

Leicester  
City Council

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

**DATE: WEDNESDAY, 22 JANUARY 2025**

**TIME: 5:30 pm**

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

**Members of the Committee**

Councillor Surti (Chair)

Councillor Aldred (Vice-Chair)

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

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

For Monitoring Officer

**Officer contact:**

**Jessica Skidmore, Governance Services Officer, email: [jessica.skidmore@leicester.gov.uk](mailto:jessica.skidmore@leicester.gov.uk) / Sharif  
Chowdhury, Senior Governance Services Officer, email: [sharif.chowdhury@leicester.gov.uk](mailto:sharif.chowdhury@leicester.gov.uk)  
e-mail: [jessica.skidmore@leicester.gov.uk](mailto: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

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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**    **Pages 1-8**

Members are asked to confirm that the minutes of the meeting of the Planning and Development Control Committee held on 4 December 2024 are a correct record.

**4. PLANNING APPLICATIONS AND CONTRAVENTIONS**    **Pages 9-12**

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.

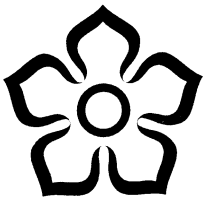
(i) **20241910 - 23 LINDEN DRIVE** **Pages 13-20**

(ii) **20241667 - BROADWAY HOTEL, 263-265  
ABBAY LANE** **Pages 21-26**

(iii) **20241499 - 76 ST PETERS DRIVE** **Pages 27-34**

(iv) **20240668 - 69 AND 71 COPDALE ROAD** **Pages 35-41**

**5. ANY OTHER URGENT BUSINESS**



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# Item 3

Minutes of the Meeting of the  
PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Held: WEDNESDAY, 4 DECEMBER 2024 at 5:30 pm

P R E S E N T :

Councillor Surti (Chair)

Councillor Bajaj  
Councillor Cassidy  
Councillor Chauhan

Councillor Kitterick  
Councillor Mohammed  
Councillor Dr Moore

Councillor Gopal  
Councillor Joel  
Councillor Kennedy-Lount

\* \* \* \* \*

**1. APOLOGIES FOR ABSENCE**

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

Councillor Bajaj and Councillor Chauhan were noted to be in attendance as substitutes for Councillor Aldred and Councillor Singh Patel.

**2. DECLARATIONS OF INTEREST**

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

Councillor Joel declared an interest in Item 2, Clarefield Road, in that the agent was her husband, and noted that she would be withdrawing from the meeting for the duration of the item.

Councillor Kitterick declared an interest in Item 3 – London Road, having previously made representation on the item, and noted that he would withdraw from the meeting for the duration of the item.

**3. MINUTES OF THE PREVIOUS MEETING**

RESOLVED:

That the minutes of the meeting of the Planning and Development Control Committee held 13 November 2024 be confirmed as a correct record.

Councillor Kitterick noted his appreciation for community support for adults or children held in care in residential areas, and further raised concern about the increase in similar applications and the motivations behind applications.

Councillor Kitterick highlighted a point made at the previous meeting in which he requested for Planning Officers to include additional detail in future reports for applications requesting the change in use of residential homes into care homes for adults or children, specifying the number of care homes in the vicinity of the application. The request was seconded by Councillor Moore and approved with Head of Planning, Grant Butterworth.

#### **4. PLANNING APPLICATIONS AND CONTRAVENTIONS**

#### **5. 20231923 - 123 LETCHWORTH ROAD**

##### **20231923 - 123 Letchworth Road**

Ward: Western

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

The Planning Officer presented the report.

Mr Lea Crouch addressed the Committee and spoke in opposition to the application.

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

The Chair summarised the application and the points raised by Members of the Committee and moved that due to Members concerns around the design, the application be refused. This was seconded by Councillor Mohammed and upon being put to the vote, the motion was CARRIED.

##### **RESOLVED: Permission was REFUSED**

The proposed dwelling, by reason of its size, design, and cramped siting would have a detrimental and discordant impact on the streetscene and adjacent non designated local heritage assets. The application is therefore contrary to 2014 Core Strategy policies CS03 and CS18 and chapters 12 and 18 of the 2023 National Planning Policy Framework.

6. **20241665 - 42 CLAREFIELD ROAD**

**20241665 - 42 Clarefield Road**

Ward: Western

Proposal: Change of use from dwellinghouse (Class C3) to Residential care home (Class C2) (max 2 adults in care)

Applicant: Sublime Care Solutions Limited

The Planning Officer presented the report.

