' as expected by Government guidance.

The proposal lies within a residential area consisting of terraced and semi-detached houses. Notwithstanding the site and the adjoining site are in employment use. There is no objection to the loss of the employment use. Therefore, the principle of the proposal is accepted subject to the issues covered in the report.

I consider the proposal is in accordance with local and national policy subject to appraisal of other material considerations detailed within this report.

Townscape, massing, heights and materials

The existing two storey terraced residential dwellings surrounding the application site are mostly constructed in red brick. The industrial building to the north of the site and the existing factory to be demolished are three storeys in height and are also constructed in red brick. The side of the existing industrial building to be demolished is finished in light grey cladding.

The design has changed during the application process. The development was originally proposed as a two to four storey building. During the course of the application, the proposal has been reduced to three storeys in height. The frontage to Harrison Road would be flat roofed, echoing the design of the existing factories to the north. The proposed red brick façade is punctuated with projecting pilasters

constructed in grey brick, which adds interest to the elevation. Additional interest and detailing are provided to the elevation by the grey brick cornice, corbelled brickwork adjacent to the main entrance and window reveals. A brick wall is proposed to the front with steel railings painted black.

The façade facing Canon Street is three storeys but includes accommodation within the mansard style roof. This part of the proposal is set back from Canon Street with landscaping and an in out access separating the building from the highway. The same materials are proposed on this elevation, but there are larger sections of grey brick, the mansard style roof would be constructed with light grey cladding and textured grey brick detailing would surround the doors, resulting in a more contemporary appearance.

I consider that the amended proposal successfully respects the immediate townscape and surrounding area, as the mass, height and materials respect the surrounding townscape.

Materials

The material specifications have been provided within the proposed elevation drawings. The specifications have also been shown on material specification documents received during the course of the application process. These details establish a 'quality benchmark' in line with paragraph 140 of the NPPF and to avoid a reduction in quality post approval. It is understood that substitutions for selected materials may be required post approval, given material availability; however, any substitutions will need to be of similar quality to those approved (tested via a sample panel). I consider it necessary to condition that the quality of materials is secured by way of a condition, that window and door details are provided and that a sample panel is constructed on site for inspection.

A boundary treatment plan and sections have been provided during the application process. The details provided are acceptable and I consider it necessary for details of the boundary treatments to be conditioned to be provided and retained thereafter.

Subject to conditions being addressed satisfactorily, the development will be in accordance with policy CS03.

Living conditions (*The proposal*)

Saved City of Leicester policy H07 states '*Planning permission will be granted for new flats and the conversion of existing buildings to self-contained flats, provided the proposal is satisfactory in respect of the location of the property and the nature of nearby uses, the creation of a satisfactory living environment, the arrangements for waste bin storage and car or cycle parking, the provision, where practicable, of a garden or communal open space and the proposed or potential changes to the appearance of the buildings, and their settings.*'

Saved policy PS10 states the factors that will be taken into account concerning the amenities of existing and proposed residents when considering planning applications. These factors include things such as noise, light, smell and air pollution, the visual quality of the area, additional parking and vehicle movements, privacy and overshadowing, safety and security, access to key facilities.

Flat sizes

The proposal is for a mix of one, two and three bed self-contained flats. The flats range in size from 37sqm for the smallest one bed one person flat to 81.8sqm for the

three bed four person flats. 17 of the 18 proposed one bedroom flats are suitable for 1 occupant and meet the Nationally Described Space Standards (NDSS). The remaining one bedroom flat is just under 50sqm, which is the standard for a two person one bedroom dwelling. The two proposed three bedroom flats both meet the standards for a three bedroom four person flat. I consider that the sizes of the one and three bedroom flats meet the NDSS and are acceptable.

None of the proposed two bedroom flats meet the NDSS standards for a two bedroom three person dwelling. There are two flats that are approximately 12sqm under the recommended space standard. The majority of the two bedroom flats are 5-8sqm below the recommended space standards with four of the two bed roomed flats 1sqm under the recommended space standards. Although the two bedroom flats are under the NDSS, the Council has not yet formally adopted the Nationally Described Space Standards within planning policy. As such, I consider that the provision of the large number of dwellings proposed would outweigh the under provision of floorspace in some of the larger flats. Moreover, the proposal provides much needed housing, including dwellings suitable for families, which I consider weighs the tilted balance firmly in favour of approval.

Amenity space

The Residential Amenity SPD sets out that 1.5sqm of private amenity space should be provided for each one bed roomed flat and 2sqm of private amenity space should be provided for two or more bed roomed flats. The scheme would require 72.5sqm of private amenity space based on the number of one and two bed roomed flats (with three bed roomed flats requiring 2sqm of amenity space due to the absence of an equivalent requirement for flats of that size).

The five ground floor flats to the rear would have double doors that open directly onto landscaped amenity space to the rear, which would be sufficient to meet the requirements.

In addition, five of the flats proposed on the second floor would have access to private balconies, which would be sufficient to meet the private amenity space requirements for their size.

