



Leicester
City Council

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

DATE: WEDNESDAY, 4 DECEMBER 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, Chauhan, Gopal, Joel, Kennedy-Lount, Kitterick,
Modhwadia, Mohammed and Dr Moore.

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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PUBLIC SESSION

AGENDA

NOTE:

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

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

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

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

3. MINUTES OF THE PREVIOUS MEETING Item 3

Members are asked to confirm that the minutes of the meeting of the Planning and Development Control Committee held on 13 November 2024 are a correct record.

4. PLANNING APPLICATIONS AND CONTRAVENTIONS Item 4

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

(i) **20231923 - 123 LETCHWOOD ROAD Item 4a**

(ii) **20241665 - 42 CLAREFIELD ROAD Item 4b**

(iii) **20241138 - 173 LONDON ROAD Item 4c**

5. ANY OTHER URGENT BUSINESS



Leicester
City Council

Item 3

Minutes of the Meeting of the
PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Held: WEDNESDAY, 13 NOVEMBER 2024 at 5:30 pm

P R E S E N T :

Councillor Surti - Chair
Councillor Aldred - Vice-Chair

Councillor Cassidy
Councillor Gopal
Councillor Joel
Councillor Dr Moore

Councillor Chauhan
Councillor Halford
Councillor Kitterick
Councillor Singh Patel

* * * * *

9. APOLOGIES FOR ABSENCE

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

Apologies of absence were received from Councillor Kennedy-Lount.

Councillor Halford and Councillor Chauhan were noted to be in attendance as substitutes for Councillor Mohammed and Councillor Modhwadia.

10. DECLARATIONS OF INTEREST

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

There were no declarations of interest.

11. MINUTES OF THE PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Planning and Development

Control Committee held 2 October 2024 be confirmed as a correct record.

12. APPEALS REPORT: APRIL TO OCTOBER 2024

The Head of Planning presented the Appeals report from April to October 2024.

Members discussed the report, asked questions which were answered by the Head of Planning.

The Head of Planning highlighted that each of the links within Appendix A provided further details on decisions including the reasons.

RESOLVED

The Planning Committee noted the report.

13. PLANNING APPLICATIONS AND CONTRAVENTIONS

14. 20241627 - 60 ASQUITH ROAD

20241627 - 60 Asquith Boulevard, Sakeena House

Ward: Knighton

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

The Planning Officer presented the report.

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

The Committee was concerned by the current legislation and governance of service provision, oversight and regulation of the provision of small independent Childrens' care homes which is not a matter planning legislation can effectively control. It strongly recommends that the scope, effectiveness, impacts and costs associated with the current system on children, neighbourhoods and council policy and budgets be subject to consideration by the Children and Young People's Scrutiny Commission.

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 Cassidy and upon being put to the vote, the motion was CARRIED.

RESOLVED: permission was granted 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. 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).

3. 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.

15. 20172626 - 113 HARRISON ROAD

20172626 - 133 Harrison Road

Ward: Rushey Mead

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 August 2023)

Applicant: JALPUR MILLERS LTD

Councillor Joel did not participate in the discussion or vote on this item.

The Planning Officer presented the report.

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 Aldred, and upon being put to the vote, the motion was CARRIED.

RESOLVED: permission was granted 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 17 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->

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.

16. 20241068 - 97 ROEHAMPTON DRIVE

20241068 - 97 Roehampton Drive

Ward: Eyres Monsell

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

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

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

RESOLVED: permission was granted 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. 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:

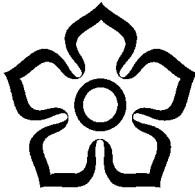
Development below the de minimis threshold, meaning development which:

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).

17. ANY OTHER URGENT BUSINESS

There was no other urgent business.



Leicester
City Council

Wards:
See individual reports.

Planning & Development Control Committee

Date: 4 December 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.

- 8.4 The impact on the human rights of an applicant or other interested person must be balanced against the public interest in terms of protecting the environment and the rights of other people living in the area.
- 8.5 Case law has confirmed that the processes for determination of planning appeals by the Secretary of State are lawful and do not breach Article 6 (right to a fair trial).

9 Background Papers

Individual planning applications are available for inspection on line at www.leicester.gov.uk/planning. Other reasonable arrangements for inspecting application documents can be made on request by e-mailing planning@leicester.gov.uk . Comments and representations on individual applications are kept on application files, which can be inspected on line in the relevant application record.

10 Consultations

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

11 Report Author

Grant Butterworth grant.butterworth@leicester.gov.uk (0116) 454 5044 (internal 37 5044).

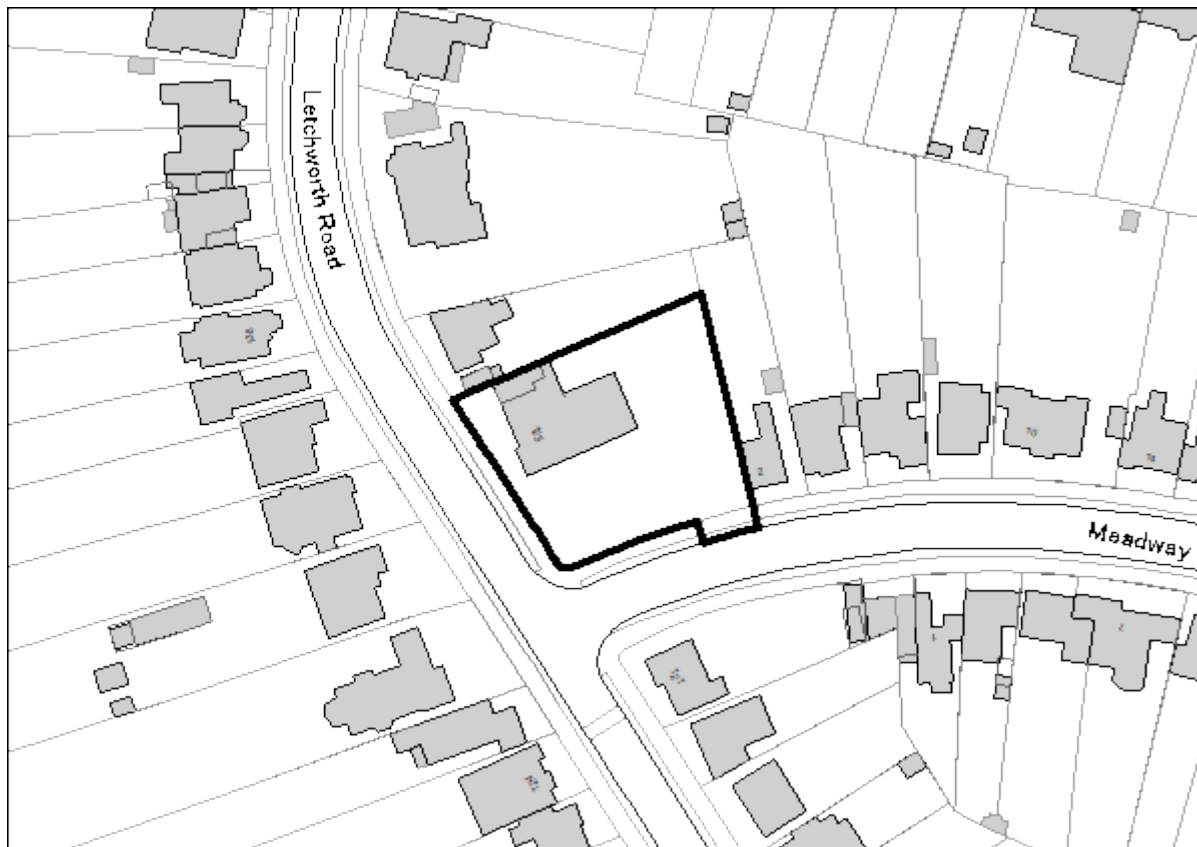
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Item 4a

COMMITTEE REPORT

20231923	123 Letchworth Road	
Proposal:	Construction of one detached two storey dwelling (1 x 2 bed); associated parking and landscaping (Class C3); installation of vehicular access; construction of boundary walls (Amendments received)	
Applicant:	Mr V Parmar	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	5 December 2024	
CY1	TEAM: PD	WARD: Western



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Summary

The application has been brought to committee due to the number of objections received and also by the request of Councillor Vi Dempster.