Councillor Joel and Councillor Bajaj entered the meeting, apologising for their late attendance. Councillor Bajaj had no interests to declare. Councillor Joel declared an interest in the application due to their relation to the planning agent. The Chair noted that neither Councillor would participate in the item and Councillor Joel withdrew from the meeting.

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, the application be approved. 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 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:  
Floor Plans & Elevations, drawing no DS\_05\_20 P2, received 17/09/2024  
(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).

#### 7. **20241138 - 171-173 LONDON ROAD**

##### **20241138 - 171-173 London Road**



Ward: Castle  
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

Councillor Kitterick withdrew from the meeting.

The Planning Officer presented the report.

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

The Chair summarised the application and the points raised by Members of the Committee and moved that in accordance with the Officers recommendation, the application be approved subject to the conditions set out in the report. This was seconded by Councillor Mohammed 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. 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 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:

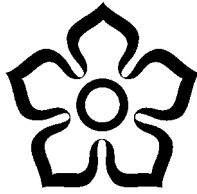
- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
  - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in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

## **8. ANY OTHER URGENT BUSINESS**

There being no other business, the meeting closed at 19:06pm.



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**Wards:  
See individual reports.**

**Planning & Development Control Committee**

**Date: 22 January 2025**

**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](http://www.leicester.gov.uk/planning). Other reasonable arrangements for inspecting application documents can be made on request by e-mailing [planning@leicester.gov.uk](mailto: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](mailto:grant.butterworth@leicester.gov.uk) (0116) 454 5044 (internal 37 5044).

## INDEX APPLICATION ORDER

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# Item 4a

<b>Recommendation: Conditional approval</b>	
<b>20241910</b>	<b>23 Linden Drive</b>
Proposal:	Change of use from dwellinghouse (Class C3) to children's care home (max 3 children) (Class C2)
Applicant:	Cocoon Childcare Limited
View application and responses:	<a href="https://planning.leicester.gov.uk/Planning/Display/20241910">https://planning.leicester.gov.uk/Planning/Display/20241910</a>
Expiry Date:	23 January 2025
SS1	WARD: Evington



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## Summary

- The application is brought to committee due to more than 6 objections having been received;
- The main issues are: the principle of development & character of the area; amenity of neighbouring residents; living conditions for future occupiers and parking;
- Objections from 27 addresses & 2 petitions objecting to the development were received;
- The recommendation is to grant conditional approval.

## The Site

The application relates to a two-storey detached dwellinghouse located in a suburban residential area, surrounded by neighbouring dwellings. The street has a

20mph speed limit with junctions to Evington Lane and Hawthorne Drive. There is primary school to the north of the street.

## Background

There is planning history at this site as follows:

### 19901422

Garage at side of dwellinghouse.

### *Permitted Development*

### 20211511

Demolition of garage and store to side of house; construction of single storey extension to front and rear; two storey extension to side; dormer extensions to front and rear of house (Class C3); alterations (Amended plans received on 27/01/2022).

### *Conditional Approval/Not Implemented*

### 20220933

Construction of single storey extension at front; first floor extension at front and side; two storey extension at front and side; single storey extension at rear; roof and external alterations to house (Class C3) (amended plans received 17/06/2022)

*Refusal on grounds of poor design & harm to neighbouring light, outlook and privacy*

### 20222054

Demolition of existing roof; Construction of replacement roof; single storey extension at front; first storey extension at side; two storey extension at rear; alterations to house (Class C3)

*Refusal on grounds of poor design*

### 20231986

Demolition of garage; alterations and construction of two storey/first floor extension at sides, single storey extension at front, and replacement of and extensions to roof of house (Class C3) (AMENDED PLANS RECEIVED 08/12/2023)

*Conditional Approval/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 home would accommodate a maximum of 3 children (6-18 years).

The house would be laid out with a lounge/dining room, games room, kitchen, staff respite room, meeting room, WC and storage space at ground floor and would have 4 bedrooms and a bathroom at first floor.

The applicant states that the property would house a maximum of three children, with two members of staff on duty at all times, working on a 24-hour shift pattern with shift changes at 10am.

## Policy Considerations

### National Planning Policy Framework 2024

Paragraph 2 (Primacy of development plan)

Paragraph 11 (Sustainable development)

Paragraph 109 (Transport impacts and patterns)

Paragraph 115 (Assessing transport issues)

Paragraph 116 (Unacceptable highways impact)

Paragraph 117 (Highways requirements for development)

Paragraph 135 (Good design and amenity)

Paragraph 198 (Noise and light pollution)

Paragraph 201 (Planning decisions separate from other regimes)

### Local Policies

CLLP 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

2 supportive comments were received on the grounds that this would be a good area for the future residents, sufficient on road parking, this would support vulnerable members of society.