The landscaping plan shows that areas of communal amenity space are proposed to the rear of the site. There would be a provision of approximately 150sqm to the rear of the site, which would be sufficient to meet the private amenity space provision guidance. I consider that the provision of additional private amenity space on the site would be difficult, and, in this instance, communal amenity space is sufficient.

Light and outlook

The Residential Amenity SPD sets out that within outer areas of the city where a wall with no window faces a wall with windows to a principal room on an adjacent property, the distance must not be less than 15 metres. The SPD also sets out that the minimum distance between any principal room windows in an extension and the boundary with undeveloped land, including gardens, should be 11 metres.

The separation distance of the windows on the rear elevation of the proposed building to the rear boundary of the gardens of the properties along Redcar Road to the north is 11 metres. I consider that the separation distance is compliant with the guidance.

There would not be a 15 metre separation distance directly in front of the windows to the rear of the proposed building facing at ground floor level to the north, due to existing boundary treatment and the single storey industrial structures at 137a Harrison Road. However, oblique views would be possible from these windows above the structures to the required 15m. In addition, there are some secondary windows that face directly towards boundary treatments or walls; however, sufficient light and outlook would be provided by the principal window to these rooms. Aside from this, I consider that there would be sufficient light and outlook to all other habitable rooms within the development to meet the guidance set out within the Residential Amenity SPD .

On balance, I consider that the scheme as a whole provides suitable levels of light and outlook to the future residents of the flats.

Residential amenity (*neighbouring properties*):

The site is located within a primarily residential area and is surrounded by existing residential properties apart from the industrial buildings at 137 Harrison Road to the north.

The Residential Amenity SPD sets out that within outer areas of the city, the distance between directly facing windows must not be less than 21 metres. The SPD also sets out that the minimum distance between any principal room windows in an extension and the boundary with undeveloped land, including gardens, should be 11 metres.

The closest residential properties are located on the opposite side of Harrison Road with a separation distance of approximately 11 metres. I consider this to be a typical separation distance between the fronts of properties. There would be an increase in the mass of the new building in relation to the existing building on site, with an increased height of approximately 2.5 metres; however, I consider that the height difference would not be significant and the proposed building would have a similar relationship that the existing building at 137 Harrison Road has with the terraced properties opposite.

The element of the proposal fronting Canon Street is set back from the highway and the properties on the southern side of Canon Street are adequately set away from the proposal. I consider that the proposal would have minimal impact on the residential amenity of these properties.

The rear gardens of residential properties along Redcar Road to the north back onto the application site. The separation distance from the rear of the properties is in excess of 25 metres, which is more than a sufficient distance to avoid any overlooking or privacy issues between these properties and the rear windows of the proposed block of flats as set out in the Residential Amenity SPD . With 11 metres separation distance between the rear elevation of the proposed block of flats and the northern boundary of the site, I consider that there would not be any significant privacy or overlooking issues of the rear gardens of the properties along Redcar Road.

The existing building on the site has an approximately 3m separation distance to the common boundary on the eastern side of the site with the residential property at 74 Canon Street. The proposed building would be set away from the eastern boundary by approximately 7.5 metres. The height of this part of the proposal would be similar to the existing building and, as such, I consider that the proposal would result in

some improvement in the level of light and outlook afforded to the neighbouring residential property, due to the increase in separation distance.

There are some secondary windows proposed to the eastern side of the proposed block of flats that would overlook the rear garden of 74 Canon Street. Due to the separation distance and that these are only secondary windows, I consider it necessary to attach a condition to ensure that the first and second floor windows on this elevation are obscure glazed to prevent overlooking and a loss of privacy.

I consider that the proposal as amended will not impact upon the relationship with neighbouring properties in terms of overlooking, loss of privacy and noise in accordance with saved policy PS10 of the City of Leicester Local Plan.

Waste storage and collection:

The waste storage would be located within two storage areas at the rear of the site behind the proposed buildings. The amount of bin storage would be sufficient for the proposed number of flats.

The maximum distance from the bin store entrance to the refuse collection vehicle of 10m is required for bins to qualify for an assisted collection. The bin store is over 10m from the public highway on Harrison Road and Canon Street and so the development does not qualify for assisted collection unless additional information can be provided as part of a Management Plan regarding how waste collection is managed on site on bin days. As such, I consider it necessary to condition that additional details of waste collection and management be submitted to and approved in writing as part of a Management Plan.

I also consider it necessary to attach a condition to ensure that the details in relation to the design of the bin stores are submitted to and approved prior to the first occupation of the flats.

Subject to the condition, I consider that the proposal is acceptable in relation to waste management in accordance with saved policies PS10 and PS11 of the City of Leicester Local Plan and policy CS03 of the Leicester Core Strategy.

Highways and parking:

Appendix 1 of the City of Leicester Local Plan locates the site within the outer zones of the city where the car parking standard is a maximum of one space for dwellings with one bedroom dwelling and two spaces for dwellings with two or more bedrooms.

Core Strategy policy CS14 states that development should be easily accessible to all future users, including those with limited mobility, both from within the City and the wider sub region. It should be accessible by alternative means of travel to the car, promoting sustainable modes of transport such as public transport, cycling and walking and be located to minimise the need to travel.