18 objections have been received from 9 addresses within the local authority boundary and 2 outside with the following concerns:

- 1) Impact on 2 Meadway
- 2) Overlooking and loss of privacy to other neighbouring properties
- 3) Increase in parking and subsequent effect on highways
- 4) Impact on character and appearance on area and locally listed building
- 5) Loss of biodiversity
- 6) Inaccuracies in plans and application

The main considerations are the impact on the design and impact on locally listed building, amenity, living conditions, parking, ecology, and drainage.

The application is recommended for approval subject to conditions listed at the end of this report.

The Site

The application relates to a large corner plot on Letchworth and Meadway with a detached locally listed dwelling (LL ref LL/355). The property has a large 'L' shaped garden measuring over 900m² that includes a driveway. The rear part of the garden (between the house and property 2 Meadway) is sited approximately 1m higher land level than the house as Meadway is set on an incline.

121 and 128 Letchworth Road are also locally listed.

The site is in a critical drainage area; an area which is unlikely to flood but where the rapid runoff of water leads to flooding in the hotspots.

Background

[19921130](#), two storey extension at side; single storey extensions to rear of dwellinghouse and garage (as amended by plans received 11/11/92), Granted conditional approval in 1992 with single storey extensions implemented.

[19920023](#), Two storey side and part two storey and single extensions at rear of dwellinghouse, refused in 1992.

[19740741](#), Erection of bungalow within curtilage of existing dwellinghouse and formation of new vehicular access (revised plans), Granted conditional approval but not implemented.

The Proposal

The application is for the construction of a dwelling to the south-east of the site adjacent to 2 Meadway. The dwelling would mostly have a width of 7.6m, a main depth of 10.6m, a height to eaves of 4.9m and height to pitch of 8.1m.

The garage is set in 1.3m from the front. At the rear there would be a 2m deep and 3.5m wide single storey conservatory to facilitate the dining room.

At ground floor level the property would include a single garage and living room to the front, toilet space in the middle, and lastly with open plan kitchen and dining space to the rear. At first floor level the property would include two bedrooms, a family bathroom, and dressing room. The internal area of the property would measure 142.3m².

The proposal would result in the removal of the existing 1.8m close board fencing currently on Meadway and would replace it with low level brick boundary treatment to the front of the proposed dwelling along with trees around the side of 123 Letchworth Road on Meadway. A low retaining wall is proposed between the dwelling and 2 Meadway and 1.8m brick wall between the side of the dwelling and 123 Letchworth Road is also proposed.

110m² of garden space is proposed at the rear. No cycle parking nor additional parking excluding the single garage is provided for the proposed dwelling.

Amendments:

The above description is an amended scheme. Throughout the course of the application the following amendments were received:

22 January 2024:

- Moving the property to the west to provide a larger gap between the dwelling and 2 Meadway Road.
- Increasing the depth slightly to mitigate the loss of width.
- Altering the roofscape.
- Setting in the garage.

11 July 2024

- Adding additional planting in line with the biodiversity report

17 October 2024

- Showing the existing tree on the grass verge to be removed

12 November 2024

- Omitting the proposed new tree location as this was an inadequate size and agreeing to details being received via a condition.

Policy Considerations

National Planning Policy Framework (NPPF) 2023

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

Paragraph 11 (Presumption in favour of Sustainable Development)

Paragraphs 39 and 40 (Pre-applications)

Paragraph 43 (Sufficient information for good decision making)

Paragraph 56 (Six tests for planning conditions)

Paragraph 96 (healthy, inclusive and safe places)

Paragraph 114 (Assessing transport issues)

Paragraph 115 (Unacceptable highways impact)

Paragraph 116 (Highways requirements for development)

Paragraph 135 (Good design and amenity)

Paragraph 136 (Trees)

Paragraph 139 (Design decisions)

Paragraph 140 (Clear and accurate plans)

Paragraph 173 (Flood risk considerations and SuDS)

Paragraph 180 (Natural environment considerations)

Paragraph 186 (Biodiversity in planning decisions)

Paragraph 188 (Habitats site)
Paragraph 189 (Land instability or contamination)
Paragraph 195 (Heritage as an irreplaceable resource)
Paragraph 200 (Heritage statement)
Paragraph 201 (Considering impact on heritage assets)
Paragraph 203 (Sustaining significance of heritage assets)
Paragraph 209 (Non-designated heritage assets)
Paragraph 212 (Positive contribution to heritage assets)

At present, the city does not have a five-year housing land supply.

Development Plan policies

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

Other documents

Residential Amenity SPD (2008)
Appendix 01 Parking Standards – City of Leicester Local Plan (2006)
Residential Car Parking Research for Leicester (2011)
Leicester Street Design Guide (2020)
Housing and Economic needs Assessment (HEDNA) Main Report (2017)
Nationally Described Space Standards (2021)
Waste Management Guidance (2015)
Leicester City Council’s Strategic Flood Risk Assessment (2020)
Flood Risk and Coastal Change Government Guidance
Planning (Listed Building and Conservation Areas) Act (1990)
Planning (Listed Building and Conservation Areas) Regulations (1990)

Consultations

Local Highways Authority – no objections subject to conditions.

Lead Local Flood Authority (LLFA) – no objections subject to conditions.

Trees – concerns the installation of the dropped kerb would have a harmful impact on the existing street tree. Note option for applicant to pay to remove the tree and replace with two street trees as close to the site as possible.

Representations

18 objections have been received from 9 addresses within the local authority boundary and 2 outside with the following concerns:

- Property is sited too close to 2 Meadway and would have the following impacts:
 - Loss of light to property, particularly four side windows
 - Overlooking and loss of oral and visual privacy
 - Difficulty maintaining side gable
 - Loss of visual amenity
 - Damage to property and foundations
 - Will need to invoke party wall act

- Lower house price
- Cause mental health issues
- No information on ventilation
- Overlooking and loss of privacy to other neighbouring properties
- Parking and highways
 - Insufficient parking will exacerbate existing situation caused by nearby school
 - Garage insufficient size and too close to highway
 - Visibility splays are unclear
- Design and heritage
 - Infilling would degrade open character of the area, large gardens, greenery, and streetscene
 - Inappropriate in this area, cramped design
 - Comes forward of building line
 - Pastiche design not of architectural merit
 - Negative impact on listed building
 - Quotes CS08 - *the council will seek to ensure that the distinctive characteristics of existing properties are retained and that any new development should only take place where damage can be avoided to the very qualities that make living in these areas so desirable*
 - Makes reference to residential amenity SPD and its position on infill development
- Ecology / biodiversity
 - Substantial negative impact on local environment, open space
 - Considers existing space is a haven for wildlife
 - Cannot view LEMP
 - Notes bats in the vicinity on flight path between 2 Meadway Road and the application site.
- Invalidity
 - Incorrect red line boundary
 - Incorrect notice served to highways
- Considers study could be used as a third bedroom (the study was omitted in amended plans)
- Questions if garden space is adequate for three bedroomed property when excluding biodiversity spaces (the study was omitted in amended plans)
- Position of the soakaway is unclear
- Considers emerging policy should be taken into account
 - Quotes DQP05 Backland, Tandem and Infill Development and DQP06 Residential Amenity
- Other
 - Fence has no planning permission
 - Development is solely for financial gain
 - Lack of re-publicity when amended plans were received

The application was also called to committee by Councillor Vi Dempster regarding concerns about the impact of the dwelling on the side windows at 2 Meadway.