Objections were received from 27 separate addresses, plus comments from 3 further addresses (2 of which effectively conveyed objections). 2 objection petitions were also received, the first of which included 32 signatures and the second of which was the same petition with 6 additional signatures. Cllr Haq also requested the application be considered by committee. Issues raised were:

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

- Development would be out of character to the area/alter the peaceful character of the neighbourhood/be a commercial use;
- Care home at this site may not be appropriate for the residents, more secure accommodation is needed, or in an area with younger population;

### *Neighbouring Residential Amenity*

- Noise/disturbance from comings and goings, and residents;
- Possibility of anti-social behaviour/safety/privacy risks to neighbours;
- Objectors have had reports of anti-social behaviour at other care homes;

### *Parking*

- Concerns regarding safely accommodating additional vehicle and pedestrian movements, noting the bend in the road nearby;
- There is parking congestion at 28 Asquith Boulevard (20220086) which could occur at this property also;

#### *Other Issues*

- Inadequate consultation and community engagement – the period of time given for comments was less than 3 weeks;
- Questions safeguarding measures for the residents & seeks assurance on Ofsted oversight and registration;
- Impacts on property values;
- Questions regarding the background of the applicant & how they will provide a high standard of care;
- Questions of whether the title deeds of the house allow a business to operate;
- There may be further extensions at the property;
- How would the Council/residents monitor the use;
- Precedent would be set for these uses;
- Impacts on Human Rights;
- Development contrary to economic, social and environmental NPPF objectives;
- Development contrary to Core Strategy policies CS06, CS08, CS14, CS15, and CS18;
- If this is granted, an impact assessment must be carried out;
- Previously refused applications at this property; and
- Objector is concerned on impact of the development on their health.

## 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 planning 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 nor would the use be so significant as to have an unacceptable impact upon this suburban locality in terms of general noise and disturbance.

The City Council aims to facilitate the provision of a range of accommodation to meet the special housing needs of all City residents and the Council's Core Strategy Policy CS06 supports the provision of supported housing to meet 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.

Having reviewed planning history for a 400m radius from the applications site, there are 3 previously approved applications recorded for change of use to C2/care home use however all 3 of these are located almost 400m distance from the application site across Wakerley Road. I consider that this lack of proximity means there would be no significant amenity impacts arising from the change of use, and that the proposal would not contribute to any significant/unacceptable over-concentration of this type of use in this area.

#### Neighbouring Residential Amenity

Taken together, NPPF paragraph 135f & 198, and Local Plan policies PS10 and PS11 require amenity to be retained for neighbouring residents from developments.

The proposal is to provide organized care 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, the use is for residential care and therefore is not an inherently noisy use that would be out of character for a residential area, including use of the house and rear garden by the staff and children. 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.

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.

I note that the concerns raised in objections in relation to noise impacts from the site and the proposed use. I note that objectors quote reports of anti-social behaviours at other care homes. 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 for the reasons given above. Risks of anti-social behaviour are not limited to care home use and can be generated by occupants of houses in any residential area. NPPF paragraph 201 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, contributing to providing a home for young residents with specific residential needs, there is no planning reason to refuse the application on the grounds of noise/disturbance/anti-social behaviour which would be dealt with by the police or other environmental control regimes.

#### Living Conditions for Occupiers

Saved Policy PS10 of the Local Plan (2006) applies to the amenity of future as well as existing neighbouring residents. The house has good light and outlook from its window openings and acceptable floorspace and garden space for 3 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 109, 115, and 117 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 cars on the driveway for staff. It is noted that the development would require several staff members on site at all times and it could be expected that other support staff or families may visit the house regularly meaning that there may be some on-street parking required at times. However, the site is close to bus stops on Hawthorne Drive (route 22) and Evington Lane (hospital hopper), therefore staff would be able to 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, 1-2 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 116 and the proposal would not warrant refusal on highways grounds.

### Other Issues

I note issues raised in objections relating to impact on property values, whether the title deeds allow the care home to operate, and impacts on health of objectors. However, planning decisions are determined in accordance with policies in the development plan for Leicester and private/civil matters are not material considerations.