Vehicle Parking

Revised plans have been submitted during the course of application process to reduce the number of flats proposed from 48 to 42. The original proposal included a scheme for 40 off-street car parking spaces, some of which did not meet current size requirements, and therefore could not be counted as usable parking spaces. The revised proposals have addressed this and now incorporate 56 spaces that meet those size requirements.

The number of car parking spaces proposed with the original application fell well short of the Council's current parking standards. However, given the reduction in the number of flats, the proposed provision of 56 spaces almost meets this standard, which would call for 61 spaces. However, the City Councils' residential car parking research' document indicates that future parking demand for this type of development in this ward is likely to be met by the proposed 56 spaces. Therefore, I consider that the provision addresses the Local Highway Authority's earlier concerns about overspill on-street parking. A parking Management Plan was submitted with the application. Although the number of car parking spaces has been increased during the application process, I consider that the principles outlined in the Parking Management Plan can be conditioned. As such, I consider that the revised proposal is acceptable in this respect.

The Vehicle Parking Standards guidance (2006) on cycle parking for 'high density' residential developments requires (a) 1 cycle space for every 2 bed spaces and (b) 1 visitor cycle space for every 20 bed spaces. Using the above method of calculation, the proposal would result in a requirement for 25 cycle spaces.

Secure cycle storage is proposed for the scheme, providing 60 spaces for the development to the western side of the site. The number of cycle spaces provided exceeds the required number of spaces recommended through policy, which is acceptable. The cycle storage can be accessed externally with level access from Canon Street and Harrison Road. I consider it necessary to attach a condition to ensure that the cycle parking is provided and retained.

I consider that the net increase in vehicle traffic movements generated by the proposals would not result in a significant impact within the existing surrounding highway network in terms of capacity or highway safety. As such, I consider that the details set out within the Transport Statement is acceptable.

Access and footway provision

The development would result in a new vehicle egress onto Canon Street, which along with an existing access onto Canon Street, would form an in-out access to the site. I consider it necessary to attach conditions to ensure that footway crossings and 2 by 2 metre sight lines are provided at the vehicular access points. I also consider it necessary to attach a condition to ensure that any damaged or altered areas of the footway or highway are repaired and any redundant footway crossings are reinstated.

Travel Pack

A Travel Pack has been submitted upfront with the application. I consider that the contents are broadly acceptable. However, I consider that the Travel Pack will need to be updated, as it refers to the previous scheme and will need to be updated as it was produced over six years ago. As such, I consider it necessary to attach a condition to ensure that an updated Travel Pack is submitted prior to first occupation of the flats and will need to include updated public transport information.

Construction and Demolition Method Statement

I consider it necessary to attach a condition for a construction method statement to be submitted prior to the commencement of any works to ensure that construction works result in minimal disruption and impact (this will also cover necessary air quality issues addressed in that section of the report).

Conclusion

Subject to the requirements of the proposed conditions I consider the proposal to be in accordance with Core Strategy policy CS14.

Pollution (noise)

The application site is adjacent to an existing industrial building. However, 192-202 Harrison Road are existing properties directly opposite with a separation distance of approximately 14m between the facades, which would also have to be considered in the event of changes to industrial activities or risk the occupants making complaints about noise nuisance.

Should any significant change to operations occur leading to increased noise from the industrial building, the dwellings directly opposite are considered to be more likely to be impacted, given that the front façade of the industrial building is largely glazed whereas the side façade facing the proposed development is solid brickwork with no openings.

The nearest proposed apartment has an approximately 10.5m separation distance from the side wall of the industrial building with windows that do not face directly towards the building. Therefore, I consider that the proposed flats would be subject to a lower noise impact than the existing dwellings and any changes to industrial operations that were deemed to be satisfactory for existing nearby dwellings would also be acceptable to the proposed dwellings.

The roads are not regularly subject to significant amounts of noise from traffic, so it is considered that open windows for rapid ventilation is reasonable in this location. As such, I consider that the addition of mechanical ventilation to the proposed scheme would be unreasonable, given that the noise impacts are unlikely to be significant and are unlikely to be used in the location with occupants instead being able to opt for opening windows instead.

I consider that sufficient background ventilation can be supplied by standard trickle vents and a noise insulation scheme is not necessary in this instance.

However, I do consider it necessary to attach a condition regarding construction operation hours, due to the location of the site within a primarily residential area.

I consider that the living conditions of the future occupants of the flats are acceptable in accordance with saved policy PS10 of the City of Leicester Local Plan and policy CS03 of the Leicester Core Strategy.

Pollution (land)

Due to the historic industrial use of the site, I consider it necessary to attach a condition to ensure that the risks from land contamination to the future users of the land and neighbouring land, to controlled waters, property and ecological systems are minimised. The condition will need to ensure that the site has been investigated for the presence of land contamination, and a Site Investigation Report incorporating a risk assessment is submitted to the local planning authority prior to any works other than demolition. If required by the report, I consider that the condition would also need to require a scheme of remedial works to render the site suitable and safe for the development to be submitted to the local planning authority and implemented on site.

Concern has been raised regarding the disturbance of asbestos on the site. I consider that this would be covered with the above recommended condition.