Consideration

The HEDNA identifies the need for 2- and 3-bedroom family dwellings. The plans show the dwelling house being 2 bedrooms. The proposal would create a much-needed small family dwelling in a residential location. The application is therefore considered acceptable in principle subject to the following considerations.

Heritage, Character & Design

Policy CS06 of the Leicester Core Strategy (2014) states that new housing should be provided in accordance with the sustainable development and design principles set out in policy CS03 in order to protect residential amenity and provide quality development.

Policy CS03 of the Leicester Core Strategy (2014) states that high quality, well designed developments that contribute positively to the character and appearance of the local built environment are expected. It goes on to require development to respond positively to the surroundings and to be appropriate to the local setting and context and, at paragraph 1 (first bullet point), to contribute positively to an area's character and appearance in terms of *inter alia* urban form and high-quality architecture.

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

Policy CS08 of the Leicester Core Strategy (2014), referenced by one objector, states in areas of high architectural quality or significant local distinctiveness (particularly Conservation Areas), the Council will seek to ensure that the distinctive characteristics of existing properties are retained and that any new development is sympathetic to its specific location.

Policy CS18 of the Leicester Core Strategy (2014) commits the Council to protect and seek opportunities to enhance the historic environment, including the character and setting of designated heritage assets. The Policy goes on to support the sensitive reuse of high-quality historic buildings and spaces, promote the integration of heritage assets and new development to create attractive spaces and places, and encourage contemporary design rather than pastiche replicas.

Residential Amenity Guide Appendix G references infilling between gaps between residential buildings can cause harm on the street.

The application site is part of the garden of 123 Letchworth Road which is a local heritage asset. It is also within the setting of 121 & 128 Letchworth Road which are also local heritage assets. These three houses define the attractive junction of Letchworth Road and Meadway.

123 Letchworth Road is an attractive and distinctive house which has two decorative facades, the side elevation fronting Letchworth Road and the principal façade which addressed Meadway across a front lawn. The front lawn has historically been heavily

planted and has a high close-boarded fence along the highway boundary which has largely screened the house from this street.

The plot of land, while part of the garden of the host property has a neutral impact on its setting, partly because of the high fence and lack of landscaping, but also due to the western flank wall of 2 Meadway which runs along the common boundary and is an unattractive feature. While in many cases it would not be possible to build a new dwelling to the front on a historically significant property without causing harm, in this case I consider it would be possible given the space available, distance from the host property and the opportunity to screen the gable of 2 Meadway.

The design of the new dwelling is appropriate to its setting and draws inspiration from many features typical of interwar houses with a double-height bay window and brindle-mix red and blue bricks set in a Flemish bond.

The revised scheme would be narrower than existing and lower in scale, which is welcomed. The proposed design revisions have addressed concerns over the original application with the garage projection removed and the roof form altered to create a gradual change between 2 Meadway and 123 Letchworth Road.

I am satisfied that the revised form of the building, along with the detailing shown mean that the proposed dwelling would sit comfortably within its context and would not cause harm to the setting of host property at 123 Letchworth Road nor the setting of 121 and 126 Letchworth Road.

The detailing of this property will be important and as such a condition is recommended for all materials to be agreed, including the proposed brick bonding before works begin.

Many objectors have regarded the proposal as a cramped design in a fairly open area, and have concerns it would degrade the character of the area. I note that, as existing 123 Letchworth Road is around 1330m² in size including a side and rear garden over 900m², the proposed dwelling would fit comfortably on the site without jeopardising the openness of 123 Letchworth Road. I also note that the urban grain up Meadway along with a large majority of Letchworth Road has a relatively tight urban grain with around 2m between each property. The amendments have opened the gap between 2 Meadway to a more similar size to the gaps between the other properties on Meadway. I consider the dwelling would tie in well with the existing urban grain of Meadway and not have a dominant impact on the streetscene or neighbouring dwellings.

I am mindful of the permitted development rights under Classes A, B, and C of Part 1 of the General Permitted Development Order that allow generous extensions to the resultant dwelling. In order to prevent any harm to the locally listed building, and ensure the preservation of the character of the streetscene I recommend these rights are removed via condition to allow the Local Planning Authority assess the design implications of any additional alterations to the property in the future.

I conclude that the proposal would comply with policy CS03 and CS18 of the Core Strategy (2014), saved policy PS10 of the Local Plan (2006), and NPPF chapters 12

and 16 and is acceptable in terms of the character and appearance of the area including the non-designated heritage assets.

Residential amenity (neighbouring properties)

Policy CS03 of the Leicester Core Strategy (2014) states that development must respond positively to the surroundings and be appropriate to the local setting and context.

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

Concerns have been raised regarding the development having an impact, light, privacy, and overlooking and subsequently its impact on the mental health of neighbouring occupants.

123 Letchworth Road:

123 Letchworth Road is sited to the north-west of the dwelling. It is a large corner dwelling with a large games' room/ reception area to the rear close to the proposed dwelling. The room is triple aspect with windows to the north, east, and south. The proposed dwelling would be sited to the south-east of the dwelling and breach a 45-degree line from one of the five windows to this room. Given the large levels of light and outlook to this room, I do not consider the dwelling would unacceptably harm the enjoyment of this room.

The dwelling would still have a large private amenity space to the rear along with the large garden space to the corner of Letchworth Road and Meadway.

It is also noted that the development would remove the current overlooking from the existing four, side, clear-glazed windows at 2 Meadway Road. A side window is proposed on the new dwelling facing this property. On plans it is proposed to be obscure glazed. I recommend a condition ensuring this.

2 Meadway:

2 Meadway is sited to the east of the dwelling, the property is on a higher land level and currently has four small clear glazed windows that overlook west-south-west onto the garden of 123 Letchworth Road. The windows are all secondary windows and belong to the rear bedroom, front bedroom, rear main lounge, and front lounge respectively. Each of these rooms has a larger window either to the front or rear of the dwelling which are considered to be the main window to that room and benefit from good levels of outlook and natural light which would not be detrimentally impacted by the proposed dwelling.

I am mindful of the permitted development rights under Classes A, B, and E of Part 1 of the General Permitted Development Order that allow generous extensions to the resultant dwelling. In order to safeguard the amenity of the adjacent neighbours I

recommend these are removed via condition to allow the Local Planning Authority assess the implications of any additional alterations to the property in the future.

I conclude that the proposal would comply with policy CS03 of the Core Strategy (2014), saved policy PS10 of the Local Plan (2006), and paragraph 135 of the NPPF, and is acceptable in terms of amenity to neighbouring properties.

Living Conditions

All principal rooms would have adequate natural light, privacy, and outlook, along with ample amenity space to the rear. I note there were concerns regarding the size of the amenity space and I note that even with excluding areas for biodiversity, the garden would exceed the minimum requirements for a three-bedroomed dwelling. The internal space of the dwelling is also considered to be acceptable and the access via Meadway would allow for natural surveillance from the streetscene which is welcomed.

I conclude that the proposal would comply with policy CS03 of the Core Strategy (2014), saved policy PS10 and H07 of the Local Plan (2006), and paragraph 135 of the NPPF, and is acceptable in terms of living conditions for the existing and proposed occupiers.

Highways and Parking

Core Strategy Policy CS14 states 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.