I note issues raised in objections posing questions about the background of the applicant and their ability to run the care home. However, planning decisions run with the land, rather than be tied to any specific applicant. The identity of the applicant is not relevant to a planning application which is only concerned with the merit of the use of land.

I note issues raised in objections relating to other care homes not being run properly and not having Ofsted certification. However, again, the main issue with this application is that the principle of providing small-scale residential care in a residential area is appropriate. It would not be reasonable or enforceable from a planning legislation perspective to police licences of social care homes, or carry out an impact assessment post implementation. As above, NPPF paragraph 201 advises: *'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 such there would not be a valid planning reason to withhold permission on this issue.

Objections that a precedent would be set for these types of uses, and that there have been previously refused applications for extensions at the site are not sustainable as each application is considered on its own merits against the provisions of the development plan.

Objections consider that the proposal would be contrary to the overarching provisions of the NPPF and the Core Strategy. However, I am satisfied that there would be no conflict with these planning policies. CS08 is referred to, which relates to providing neighbourhoods with good local facilities which this proposal would not

affect. It also states that development should be in accordance with CS06, which I consider that this development would be. CS18 refers to the historic environment. I do not consider that the proposal would result in any impacts to the city's historic environment.

An objection refers to this proposal infringing on human rights of the neighbour, including respect of a private life, family life and home, and right to peaceful enjoyment of their property. However this application is for care for young people at the application site and approval of this application would not substantively impact upon human rights of the neighbour.

An objection refers to inadequate time for consultation. Letters were sent to all adjoining neighbours, 3 weeks in advance of the date given for comments, and 8.5 weeks prior to the decision date. The publicity has been carried out in accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015, because notice has been served on adjoining occupiers, and details of the application have been published on the website. As such, appropriate publicity has been carried out and the level of responses received confirm local public awareness of the proposal.

### 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 3 adults in care and I recommend a condition to limit this to 3 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. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, or any order amending or revoking and replacing that Order with or without modification, the premises shall not be used for any purpose other than for a care home within Class C2 of the Order, unless otherwise approved in writing by the local planning authority. (To enable consideration of the amenity, parking and highway safety impacts of alternative Class C2 uses, in accordance with Policies CS03, CS08 and CS14 of the Leicester Core Strategy (2014) and saved Policy PS10 of the Local Plan (2006)).
3. The premises shall not accommodate any more than 3 residents in care at any one time. (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:  
Proposed Floor Plans, ref A260-P102, received 25/10/2024  
(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:

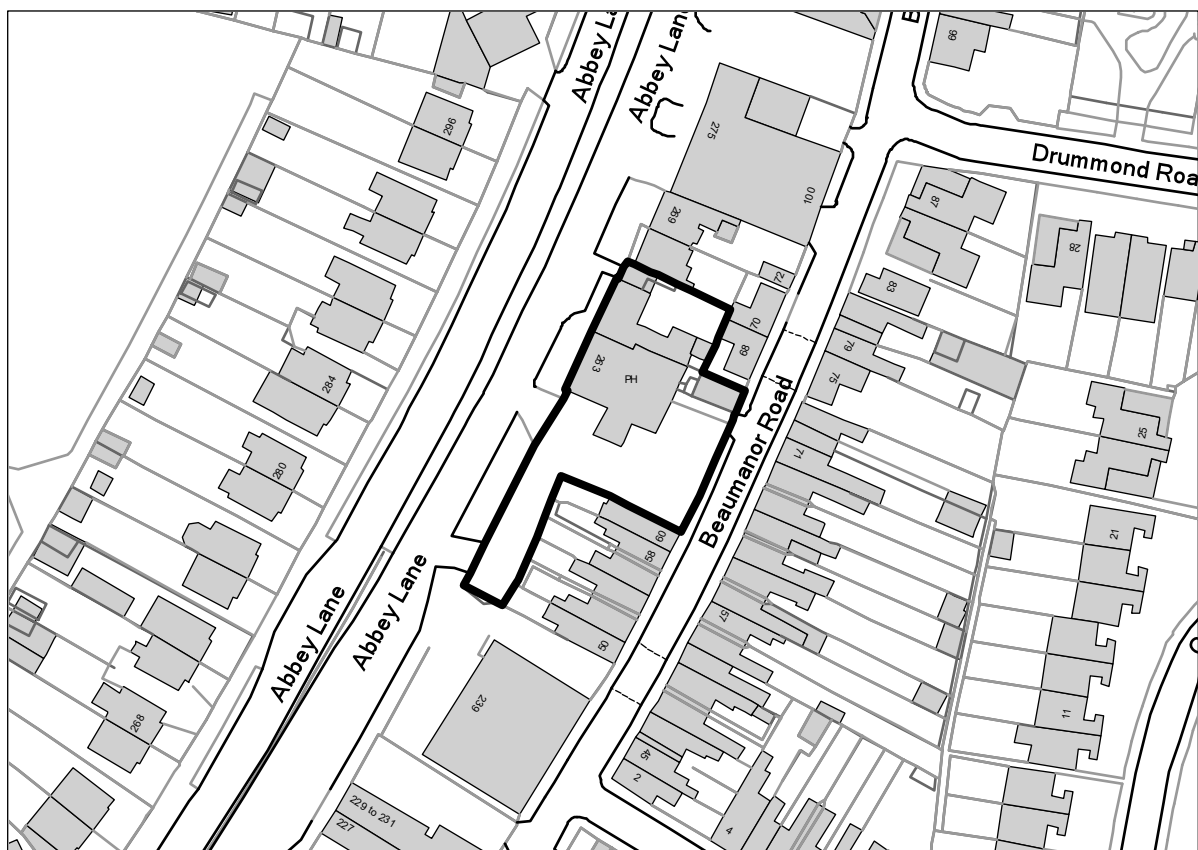
- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in 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 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 2024.