Subject to the condition I consider that the proposal is acceptable in relation to land contamination risks and is in accordance with saved policy PS11 of the City of Leicester Local Plan.

Sustainable Energy

Core Strategy policy CS02 states that all development must mitigate and adapt to climate change and reduce greenhouse gas emissions. Best practice energy efficiency and sustainable construction methods should be incorporated in all aspects of the development.

The information submitted with the application in relation to carbon reduction and sustainable energy, including the provision of PV panels and Air Source Heat Pumps on the roof, is considered acceptable subject to the full design details being submitted and approved and this is required by a proposed condition. I consider it necessary for the condition to also require the submission of information to show satisfactory operation of the approved measures.

I consider the proposal to be in accordance with Core Strategy policy CS02.

SuDS / Drainage

Core Strategy policy CS02 states that development should be directed to locations with the least impact on flooding or water resources. Both greenfield and brownfield sites should be assessed for their contribution to overall flood risk, taking into account climate change. All development should aim to limit surface water run off by attenuation within the site as a means to reduce overall flood risk and protect the quality of the receiving watercourse by giving priority to the use of sustainable drainage techniques in developments.

The Local Lead Flood Authority considers that their requirements can be met through further details submitted by conditioning that additional SuDS and drainage information is provided at a later stage. I have proposed that their recommended conditions are attached.

Subject to the conditions, I consider the proposal to be in accordance with Core Strategy policy CS02.

Nature conservation / Landscape

A Preliminary Roost Assessment (PRA) survey report (August 2023) has been provided, which confirmed that no protected species were identified on the site at the time of the survey. The findings of this report are acceptable; however, its validity is for two years from the date of survey (surveys carried out August 2023). I consider it necessary to attach a condition to ensure that the survey is repeated biennially if the development does not commence within the period that the survey is valid. I also consider it necessary to attach a condition to ensure that the mitigation measures provided in section 4 (page 13) of the report are followed. In addition, information has been submitted which indicates a Preliminary Ecological Report is now not required.

The Biodiversity Net Gain Assessment report (August 2023) and accompanying DEFRA Metric have been amended during the course of the application process. I am satisfied that they now provide sufficient clarity of the baseline habitat value and landscaping proposals to meet Biodiversity Net Gain (BNG) requirements. The revised Proposed Landscaping Plan is shown to provide landscape enhancements on site.

The submitted Defra Metric 4.0 is acceptable and confirms a biodiversity net gain can be achieved on the development site. A Biodiversity Metric 4.0 report (August 2023) has also been submitted. The submitted Metric table is acceptable and confirms a biodiversity net gain can be achieved on the development.

Additional biodiversity enhancements can be achieved through additional features that add value to local ecological networks and support local Biodiversity Action Plan (BAP) species such as integrated nest boxes to include Bat & Bird boxes, which do not contribute to BNG. A report entitled Integrated Bat and Bird Bricks (June 2023) shows the details, location, management and maintenance of the bird and bat bricks proposed. This includes 4x bat bricks, 3x swift bricks and 3x nest bricks. I consider it necessary to attach a condition to ensure that the bricks are provided and maintained in accordance with the submitted details.

Therefore, as per the above, and as confirmed in the ECiA report, I consider it necessary for a 30 year Landscape and Ecological Management Plan (LEMP) based upon recommendations and landscaping proposals detailed within the Biodiversity Net Gain Assessment report (August 2023) to be submitted by condition.

Therefore, subject to conditions, I consider that the proposal is acceptable in relation to ecology and is in accordance with saved local plan policy UD06 and Core Strategy policy CS17.

Developer Contributions / Section 106 agreement / viability

The statutory tests for the use of section 106 obligations are set out in Regulation 122 of the CIL Regulations 2010. This states that obligations should be:-

- necessary to make the development acceptable in planning terms
- directly related to the development
- fairly and reasonably related in scale and kind to the development.

Given the number of flats proposed the Service Director for Housing has requested the proposal provide affordable housing in line with Policy CS07 of the Core Strategy. Contributions have also been requested towards enhancing open space and towards education places. The applicants have submitted a Viability Statement and this has been checked and verified by the Council's Development Team. They concur that the profit that will be generated by the proposal is such that it would not be viable to provide affordable housing or the other contributions.

It is regrettable that no financial contributions can be provided. Policy CS07 of the Core Strategy does require developers to provide clear evidence of why they cannot provide affordable housing. I consider this has been carried out by the applicant and therefore consider the proposal without affordable housing is acceptable.

Other matters

Some objections received include concerns that the proposal would have an impact on house prices in the surrounding area. This is not a material planning consideration and this issue cannot be considered as part of the planning process.

Conclusion

The proposed development is considered to be high quality, well designed and contributes positively to the character and appearance of the built environment. The details for all aspects of the proposal as submitted are accepted and conditions will

be attached to secure those details are implemented. The agreement of the materials as submitted will be reinforced through condition. Paragraph 140 of the NPPF prevents the 'watering down' of schemes following permission.