Saved Policy AM12 states level of parking for residential development shall be determined in accordance with Appendix 01 referenced above.

One parking space is proposed on site which is a shortfall of the recommended 2 parking spaces for family dwellings. I also note concerns were raised from objectors regarding a lack of parking and congestion from the nearby school. Nevertheless, I note there are no on-street parking restrictions and the increase of one on-street parking space would not result in a detrimental highway impact.

The proposed off-street parking space would be situated within a garage that meets the recommended minimum internal dimensions for a modern car. The distance however between the garage door and public highway however would not meet the recommended depth of 5.5m and so there is potential for the temporary overhanging to the highway would occur when the occupant is coming and going from the property. I note though that this would be infrequent and could be further mitigated with a roller shutter garage door and so I recommend this is secured as a condition.

It is also noted that the dropped kerb should be a minimum of 3.7m wide, I consider the installation of the dropped kerb is acceptable and the specific size can be determined when the applicant applies directly to the highway authority.

Concerns have been raised regarding the plans for the proposed new building not making clear the visibility splays to the new drive and garage. The proposed boundary wall would be low in height, and given the large street tree would be relocated I consider that the visibility to and from the site would be acceptable.

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

Drainage

A SuDS Strategy report has been provided, which proposes the use of permeable paving and a connection into the public sewer. However, references are made to the use of soakaways and the proposed plans show a soakaway and water butt on the key. Clarifications and further details (bullet pointed below) are required which can be secured via condition.

- Confirmation of the proposed Surface Water Drainage Strategy
- Clarify the permeable paving area shown on the SuDS Layout Plan
- Detailed drainage calculations
- Further SuDS Recommendations
- If applicable, written justification confirming why further SuDS are not to be integrated
- If any further SuDS are proposed: Product Specification and/or Design Details
- Clarify SuDS Maintenance plan

With this condition, I conclude that the proposal would comply with policy CS02 of the Core Strategy (2014), and paragraph 173 of the NPPF, and is acceptable in terms of drainage and flood risk.

Waste

Saved Policy PS10 of the Local Plan (2006) sets out a number of amenity factors to be taken into account when determining planning applications, including the visual quality of the area including potential litter problems.

Waste storage is shown on plans at the front of the dwelling behind the proposed hedging. I consider there is ample space for the storage of these bins, and I conclude that the proposal would comply with policy CS03 of the Core Strategy (2014) and would not conflict with saved policy PS10 of the Local Plan (2006), and is acceptable in terms of waste storage and management.

Nature conservation/Trees/landscaping

Saved Policy UD06 states that *'planning permission will not be granted for any development that impinges directly or indirectly, upon landscape features that have amenity value including areas of woodland, trees, planting or site topography whether they are within or outside the site unless: a) the removal of the landscape feature would be in the interests of good landscape maintenance; or b) the desirability of the proposed development outweighs the amenity value of the landscape feature'*.

Policy CS17 of the 2014 Core Strategy states that development shall maintain, enhance, and/or strengthen connections for wildlife, by creation of new habitats, both within and beyond the identified biodiversity network. In considering the potential impact of development on wildlife, the Council will require ecological surveys and assessments of the site to be undertaken where appropriate to establish the presence or absence of protected species or habitats of particular value prior to any development taking place.

Since the application was submitted, all new applications must now provide a 10% increase in Biodiversity Net Gain (BNG) unless exempt. As this application was submitted before April 2024 it does not need to provide a 10% net gain, but simply seek opportunities for securing measurable net gains for biodiversity as per paragraphs 180 and 186 of National Planning Policy Framework (2023).

The Applicant has provided Biodiversity Net Gain Assessment Report (Arbtech - June 2024) with associated DEFRA metrics and Landscaping plans (DT Designs Ltd - Rev 3 - 27/06/2024) which supersedes the Landscape and Ecological Mitigation Assessment initially submitted with the application. Despite not needing to comply with mandatory BNG, the proposed landscaping scheme following recommendations within the BNG Assessment Report will deliver a Biodiversity Net Gain of +10.91%.

It is noted that the dropped kerb to the front of the property will result in the need to remove one of the existing street trees (the location of which is marked out on the proposed plans), and that has not been accounted for in the current design and BNG calculations meaning the figure of 10% is likely to be lower. Regardless the development would still result in an onsite increase in BNG, and as per Trees and Woodlands Guidance, compensatory planting of two trees will be required to offset the loss of the single street tree. I recommend that the details regarding the size, species, and position of the proposed two trees, along with the schedule for the loss of the existing lime tree and further replanting can be submitted to and approved by the Local Planning Authority in consultation with the Trees and Woodlands Team via condition. With this in mind the development will still result in an increase in BNG onsite and offsite.

To secure this increase, a Landscape and Ecological Management Plan (LEMP) based upon the latest proposed landscaping plan and recommendations within the BNG Assessment Report will be required. This should include details of how compensation habitat will be created and managed over a period of 30 years.

Further to this, the LPA would welcome a development design that provides features that add value to local ecological networks and support local Biodiversity Action Plan (BAP) species. Therefore, it is requested that the following features are also included:

- i) Hedgehog 'highway' holes in fencing.
- ii) Nest boxes to include 2 x Bat and 2 x Bird (Swift recommended). These should be located under the direction of a suitably experienced ecologist and the designs of boxes used and proposed locations must be included on an elevated plan or within the LEMP.

As current presented information provides sufficient comfort that BNG will be achievable with this scheme, the LEMP may be conditioned.

As the proposed development will include some site clearance, a note to applicant is recommended advising the applicant to avoid bird nesting season. I note concerns have been raised regarding the proposed impact on bats. The site is cleared to an extent that bats are not considered to be roosting on the premises. Moreover, the proposal will provide roosting potential through the installation of bat roosting boxes.

With both these conditions, I conclude that the proposal would comply saved policy UD06 of the Local Plan (2006), and 2014 Core Strategy policy CS17, and is acceptable in terms of the tree protection and biodiversity.

Other matters

Concerns have been raised regarding the existing fence on site not having planning permission. This concern has been raised with the enforcement team but appears to have been in situ for over 4 years and therefore would be immune from action. The proposal would result in the removal of this fencing which would be welcomed.

An objector has stated that the development is solely for financial gain. The personal motivation for the development is not a planning matter. Nevertheless, the development would result in a much-needed small family dwelling which would be a planning benefit.

Any damage to private land including properties and their foundations, or loss of access across neighbouring land to maintain a property would be a civil matter. The party wall act is a separate matter from the planning system.

Impact on house prices is not a material consideration.

An objector has considered emerging policy should be taken into account, particularly proposed policies DQP05: Backland, Tandem and Infill Development and DQP06: Residential Amenity. Whilst the Local Plan has been submitted, it is in its stage of review by the Planning Inspectorate. As such the Local Planning Authority do not consider these can be given any significant weight at present.

Regarding ownership queries: Notice has now been served on the city council highways team. A Land registry title plan has been received showing the red line boundary is within the applicants' ownership. A note to applicant is recommended to state no development shall overhang onto the neighbouring sites however any land dispute would remain a civil matter not a planning matter.

Regarding ventilation, the site is not within a noisy area or air quality management area where windows are expected to remain closed, as such a ventilation scheme is not required in this instance.

Regarding lack of re-publicity, as the objector noted it is for the local planning authority as to whether re-publicity is necessary, in this case the amendments were

not considered to be so significant to warrant re-publicity. All objectors will have an opportunity to speak about the development at the committee meeting.

All new dwellings are expected to meet M(4)2 standards for accessible and adaptable dwellings. I consider it appropriate to attach a condition ensuring the scheme is built out to M4(2) standards.