## COMMITTEE REPORT

<b>20241667</b>	<b>Broadway Hotel 263-265 Abbey Lane</b>	
Proposal:	Retrospective application for the construction of timber canopy at rear of bar and restaurant (Class E)	
Applicant:	Mr P Singh	
App type:	Operational development - full application	
Status:	Minor development	
Expiry Date:	24 January 2025	
LKL	TEAM: PE	WARD: Abbey



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### Summary

- Brought to committee as six objections and one comment have been received raising concerns about the proposal;
- Main issues are design and residential amenity;
- The proposal is recommended for conditional approval

## The Site

The application relates to an end-of-terraced bar and restaurant (Class E) located within a primarily residential part of the city. The application site fronts a classified road, Abbey Lane.

The site is within a 250m buffer of GDO landfill, a critical drainage area and flood zone 2. There is a TPO tree at the rear of the site but this would not be affected by the development.

## Background

20121062 - Externally illuminated two fascia/ wall and one projecting signs; non illuminated two projecting; two free standing and two wall signs to public house (Class A4) . Approved in 2012.

20090998 - Retrospective application for smoking shelter to rear of public house (Class A4). Approved in 2009.

19940929 - Change of use of shop/living accommodation Class A1) to form extension to public house (Class A3) with self-contained flat over single storey extensions & alterations to public house . Approved in 1994.

19741086 - Erection of extension to ground floor of public house to enlarge public bar(40m<sup>2</sup>). Approved in 1974.

019036 - Alterations to Broadway public house to improve bar and servery and to form new toilet block. Approved in 1969.

This application is submitted in response to the enforcement investigation regarding an unauthorised covered area.

## The Proposal

The retrospective application is for the construction of an L-shaped timber framed covered area with a single pitched polycarbonate roof. The covered area would infill the space between the main building and the outbuilding/store to the rear of the site. It would join the existing covered area at the rear and accommodate a storage area.

## Policy Considerations

National Planning Policy Framework 2024

Paragraph 2 (Primacy of development plan)

Paragraph 11 (Sustainable development)

Paragraph 39 (Early engagement)

Paragraph 44 (Right information crucial)

Paragraph 115 (Assessing transport issues)

Paragraph 131 (High quality, beautiful and sustainable buildings)

Paragraph 135 (Good design and amenity)

Paragraph 139 (Design decisions)

Paragraph 140 (Clear and accurate plans)  
Paragraph 181 (Flood risk considerations and SuDS)  
Paragraph 182 (Incorporating SuDS)

#### Core Strategy 2014 and Local Plan 2006

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

#### Further Relevant Documents

Residential Amenity SPD 2008

## Consultations

Health & safety – no response

## Representations

Six objections and one comment have been received raising the following concerns:

- Cooking or heating inside the covered area would have fire risks
- The outdoor extension and extended hours would lead to disturbances to the neighbouring residential properties
- Noise due to extended opening hours
- Odour due to the outdoor kitchen
- antisocial behaviour
- loss of light and privacy
- poor design due to the covered area and a large chimney
- building regulations might not be adhered to
- the application is misleading as the shelter is not used as a store
- the hours of opening have been extended due to the use of the covered area

One representation has been received in support of the application.