I consider that the proposal would also make a significant contribution towards meeting the City's five year housing land supply, which currently falls short of Government expectations in the City. The level of accommodation that would be provided is acceptable and there would be no significant adverse impact on neighbouring amenity.

The lack of contributions towards education, open space and affordable housing is regrettable; however, satisfactory evidence has been provided to demonstrate that the scheme would not be viable if included.

I therefore consider that the proposed development as amended is acceptable and is in accordance with the NPPF, Core Strategy and the saved City of Leicester local plan policies.

I recommend that this application is APPROVED subject to conditions:

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: (i) the parking of vehicles of site operatives and visitors; (ii) the loading and unloading of plant and materials; (iii) the storage of plant and materials used in constructing the development; (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) wheel washing facilities; (vi) measures to control the emission of dust and dirt during construction; (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works. (To ensure the satisfactory development of the site, and in accordance with saved policies AM01, UD06 of the City of Leicester Local Plan and Core Strategy policy CS03. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
3. No construction or demolition work, other than unforeseen emergency work, shall be undertaken outside of the hours of 0730 to 1800 Monday to Friday, 0730 to 1300 Saturday or at any time on Sundays or Bank Holidays, unless the methodology has been submitted to the City Council Noise and Pollution Control Team. The methodology must be submitted at least 10 working days before such work commences and agreed, in writing, by the City Council Noise and Pollution Control Team.

The City Council Noise and Pollution Control Team shall be notified of any unforeseen emergency work as soon as is practical after the necessity of such work has been decided by the developer or by anyone undertaking the works on the developer's behalf.

(In the interests of the amenities of nearby occupiers, and in accordance with saved policies PS10 and PS11 of the City of Leicester Local Plan.)

4. No development (other than demolition) shall be carried out until the site has been investigated for the presence of land contamination, and a Site Investigation Report incorporating a risk assessment and, if required, scheme of remedial works to render the site suitable and safe for the development, has been submitted to and approved in writing by the Local Planning Authority. The approved remediation scheme shall be implemented, and a completion report shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is occupied. Any parts of the site where contamination was previously unidentified and found during the development process shall be subject to remediation works carried out and approved in writing by the Local Planning Authority prior to the occupation of the development. The report of the findings shall include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This shall be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11". (To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved policy PS11 of the City of Leicester Local Plan To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.).

5. No development (other than demolition) shall be carried out until full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system have been submitted to and approved in writing by the Local Planning Authority. No dwelling 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 ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition)

6. No development (other than demolition) shall be carried out until details of foul drainage, have been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied until the drainage has been installed in accordance with the approved details. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition)

7. A) No development (other than demolition) shall be carried out until a materials schedule in broad accordance with the materials shown on the approved plans and the submitted materials details all received on 24/08/2023, including all external materials with product specification and RAL colours, and a materials sample panel drawing (at a scale of 1:20) showing (but not necessarily limited to) brick, bonding & mortar, colour of mortar, window frames, reveals, ventilation panels/louvres materials and coverings, paint finish, fenestration profiles, lintels, sills, window dressings, reveals and cladding, have been submitted to and approved in writing by the Local Planning Authority.

B) Prior to any development above floor slab level the approved sample panel(s) and approved materials to be used on all external elevations and roofs shall be constructed on site for inspection showing (but not necessarily limited to) brick, bonding & mortar, colour of mortar, window frames, reveals, ventilation panels/louvres materials and coverings, paint finish, fenestration profiles, lintels, sills, window dressings, reveals and cladding. The development shall be constructed in full accordance with the approved details.

(In the interests of visual amenity, and in accordance with Core Strategy policy CS03. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition)

8. Should the development not commence, including any demolition, within 24 months of the date of the last protected species survey (23/08/2023), then a further protected species survey shall be carried out of the building by a suitably qualified ecologist. The survey results and any revised mitigation shall be submitted to and agreed in writing with the Local Planning Authority and any identified mitigation measures carried out in accordance with the protected species survey. Thereafter the survey shall be repeated biennially and any mitigation measures reviewed by the local planning authority until the development commences. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRoW Act 2000), the Habitat & Species Regulations 2017 and CS17 of the Leicester Core Strategy).

9. No works above ground level shall commence until a detailed landscape and ecological management plan (LEMP), in conjunction with the approved Landscape Proposals ref 23.1762.001 rev A received 24/08/2023, showing the treatment and maintenance of all parts of the site which will remain unbuilt upon has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the LEMP has been implemented in accordance with the approved details. This scheme 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, as shown in the approved Landscape Proposals ref 23.1762.001 rev A received 24/08/2023; (iii) means of planting, staking, and tying of trees, including tree guards; (iv) other surface treatments; (v) any changes in levels; (vi) the position and depth of service and/or drainage runs (which may affect tree roots), (vii) a detailed plan of the biodiversity enhancements on the site such as the rain garden and hedgerow improvements including a management scheme to protect habitat during site preparation and post-construction. (viii) details of planting design (ix) details of the make and type of 3x bird boxes/tiles/bricks, 3x swift boxes/tiles/bricks and 4x bat

boxes/tiles/bricks to be installed on buildings or trees under the guidance and supervision of a qualified ecologist.