Conclusion

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

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. Prior to any works above ground level, details of the materials to be used on all external elevations and roof shall be submitted to and approved by the City Council as local planning authority. For the brick walls this shall also include the spacing and bonding. The development shall be carried out in accordance with these details and retained as such. (In the interests of visual amenity, and to preserve the character of the non-designated heritage asset, and in accordance with Core Strategy policies CS03 and CS18)
3. Before the occupation of the proposed extension new windows facing 123 Letchworth Road shall be fitted with sealed obscure glazing to Pilkington level 4 or 5 (or equivalent) (with the exception of top opening light) and retained as such. (In the interests of the amenity of occupiers of 123 Letchworth Road and in accordance with policy PS10 of the City of Leicester Local Plan).
4. Prior to the occupation of the proposed dwelling, the garage shall be fitted with a roller shutter door and retained as such. (To ensure adequate distance between the garage and in the interests of saved policy AM01 of the 2006 Local Plan).
5. Notwithstanding the approved plans, the dropped kerb shall have a width of 3.7m and be installed prior to the occupation of the proposed dwelling and retained as such. (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 CS03.)
6. Prior to the commencement of development full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system shall be submitted to and approved by the local planning authority. No property shall be occupied until the system has been implemented. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall

include: (i) full design details, (ii) a timetable for its implementation, and (iii) a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy). (To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

7. Prior to the commencement of development details of drainage, shall be submitted to and approved by the local planning authority. No property 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).
8. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to any dwelling house of types specified in Part 1, Classes A, B, D and E of Schedule 2 to that Order shall be carried out without express planning permission having previously been obtained. (Given the nature of the site, the form of development is such that work of these types may be visually unacceptable, result in harm to the locally listed building adjacent, or lead to an unacceptable loss of amenity to occupiers of neighbouring properties; and in accordance with policy PS10 of the City of Leicester Local Plan and Core Strategy Policies CS03 and CS18).
9. Prior to the works above ground level a detailed landscape and ecological management plan (LEMP) showing the treatment and maintenance of all parts of the site which will remain unbuilt upon shall be submitted to and agreed in writing with the City Council as local planning authority. This scheme shall include details of:
 - (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed;
 - (ii) new tree and shrub planting on the application site, including plant type, size, quantities and locations;
 - (iii) means of planting, staking, and tying of trees, including tree guards;
 - (iv) other surface treatments;
 - (v) fencing and boundary treatments, including details of the entrance gates;
 - (vi) any changes in levels and location of retaining walls;
 - (vii) the position and depth of service and/or drainage runs (which may affect tree roots),
 - viii) a detailed plan of the biodiversity enhancements on the site such as meadow creation and hedgerow improvements including a management scheme to protect habitat during site preparation and post-construction.
 - ix) details of planting design and maintenance of green wall;
 - x) details of the make and type of [2]x bird boxes/tiles/bricks and [2] x bat boxes/tiles/bricks to be erected on buildings under the guidance and

supervision of a qualified ecologist. The approved LEMP shall contain details on the after-care and maintenance of all soft landscaped areas and be carried out within one year of completion of the development. For a period of not less than 30 years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS17).

10. Prior to the installation of the dropped kerb, details regarding the removal of the existing lime tree and planting of two replacement trees shall be submitted to and approved by the Local Planning Authority in writing, in consultation with the City Council's Trees and Woodlands Team. The details shall include the size, species, and position of the proposed two trees, along with the schedule for the loss of the existing lime tree and further replanting. The removal and replanting shall be carried out in accordance with these details. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS17).
11. The dwelling and its associated parking and approach shall be constructed in accordance with 'Category 2: Accessible and adaptable dwellings M4 (2) Optional Requirement. On completion of the scheme and prior to the occupation of the dwelling a completion certificate signed by the relevant inspecting Building Control Body shall be submitted to the City Council as local planning authority certifying compliance with the above standard. (To ensure the dwelling is adaptable enough to match lifetime's changing needs in accordance with Core Strategy policy CS06)
12. Development shall be carried out in accordance with the following approved plans:
2023/07/176 /E, pages 1-6, received 12 November 2024
(For the avoidance of doubt).

NOTES FOR APPLICANT

1. 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. Further information on birds

and the law can be found here: Wild birds: protection and licences - GOV.UK (www.gov.uk)

2. In relation to condition 10 the applicant is advised that:
 - 1) The Lime tree removal would be subject to section 115 of the environment act – duty to consult on felling of street trees. This is a 28-day public consultation, with a 28 day response time. 56 days in total.
 - 2) The customer would have to bear the costs for tree removal and tree replacement. For an estimated cost and payment arrangements, the applicant is recommended to contact the Trees and Woodlands team.
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:

The application was submitted prior to the mandatory 10% biodiversity net gain condition being implemented.

4. 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.
5. Condition 8 refers to alterations/extensions that you are normally allowed to carry out to houses without planning permission. In this case the City Council wants to be able to control any alterations and extensions to preserve the appearance of the property or protect the amenities of neighbouring properties. You should submit a pre-application on the Council's website here: <https://www.leicester.gov.uk/planning-and-building/planning-applications/apply-for-pre-application-advice/> if you are considering such works.
6. To meet condition 11, all those delivering the scheme (including agents and contractors) should be alerted to this condition, and understand the detailed provisions of Category 2, M4(2). The Building Control Body for this scheme must be informed at the earliest opportunity that the units stated are to be Category 2 M4(2) requirements. Any application to discharge this condition

will only be considered if accompanied by a building regulations completion certificate/s as stated above.

Policies relating to this recommendation

- 2006_AM01 Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.
- 2006_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
- 2006_AM12 Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
- 2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2006_UD06 New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
- 2014_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014_CS06 The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
- 2014_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
- 2014_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.

Item 4b

COMMITTEE REPORT

20241665	42 Clarefield Road	
Proposal:	Change of use from dwellinghouse (Class C3) to Residential care home (Class C2) (max 2 adults in care)	
Applicant:	Sublime Care Solutions Limited	
App type:	Operational development - full application	
Status:	Change of use	
Expiry Date:	5 December 2024	
SS1	TEAM: PD	WARD: Western



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Summary

- The application is brought to committee as the planning agent is married to a councillor;
- Main issues in this case are the principle of development; the character of the area; the amenity of neighbouring occupiers; the living conditions of the future occupiers; and parking;
- Objections have been received from 2 separate addresses on issues including principle of development, neighbouring amenity and parking;

- The proposal is recommended for approval subject to conditions.

The Site

The application relates to a two-storey semi-detached property located within a primarily residential area on the corner of Clarefield Road and Nevanthon Road. There is a three storey block of flats with parade of shops on the ground floor level opposite the site to the north on Nevanthon Road.

The site is within a Critical Drainage Area (CDA).

Background

There are two previous planning applications at this address:

20200888 - Change of use from dwelling house (Class C3) to residential care home (2 Bedrooms)(Class C2)(Amended)

- *Approved subject to conditions. Not implemented.*

20240175 - Change of use from residential dwelling (Class C3) to residential care home (Class C2) (max 2 children)

- *Approved subject to conditions. Not implemented.*

The Proposal

The proposal is for change of use of the property from a dwellinghouse (Class C3) to a residential care home (Class C2).

The application is the same as that approved under 20240175 save for the care is to be provided for adults rather than children

The house has a living/dining room and kitchen with ancillary storage on the ground floor and 2 bedrooms, a bathroom and office on the first floor.

The applicant states that:

- The home would provide 24-hour care and assisted living for two individuals (18+) that may have mental or physical disorders/disabilities.
- There would also be staff on site that would work shifts, with 4 staff on duty for 2-to-1 care.
- Visiting hours would be 10am-5pm with two visitors at a time.
- On-site parking will provide space for 3 cars.

A noise impact assessment was submitted. It sets out an acoustic assessment with consideration of separating wall construction, sound insulation upgrade and predicted sound transfer levels.

Policy Considerations

National Planning Policy Framework 2023

Paragraph 2 (Primacy of development plan)

Paragraph 11 (Sustainable development)

Paragraph 115 (Unacceptable highways impact)

Paragraph 116 (Highways requirements for development)

Paragraph 135 (Good design and amenity)

Paragraph 191 (Pollution impacts)
Paragraph 194 (Land Use)

Local Policies

CLPP policy AM01 (Impact of development on pedestrians)
CLLP policy AM12 (Residential car parking provision)
CLLP policy PS10 (Residential amenity and new development)
CLLP policy PS11 (Protection from pollution)
Policy CS03 (Designing quality places)
Policy CS06 (Housing strategy)
Policy CS14 (Transport network)

Supplementary guidance

Appendix 1 CLLP 2006 - Vehicle Parking Standards.

Representations

Objections were received from 2 separate addresses. The following issues were raised:

- Already a care home nearby which causes parking problems and additional noise during the day, particularly weekends. This application will add further vehicles on a very busy corner. Noise/disturbance to the neighbour.
- The site will be a place of business;
- A detached house would be more appropriate;
- The neighbour's house would be de-valued;
- Noise/disturbance from the property already occurs, including people talking, doors, shutting doors, the washing machine and cooking. This will increase dramatically;
- The future occupiers will be there 24/7 – not like a family home;
- This will result in stress/noise;
- No place for carers to sleep;
- Poor consideration to previous application;
- Application is causing anxiety.

Consideration

Principle of Development/Character of the Area

I note the concerns raised in objections in regard to the development being inappropriate in a residential area for families and objectors consider the proposed care home as being a commercial business. However, the proposed care home will be a managed provision where assisted living is provided for the residents, and as a primarily residential use its location in a residential area is appropriate in policy terms.

Given the small scale of the proposal, I do not consider that the degree to which the managed nature of the site would be perceptible in the wider area would be so significant as to have an unacceptable impact upon this suburban locality in terms of general noise and disturbance. Furthermore, the City Council aims to facilitate the provision of a range of accommodation to meet the special housing needs of all City residents the Council's Core Strategy Policy CS06 supports the provision of

supported housing to meet other 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 at no.37, I have no evidence to show that there is a significant/unacceptable over-concentration of uses, nor would there be any policy reason to refuse the application on such a basis.

Whilst it is noted that there are objections on the basis of the development being within a semi-detached property, this proposal must be considered on its own merit and I assess the further planning matters of the proposal below.

Neighbouring Residential Amenity

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

I note the concerns raised in objections in relation to noise impacts from the site and the proposed use. Noise impacts already are stated to be occurring, and having impacts on neighbours, and there is the concern that the proposed use would cause noise from the future occupiers.

I note that the property is part of a semi-detached couplet, sharing a wall with no.40 providing a close physical relationship.

Notwithstanding the above, the proposal is to provide organized care for 2 people with carers always present for professional oversight and supervision. Whilst there would be potential for there to be more people to be present in the house regularly during the daytimes than may be expected in a family home, there would not be any inherently noisy use occurring 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, these differences do not of themselves equate to harm.

Notwithstanding the above, I have considered it prudent to confirm wall insulation details to ensure a good standard of sound reduction between the application site and the neighbour in the semi-detached couplet. The agent submitted a noise impact assessment to show insulation that would reduce the noise levels between the houses significantly.

Firstly the noise impact assessment sets out that the current separating wall provides a sound reduction of Rw50, meaning that if noise levels in the property reached 85db the noise level in the adjacent house could reach 35db.

At chapter 2.2, it details how an independent wall lining system with specifications could raise the insulation to Rw65 (potentially up to Rw90). As such, this would mean that even very loud noises in the proposed house would not cause significant noise impacts to the neighbour. The noise pollution control officer was satisfied with this report when it was submitted under application 20241075.

The noise impact assessment also notes that the only room in the care home which is adjacent to the separating wall is the first floor office. The living areas and bedrooms are acoustically buffered from the adjacent property by the kitchens, bathrooms, corridors and stairs.

As such, if the use were not to commence until the wall lining system were installed, I consider that there would be no unacceptable 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.

I do not consider that noise from within the building, used as a care home, poses an unacceptable risk in terms of amenity enjoyed within any other neighbouring dwellings. 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 unacceptably impact amenity at any neighbouring properties.

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

The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise complaints be received but there would be no planning justification to withhold permission on this basis. Whilst the noise pollution control officer has requested a noise management plan and noting again the issues raised in objections, the 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.

Living Conditions for Occupiers

Saved Policy PS10 of the Local Plan (2006) applies to the amenity of future as well as existing neighbouring residents and I note the concerns raised in objections regarding future living conditions. However, the house has good light and outlook from its window openings and acceptable floorspace and garden space for 2 residents in care with staff working shift patterns. Overall the proposal would provide good living conditions for its future occupiers.

Highways/Parking

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 calls for one car parking space per 4 bedrooms for Class C2 residential institutions, and as such the application proposal generates a standard requirement for only 1 space. There would be space for a car on the driveway. It is noted that notwithstanding the above requirement the development would require several staff members on site at all times meaning that there may be some on-street parking required and I note that the site is a corner plot. However, the site is close to bus stops on Hinckley Road and Glenfield Road therefore some staff may use public transport or alternative methods to the private vehicle. I have no evidence that the area is experiencing severe parking congestion at present. Overall, c.2 additional cars required to be parking on the street in the area would be unlikely to cause unacceptable or severe highways/parking impacts above the existing situation as a C3 house in accordance with NPPF paragraph 115 and the proposal would not warrant refusal on highways grounds.

Other Issues

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.

Conclusion

The application is acceptable in principle and I recommend approval.

Within Class C2 the property could be used for a residential school, college, training centre or health facility. Further/altered 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 adults in care and I recommend a condition to limit this to 2 as any increase would also require further/altered consideration.

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The change of use hereby approved shall not take place until sound insulation for the shared party wall with number 40 Clarefield Road has been installed in accordance with the details set out in chapter 2.2 of the submitted Noise Report (Acoustic Design Technology, dated 16 May 2024, ref ADT3070/NIA) The sound insulation so installed shall be retained thereafter at the same acoustic performance. (To safeguard amenity at the adjoining semi-detached house, and in accordance with policies PS10 & PS11 of the City of Leicester Local Plan (2006)).
3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, or any order amending or revoking and replacing that Order with or without modification, the premises shall not be used for any purpose other than for a care home within Class C2 of the Order, unless otherwise approved in writing by the local planning authority. (To enable consideration of the amenity, parking and highway safety impacts of alternative Class C2 uses, in accordance with Policies CS03, CS08 and CS14 of the Leicester Core Strategy (2014) and saved Policy PS10 of the Local Plan (2006).
4. The premises shall not accommodate any more than 2 residents in care at any one time, unless otherwise approved in writing by the local planning authority. (To enable consideration of the amenity of residents and parking impacts of a more intensive use, in accordance with Policy CS14 of the Leicester Core Strategy (2014) and saved Policy PS10 of the Local Plan (2006).
5. Development shall be carried out in accordance with the following approved plans:

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).