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 interest of biodiversity, amenity and the character and appearance of the area, and in accordance with saved policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS17).

10. No development (other than demolition) shall be carried out until full design details of the Photovoltaic Panels, Air Source Heat Pumps and any other externally mounted plant and machinery have been submitted to and approved in writing by the Local Planning Authority. The details of the Photovoltaic Panels and Air Source Heat Pumps shall be in full accordance with the information provided within the Sustainable Energy Statement (dated 28/06/2021) received on 12/07/2021, No part of the development shall be occupied until evidence demonstrating satisfactory operation of the approved scheme, including on-site installation of energy efficiency measures and solar PV panels, has been submitted to and approved in writing by the Local Planning Authority, in line with the approved details provided. The installations shall be retained and maintained thereafter. (In the interests of securing carbon reduction and energy efficiency and in accordance with Core Strategy policy CS02).

11. No part of the development shall be occupied until the 2 metre by 2 metre sight lines on each side of each vehicular access have been provided, and they shall be retained thereafter. (In the interests of the safety of pedestrians and other road users, and in accordance with saved policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03).

12. No part of the development shall be occupied until the following works have been carried out in accordance with written details approved in advance by the Local Planning Authority: (a) footway crossing at the vehicular access; (b) alterations to footway crossing(s); (c) reinstatement of any redundant footway crossings and/or damaged or altered areas of footway or other highway. (To ensure a satisfactory means of access to the highway, and in accordance with saved policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03).

13. Within one month of the first occupation of any flat, the occupiers of each of the flats shall be provided with a 'Residents Travel Pack'. The contents of this shall be submitted to and approved in writing and in advance by the Local Planning Authority and shall include walking, cycling and bus maps, latest relevant bus timetable information and bus travel and cycle discount vouchers. (In the interest of sustainable development and in accordance with saved policy AM02 of the City of Leicester Local Plan and Core Strategy policy CS14).

14. No part of the development shall be occupied until secure and covered cycle parking has been provided and it shall be retained thereafter, in accordance with written details previously submitted to and approved by the Local Planning Authority.

(In the interests of the satisfactory development of the site and in accordance with saved policies AM02 and H07 of the City of Leicester Local Plan).

15. Before the occupation of any part of the development, a Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The premises shall be managed in accordance with the approved parking management plan thereafter. All parking areas shall be surfaced and marked out in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority, and shall be retained for parking and not used for any other purpose. (To ensure that parking can take place in a satisfactory manner, and in accordance with saved policies AM01 and AM12 of the City of Leicester Local Plan and Core Strategy policy CS03).

16. The development shall not be occupied until the store for refuse bins has been provided in accordance with plans to be submitted to and approved in writing by the Local Planning Authority and is accessible to all occupiers. The bin store shall be retained thereafter for the storage of refuse in connection with the use and occupation of the development and all refuse bins shall be kept within the designated area other than on refuse collection days. (To ensure adequate facilities for the storage and collection of refuse and to protect the amenity of the area in accordance with saved policy H07 of the City of Leicester Local Plan and Core Strategy policy CS03).

17. The development hereby permitted shall at all times be managed and operated in full accordance with a Management Plan, the details of which shall be submitted to and approved in writing by the Local Planning Authority before the first occupation of the development. The management plan shall set out procedures for: (i) how servicing and deliveries will be managed; (ii) the security of the development and its occupiers; (iii) dealing with refuse bins, dealing with bins on collection days and maintaining the external areas of the site. The premises shall be managed in accordance with the approved management plan thereafter. (To ensure the development is properly managed so as to minimise its effect on the surrounding area and in the interests of the safety and security of its occupiers in accordance with saved policy PS10 of the City of Leicester Local Plan and Core Strategy policies CS03, CS06 and CS15).

18. No part of the development shall be occupied until the first and second floor east facing windows facing 74 Canon Street are fitted with sealed obscure glazing to Pilkington level 4 or 5 (or equivalent) with the exception of a top opening light and retained as such. (In the interests of the amenity of the future occupiers of 74 Canon Street and in accordance with saved policy PS10 of the City of Leicester Local Plan).

19. All flats and associated parking and approach shall be constructed in accordance with 'Category 2: Accessible and adaptable dwellings M4 (2) Optional Requirement. On completion of the scheme and prior to the occupation of any of the flats a completion certificate signed by the relevant inspecting Building Control Body shall be submitted to the local planning authority certifying compliance with the above standard. (To ensure the flats are adaptable enough to match lifetime's changing needs in accordance with Core Strategy policy CS06)

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

Received 24th August 2023

- Proposed Site Plan, A1333 P001 rev D
- Proposed Basement Plan, A1333 P002 rev A
- Proposed Ground Floor Plan, A1333 P003 rev B
- Proposed First Floor Plan, A1333 P004 rev B
- Proposed Second Floor Plan, A1333 P005 rev B
- Proposed Roof Plan, A1333 P006 rev C
- Proposed Elevations, A1333 P007 rev C
- Proposed Balustrade Detail, A1333 P008 rev B
- Proposed Detailed Elevations, A1333 P009 rev C
- Proposed Boundary Walls, A1333 P010 rev A
- Proposed Skin Section A-A, A1333 P011 rev C
- Proposed Skin Section B-B, A1333 P012 rev C
- Proposed Skin Section C-C, A1333 P013 rev C
- Proposed Skin Section D-D, A1333 P014 rev C
- Feature Brickwork Details, A1333 P015 rev A
- Feature Brickwork Details, A1333 P016 rev A
- Landscape Proposals, 23.1762.001 rev A

(In order to ensure compliance with the approved plans).