Item 4c

COMMITTEE REPORT

20241138	171-173 London Road	
Proposal:	Change of use from Office to 16 serviced apartments (Class C1) together with minor external alterations and other ancillary works (retrospective) (Amendments received 18th November 2024)	
Applicant:	51 William and George Ltd	
App type:	Operational development - full application	
Status:	Change of use	
Expiry Date:	23 September 2024	
CY1	TEAM: PD	WARD: Castle



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Summary

- The proposal is before planning committee at the request of Cllr Kitterick to discuss the matter of adequate space for occupants in line with Government Planning Guidance' National Described Space Standards.
- The main issues are the principle of the development, the quality of the accommodation, impacts on neighbouring residential properties, the

design of the proposal, and its impact on heritage and highways, servicing and waste management considerations.

- The recommendation is for conditional approval.

The Site

The application relates to a three-storey office building on London Road opposite Victoria Park. The site is within South Highfields Conservation Area and directly adjacent to New Walk Conservation Area. The area has an Article 4 direction to prevent the permitted change from Class C3 dwellings to Class C4 houses in multiple occupation. It is also within an air quality management area and critical drainage area.

Works started to convert the property into units, but the site is currently unoccupied.

Background

[20191195](#). In 2019, prior approval was sought under Schedule 2, Part 3, Class O, of the General Permitted Development Order to change the property from offices (use Class E) to 20 flats (Class C3). It was refused in 2019 due to a lack of information regarding highway and noise impacts to the area and occupants.

[20191815](#). Again in 2019, there was a resubmission of the scheme, this time for 18 flats. This was granted conditional approval, but not implemented within the 3 year time period.

Note: after 2021, Schedule 2, Part 3, Class O, has effectively been omitted from the General Permitted Development Order and superseded with Class MA of the same part. Class MA requires further assessment for the conversion to dwellings including the need for them to be compliant with Nationally Described Space Standards

[20212615](#). Planning permission was sought in 2021 for facade Alterations including a new porch, replacement timber windows, repairs to the roof, infill brickwork to window alterations at the rear and removal of the external staircase at office (Class E). This was granted conditional approval and has been implemented.

[20232343](#), Approval of details reserved by Conditions 4 (travel pack) and 5 (insulation scheme) attached to prior approval 20191815. This was refused in 2023, mainly due to the fact that the 20191815 application had lapsed, but also due to a lack of information regarding whether the noise mitigation would provide occupants with adequate ventilation.

[20232390](#), Approval of details reserved by Condition 2 (wall on south boundary) attached to prior approval 20191815. This was refused in 2023, mainly due to the fact that the 20191815 application had lapsed, and also due to the design of the wall.

The Proposal

Approval is now sought for the change of use of the existing building to provide self-service apartments within use Class C1 rather than Class C3. This is because it is considered that due to the size of the units commenced, the applicants have recognised apartments would not appropriately provide long term residential living

accommodation which sits within use class C3, and use class C1 is a classification for hotels, boarding houses, and guest houses that do not offer significant care or services.

The self-service apartments would range in size from 23m² to 37m² and would include a kitchenette, bedroom, and bathroom.

The following external alterations are also proposed:

- Existing PVC ventilation extracts to be replaced with cast iron vents associated with new MVHR system.
- All trickle vents where installed to windows facing Granville Road and London Road, proposed to be removed.
- Minor variation to the approved entrance door with side lights as per the approved decision notice ref: 20212165
- Proposed new boundary treatment consisting blue brick and red facing bricks to match existing property, along with a privet hedge behind wall.

Amendments were received on the 18th November with the following changes:

- Alteration to porch design so it was more in keeping with the previously approved porch.
- Providing the details of the vents and their proposed location
- Making minor alterations to the front boundary treatment including coping stone design
- Providing additional information regarding delivery and servicing

Policy Considerations

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

National Planning Policy Framework (NPPF)

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

Paragraph 11 (Presumption in favour of Sustainable Development)

Paragraphs 39 and 40 (Pre-applications)

Paragraphs 43 (Sufficient information for good decision making)

Paragraph 56 (Six tests for planning conditions)

Paragraph 85 (Economic growth)

Paragraph 90 (Support town centres)

Paragraph 114 (Assessing transport issues)

Paragraph 115 (Unacceptable highways impact)

Paragraph 116 (Highways requirements for development)

Paragraph 135 (Good design and amenity)

Paragraph 139 (Design decisions)

Paragraph 140 (Clear and accurate plans)

Paragraph 173 (Flood risk considerations and SuDS)

Paragraph 191 (Noise and light pollution)

Paragraph 192 (Air quality considerations)

Paragraph 193 (Agent of change)

Paragraph 195 (Heritage as an irreplaceable resource)

Paragraph 200 (Heritage statement)

- Paragraph 201 (Considering impact on heritage assets)
- Paragraph 203 (Sustaining significance of heritage assets)
- Paragraph 205 (Conservation of designated heritage assets)
- Paragraph 206 (Clear & convincing justification for heritage impacts)
- Paragraph 208 (Less than substantial harm)
- Paragraph 212 (Positive contribution to heritage assets)

Development Plan policies

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

Other legal or policy context

South Highfields Conservation Area Character Appraisal

Consultations

Air quality: - The site is within the Air Quality Management Area (AQMA), where there is a potential for elevated levels of Nitrogen Dioxide (NO₂).

During the construction phase, there is a possibility for elevated levels of dust and particulate matter (PM₁₀), which have been linked to adverse health effects. There was little to no external construction or demolition works during this application, therefore elevated dust or PM₁₀ levels are likely not a concern.

The operational phase of the development was assessed in an Air Quality Assessment (AQA) provided by NRG consulting. The methodology was not conducted in line with the Institute of Air Quality Management (IAQM) guidance, but with LA 105, 'Air Quality of the Design manual for Roads and Bridges', along with Local Air Quality Management Technical Guidance (LAQM TG(22)). The impact of road traffic emissions on the site and surrounding areas was undertaken using the ADMS-Roads air dispersion model. The AQA concluded that 'no mitigation measures are required to protect occupants from experienced roadside or background air quality'.

Based on the size and location of the development, along with the partial assessment provided by the AQA, the Air Quality officer has no issues with this application.

Noise: - They have assessed the acoustic report (ref: Sanctuary Acoustics) and are satisfied with the assessment and recommendations.

As outlined by the noise and pollution team in previous applications, they require mechanical ventilation to be installed rather than trickle vents, in order to provide adequate airflow and cooling. This recommendation is provided in the report.

If all recommendations are adhered to as part of the development they would have no further comments to make.

Representations

One objection has been received from Councillor Kitterick with concerns that the apartments would not have satisfactory living space for future occupants.

Consideration

Principle of development:

The proposal site lies within the Primarily Office Area, as defined on the proposals map and referred to in Core Strategy policy CS10. These are low quality offices and were graded C on Figure 24, the City Centre Office Market Grading plan (p112 of the EDNA).

Core Strategy Policy CS10 states that “the change to residential use, including live work units, will be acceptable in principle, where premises are unsuitable for modern office use”. In this instance, the quality of the existing offices is not exceptional. The principle of the loss of office space is therefore accepted, subject to the considerations below:

Quality of accommodation:

The apartments in the converted existing building will all have reasonable level of outlook, light, and privacy and a reasonable level of floorspace for temporary accommodation. I note that there are concerns raised that the apartments do not meet the standards laid out in the Nationally Described Space Standards (NDSS), however given the proposed use is for use Class C1, the apartments are proposed for short stay only, I consider requiring the rooms to be NDSS compliant would be untenable for aparthotel use in planning policy terms. I do however recommend a condition is attached to ensure that the apartments are not inhabited for longer than 60 days at a time in the interests of the amenity of future occupiers.

A noise assessment was carried out and the results and recommended mitigation measures submitted to the Council. Some works such as glazing requirements have already been carried out when the internal layout was reconfigured. Further mitigation includes the removal of the installed trickle vents and installation of mechanical ventilation to provide the recommended 4 air changes per hour to allow the customers of the temporary apartments adequate ventilation without needing to keep windows open at noisier periods.