NOTES FOR APPLICANT

1. To meet condition 19 All those delivering the scheme (including agents and contractors) should be alerted to this condition, and understand the detailed provisions of Category 2, M4(2) and M4(3). The Building Control Body for this scheme must be informed at the earliest opportunity that the units stated are to be to Category 2 M4(2) and M4(3) requirements. Any application to discharge this condition will only be considered if accompanied by a building regulations completion certificate/s as stated above.

2. Leicester Street Design Guide (First Edition) has now replaced the 6Cs Design Guide (v2017) for street design and new development in Leicester. It provides design guidance on a wide range of highway related matters including access, parking, cycle storage. It also applies to Highways Act S38/278 applications and technical approval for the Leicester City highway authority area. The guide can be found at:

<https://www.leicester.gov.uk/your-council/city-mayor-peter-soulsby/key-strategy-documents/>

3. The Highway Authority's permission is required under the Highways Act 1980 and the New Roads and Street Works Act 1991 for all works on or in the highway.

For new road construction or alterations to existing highway the developer must enter into an Agreement with the Highway Authority. For more information please contact highwaysdc@leicester.gov.uk.

Temporary direction signing for developments can be provided within the highway. The Highway Authority requires all temporary signing schemes are

designed, implemented and maintained to an appropriate and acceptable standard. The temporary signing scheme including details of the sign faces, locations and means of fixing must be submitted for approval. These signs must comply with the Traffic Signs Regulations and General Directions (TSRGD). Applications must be submitted to the Council at least four weeks before the signs are to be erected. Applicants will agree to reimburse the City Council for the full costs involved in the processing of the application and any subsequent planning, design, implementation and maintenance of the signs. The Local Authorities (Transport Charges) Regulations 1998 refers, and charges are set in LCC minor charges report updated annually; available via this link <https://www.leicester.gov.uk/media/181997/minor-fees-and-charges-for-transportation-services-2020-2021.pdf>.

In the event of signs not being removed expeditiously, the Council will remove them and recharge the costs to the promoter. For more information please contact highwaysdc@leicester.gov.uk.

Any barriers, scaffolding, hoarding, footway closure etc. required for the demolition or construction works to be undertaken will require a licence. This should be applied for by emailing Licensing@leicester.gov.uk.

4. With regards to the Travel Plan and Travel Packs, it is intended to raise the awareness and promote sustainable travel, in particularly for trips covering local amenities. The applicant should contact Bal.Minhas@leicester.gov.uk for advice.

5. The costs for the alterations of the TROs should be funded by the Applicant. The average cost of a TRO scheme is currently in the region of £5,000, but this cost may rise depending on the complexity. The Applicant is advised to contact Ed Kocik in the Traffic Management section, tel. 0116 4543714 to discuss the requirements to enable the TRO to be processed.

6. Development on the site shall avoid the bird nesting season (March to September), but if this is not possible, a re-check for nests should be made by an ecologist (or an appointed competent person) not more than 48 hours prior to the commencement of works and evidence provided to the LPA. If any nests or birds in the process of building a nest are found, these areas will be retained (left undisturbed) until the nest is no longer in use and all the young have fledged. An appropriate standoff zone will also be marked out to avoid disturbance to the nest whilst it is in use.

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

7. 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 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_AM01 Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.
- 2006_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
- 2006_AM12 Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
- 2006_BE20 Developments that are likely to create flood risk onsite or elsewhere will only be permitted if adequate mitigation measures can be implemented.
- 2006_H07 Criteria for the development of new flats and the conversion of existing buildings to self-contained flats.
- 2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2006_PS11 Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
- 2006_UD06 New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
- 2014_CS01 The overall objective of the Core Strategy is to ensure that Leicester develops as a sustainable city, with an improved quality of life for all its citizens. The policy includes guidelines for the location of housing and other development.
- 2014_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014_CS06 The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
- 2014_CS07 New residential development should contribute to the creation and enhancement of sustainable mixed communities through the provision of affordable housing. The policy sets out the broad requirements for affordable housing.
- 2014_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
- 2014_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
- 2014_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.
- 2014_CS17 The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.
- 2014_CS19 New development must be supported by the required infrastructure at the appropriate stage. Developer contributions will be sought where needs arise as a result of the development either individually or collectively.

Appendix F

Recommendation: Conditional approval	
20241068	97 Roehampton Drive
Proposal:	Change of use from house in multiple occupation (3 bed) (Class C4) to children's home (Class C2) (max 2 children)
Applicant:	AIDA LOCKTON
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20241068
Expiry Date:	14 November 2024
SS1	WARD: Eyres Monsell



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Summary

- The application is brought to committee due to more than 5 objections being received (from 11 neighbouring addresses in total);
- 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 semi-detached 3-bed dwellinghouse located within a suburban residential area. The application form advises that the site is in use as a house in multiple occupation.