I am satisfied with the assessment of environmental health colleagues that the recommended mitigation will alleviate noise impacts and that these can be secured by condition prior to the occupation of the proposed apartments. I note that the mechanical ventilation will be supplemented with clay air bricks and due to heritage concerns more information is needed to determine the number, location, and design of these for which a further condition is also recommended.

Impact on neighbouring residential amenity:

The site is within a commercial location though I note there are some flats adjacent to the site at 169a London Road. Comings and goings from occupants throughout the day and night are anticipated as with any Class C use. The customers staying in the apartments will access the building from the front elevation but also be able to access the rear cycle store via alleyway next to the Dental Surgery at 1 Granville Road with access via alleyway to the rear to the bike storage area.

Given there are only 16 apartments proposed, and the site is located in a commercial area where higher levels of footfall throughout the day to night is more common, the level of comings of goings from customers is not considered to have a harmful impact on the residential amenity of neighbouring properties.

There is some potential for any use of the bin storage area at unsociable hours to cause disturbance by way of noise. However, I consider that this can be suitable addressed in the delivery and waste management plan condition discussed below.

Heritage and design considerations:

The application relates to a property on a prominent corner within the South Highfields Conservation Area and adjacent to the New Walk Conservation Area. The porch as built is not ideal and a harmful addition to the building. Amendments have been received which propose to revert the design back to that which was approved under the previous 2021 application which is welcomed and a condition to ensure this is implemented is recommended, along with details of the proposed door.

The revised wall design is an improvement to that refused under application 20232390. Details still need to be provided as to how the wall would intersect with the bay window and securing appropriate materials and planting.

The application makes reference to the use of 'double brick' cast iron vents on the building in place of plastic vents for the mechanical ventilation. This is a welcome improvement to the existing units.

Highways, servicing and waste management considerations:

There is no parking on site. However, the site is a short walk away from the train station and on London Road which has good bus routes in and out of the city and is in a very sustainable location in terms of guest arrivals and connectivity with the rest of the city. I do not consider this to be an uncommon arrangement for C1 uses. A draft transport plan has been submitted within the transport statement. This includes a template regarding parking and public transportation routes to and from the site and recommends this should be added to the website for customers to note. I do not consider the scope of the development to warrant a need for a travel plan however I consider that this recommendation is welcomed and recommend this is secured via condition.

There is vehicular access to the rear yard however no space for loading and unloading on site. It is noted within the transport statement that: *all servicing, refuse collection and delivery vehicles will continue to use Salisbury Avenue to the rear of the building. This will continue to be the case with the development proposals.*

Further information was provided regarding delivery and servicing in an email received on the 18th November and welcoming a condition for a delivery and servicing schedule (DSS) that provides more information as to how the building will fully operate and be managed.

I consider this arrangement to be workable provided that it is carried out in accordance with an agreed servicing and waste management scheme that takes into account for example dates and timings of deliveries and collections, contingency plans in the case of delays and a designated responsible person/single point of contact who can be contacted when issues are identified. A note to applicant would be required for clarity that any changes to the plan would require a separate and new application to discharge the condition.

With a condition securing a suitable servicing and waste delivery plan attached I consider that the proposal will be acceptable in terms of impacts on parking and the function of the highway.

I therefore recommend APPROVAL subject to the following conditions:

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. Prior to the occupation of any proposed unit, details of the proposed boundary treatment shall be submitted to and approved by the City Council as local planning authority. The details shall include:
 - a) A sample of the proposed bricks including their material, colour, mortar colour, bond type, and spacing.
 - b) A sample of the proposed coping stone including its design, material, and colour.
 - c) 1:20 drawings showing the relationship between the brick walls and the existing bay window.
 - d) The species of the proposed hedging.The boundary wall shall be constructed in accordance with these details prior to the occupation of any proposed unit, and retained thereafter with the hedging planted in the next planting season and maintained for the next 30 years. (In the interests of visual amenity and to preserve the character and appearance of the conservation area and in accordance with saved Policy UD06 and Core Strategy policies CS03 and CS18).
3. Within 6 months of the date of this development, the porch shall be fitted with timber windows and door in accordance with the approved plans (Proposed Elevations Including Retrospective Works, 1044-INK-LNR-ELEV-DR-A-01303, revision P05, received 18 November 2024) and retained as such. (The current porch is not considered a satisfactory form of development and is a harmful addition to the character of the conservation area and original building, and in accordance with Core Strategy Policy CS03).
4. Within 6 months of the date of this development, the external plastic vents shall be replaced with cast iron vents as shown on the approved plans and retained as such. No additional vents or extracts shall be installed on the building unless details of their location, material, and size are first submitted to and agreed in writing with the Local Planning Authority. (In the interests of

visual amenity, to preserve the significance of the heritage assets and in accordance with Core Strategy policies CS03 and CS18).

5. Prior to the occupation of any unit, details of mechanical ventilation that allows for 4 air changes per hour and does not exceed the recommended noise levels set out in the noise assessment (reference Sanctuary Acoustics, Document 003, received 26th June 2024) are submitted to and approved in writing by the local planning authority.
These measures shall be retained as such and at the same minimum performances indicated above for the lifetime of the development.
(In the interests of the amenities of future occupiers, and in accordance with saved policies PS10 and PS11 of the City of Leicester Local Plan.)
6. Prior to the occupation of any unit, details regarding how to get to the site via car, and sustainable methods of transportation (as exemplified in page 10 of the draft Travel Plan received on the 26th June) shall be made available to all future customers when booking rooms hereafter. (To promote sustainable methods of transportation in accordance with Core Strategy policy CS14 and saved City of Leicester Local Plan policy PS10).
7. The development shall not come into use until a Delivery, Servicing and Waste Management Plan has been submitted to and approved by the City Council as local planning authority. The Delivery, Servicing and Waste Management Plan shall include:
 - a) a schedule of weekly dates and times for deliveries and waste collections along with the location for loading and unloading, including notification of vehicle arrival to staff and collection points shown on a plan and any other necessary measures
 - b) a schedule of anticipated routine servicing throughout an annual period
 - c) the name/role and contact details of the responsible person or single point of contact delegated to oversee the Delivery, Servicing and Waste Management Plan.The Delivery, Servicing and Waste Management Plan shall be operated from the date of the development coming into use and shall be maintained throughout the lifetime of the development.
(In the interests of the proper functioning of the highway and the residential amenity of neighbouring properties and in accordance with Core Strategy policy CS14 and saved City of Leicester Local Plan policy PS10).
8. The hotel hereby approved shall only be used as a hotel (Class C1) and none of the rooms shall be occupied by any person or persons for longer than 60 consecutive days in any one calendar year, except in the instance where a room may be occupied by a member of staff employed by the hotel business occupying the site at the time and with their employment requiring primarily on-site duties. (In the interests of the amenity of future occupiers and in accordance with Saved City of Leicester Local Plan Policy PS10).
9. Development shall be carried out in accordance with the following approved plans:

Proposed Site Plan Including Retrospective Works and Wall Detail, 1044-INK-LNR-ALL-Dr-A-01302, revision P03, received 18 November 2024

Proposed Elevations Including Retrospective Works, 1044-INK-LNR-ELEV-DR-A-01303, revision P05, received 18 November 2024

Proposed Floor Plans Including Retrospective Works, 1044-INK-LNR-ALL-Dr-A-01301, revision P03, received 18 November 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 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).

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.

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

- 2006_PS11 Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
- 2014_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
- 2014_CS10 The Council will seek to ensure that Leicester has a thriving and diverse business community that attracts jobs and investment to the City. The policy sets out proposals to achieve this objective.
- 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_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.