To the west and east of the site are neighbouring residential properties. To the north is a public footpath.

The Proposal

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

The care home would have a lounge and kitchen on the ground floor and 2 bedrooms, an office and a bathroom on the first floor.

The application states that the home would accommodate up to 2 young people (5-12 years old) with up to 3 staff members on site at any one time.

The proposal would include installation of rockwool flexi acoustic slab 33kg/m³ insulation to the inside walls that are shared with the neighbour no.99 Roehampton Drive.

The site would have use of the front driveway for staff vehicles.

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 11 addresses.

Issues raised were:

- Not right area for a children's home / commercial business- proximity to pub/bookies;
- Fears for safety of neighbours / concern regards anti-social behaviour / disrupting peaceful neighbourhood;

- Concerned regards noise / nuisance behaviours, including for those nearby working from home;
- Staff/visitors will further congest the on street parking;
- Concerned regards provision of neighbours letters / consultations;
- Pressure on local services (schools/health care); and
- Harm to nearby property values.

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.

Whilst it is noted that there may be another care home nearby, I have no compelling evidence to show that there is a significant concentration of such uses in the area, nor would there be a substantive policy reason to refuse the application on that basis.

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 at least 1 car on the front driveway. As such the proposal would comply with Appendix 01. Furthermore it may be possible for 2 small cars to fit.

Considerations

It would be expected that a house of this size, would be liable to attract use of up to 2 cars. A HMO in this location, as per the existing property would be comparable to this also. There would be 2 staff on site at most at the majority of times following the change of use. Sometimes there may be 3 cars if an extra member of staff is required or there is a visitor. The proposal may also see a handful of cars moving through the area and manoeuvring at the property at staff handover times. However the site is in a sustainable location being 1 minute walk to the no.44 bus stops at the junction of Roehampton Drive and Shackerdale Road, which may reduce the amount of private cars used by staff and visitors.

I acknowledge the concerns raised in representations in regards to parking congestion. However given the above I would not consider there to be a significant or unacceptable impact to on-street parking in the area. It would be unlikely for the use to cause more than 1 car to be parked on-street during the majority of the time and this would be reasonably comparable to the existing HMO use or if the property was used as a dwelling.

I conclude that 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 as Government policy requires evidence of severe traffic impacts to be required should planning permission be withheld on transport 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 proposal is to provide managed care for 2 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 than most family houses, 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 3-bedroomed HMO or unacceptably impact amenity at any neighbouring properties.

Notwithstanding the above, I have considered it prudent to confirm wall insulation details to ensure a high standard of sound reduction between the application site and the neighbour in the semi-detached couplet. With the wall lining system installed, I consider that there would be unlikely to be any significant impacts in terms of noise transmission between the properties in the couplet as the insulation would be considerably improved. A condition can secure the implementation of this.

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.

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.

Living Conditions for Occupiers

I note the concerns raised in objections regarding the site being unsuitable due to the proximity of the site to a pub and a bookmakers. However it would not be within the remit of the planning system to control the well-being of the children to such a degree as the care home would be subject to separate social care legislation/standards. The house has good light and outlook from its windows, an acceptable level of gross internal floorspace and a good provision of garden space for 2 children with staff working shift patterns. Overall, the proposal would provide good living conditions for its future occupiers.

Other Issues

I note that local authorities do not have any powers in relation to the regulation of privately run children's care homes, as those powers rest with Ofsted. Planning legislation should not - and cannot - legally be used as a proxy for controlling matters which are the responsibility of Ofsted who have the remit for the oversight of these facilities.

I note the issue raised in an objection 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 – private property values are not a material consideration for planning applications.

I note the issues raised in objections in relation to publicity of the application. All adjacent occupiers have been notified and a site notice was displayed at the footpath to the rear. The statutory publicity requirements have been met and a decision can be issued accordingly.

I note the issue raised in objections regarding increased impacts on local facilities/infrastructure. The application is for a change of use rather than new development and is not of a scale that would result in material impacts on local infrastructure.

Conditions & 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 2 children and I recommend a condition to limit the number of children being looked after to 2 as any increase would also require further consideration.

Subject to conditions the application is acceptable in principle and would not have unacceptable impacts to the area 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. The development shall not be occupied until the Rockwool Flexi Acoustic Slab noise insulation scheme is provided and installed at the property from floor to ceiling in all the locations along the common boundary with 99 Roehampton Drive as shown within the submitted details. The insulation scheme shall be retained as such for the lifetime of the development. (In the interests of the amenities of future users and of neighbouring properties, and in accordance with policies PS10 and PS11 of the City of Leicester Local Plan.
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. (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 (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:
Proposed Floor Plans ND/24/122/02, received 17/06/2024
Proposed Floor Plans ND/24/122/02, Rev a, received 09/10/2024
(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. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption/transitional arrangement is considered to apply:

Development below the de minimis threshold, meaning development which:

i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