## Consideration

The construction of a covered area to a bar and restaurant is acceptable in principle subject to considerations regarding impact on residential amenity and design.

#### Character and design

The design of the timber covered area with a polycarbonate roof is not fully in keeping with the host property and the neighbouring properties due to the nature of the materials deployed. However, given the covered area is located to the rear of the site and is screened by the existing side extension when viewed from Abbey Lane, the structure is not prominently visible from the public realm. For this reason, whilst not ideal in design terms, I do not consider the development would have sufficient detrimental impact on the character and appearance of the area as to warrant a refusal.

The design concern from one of the objections relating to the existing chimney is not relevant as this is not part of the application.

#### Impact on residential amenity

The covered area would connect the main building to the existing outbuilding at the bottom of the site and join the existing covered area to the rear adjoining 68 Beaumanor Road. The covered area would not face onto any windows at number 68. Given that the existing covered area is already visible to number 68 and the proposed covered area would not be significantly higher than the existing boundary wall at number 68, I do not consider the development would have a detrimental impact on the residential amenity of number 68 in terms of loss of light, outlook and privacy.

The covered area accommodates a storage area as well as a food preparation area. On my site visit I have found no kitchen units in the covered area and there was no active evidence showing that cooking or heating would take place in the area. I am therefore satisfied that the applicant has provided the right information. Any concerns relating to fire risks would be matters for building regulations/licensing so the planning application cannot be refused due to these concerns.

There are concerns from the representations that the hours of opening have been extended due to the use of the covered area. There is no evidence accompanied indicates that the construction of covered area has led to a change in opening hours. Changes to hours of opening is not proposed as part of this application. As the proposal is a small physical addition to the existing use, I do not consider it appropriate to apply a condition to control the hours of use of the proposal.

There are also concerns regarding noise and odour. I note the application site is in close proximity to residential properties. The construction of timber canopy may intensify the use of the area, however given the purpose of the covered area is for storage and food preparation, I do not consider the covered area would significantly contribute to noise and odour to a degree which could justify refusal of the application.

#### Sustainable drainage

The site is within a critical drainage area and flood zone 2. The application is accompanied by a flood risk assessment which states that floor levels for the proposal will be no lower than existing floor levels. Sustainable drainage measures are also suggested. Given the size and nature of the development, I am satisfied that the suggested drainage measures are sufficient to mitigate flood risk and is acceptable in terms of sustainable drainage.

#### Other matters

There are concerns relating to antisocial behaviour. In the absence of evidence, I do not see how the covered area would encourage antisocial behaviour in the area.

There are concerns that building regulations might not be complied with. This is not a matter of planning concern and should be dealt with under building regulations process which is a process separate to this application.

## Conclusion

The proposal would not result in an unacceptable impact on the appearance and character of the area and would maintain an acceptable relationship with the neighbouring residential properties.

I therefore recommend that this application is APPROVED subject to following condition:

#### CONDITIONS

1. Development shall be carried out in accordance with the following approved plans:  
Location/Site Plan & All Plans & Elevations, 2024/09/190, (pages1,2,3,4, 6,7)  
received 17/09/2024  
(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 2024.

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

- |           |  |
|-----------|--|
| 2006_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.   |
| 2014_CS03 | The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'. |
| 2006_BE20 | Developments that are likely to create flood risk onsite or elsewhere will only be permitted if adequate mitigation measures can be implemented.   |



# Item 4c

## COMMITTEE REPORT

<b>20241499</b>	<b>76 Peters Drive</b>	
Proposal:	Installation of window at front; construction of single storey extension at front and rear; two storey extension at side and rear of house (Class C3); alterations	
Applicant:	Mr E Alli	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	14 November 2024	
DJ	TEAM: PD	WARD: Thurncourt



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### Summary

- The application is brought to committee at the request of Councillor Osman who has queried consistency of assessment of similar householder applications where permission was secured at appeal.
- The main issues are: the visual impact on the character and appearance of the dwelling, on the neighbouring dwelling, the wider block of dwellings and street scene.

- The application is recommended for refusal.

## The Site

The site is a townhouse located on the east side of Peters Drive. The attractive terrace of properties is of a distinctive 'arts and crafts' influenced barn style design with prominent gables which make a significant contribution to the streetscene.

The site is located within a critical drainage area.

## Background

19781986 – Erection of garage at side of dwellinghouse – conditionally approved in 1978.

20240996 – Construction of single storey extension at front and rear; two storey extension at side and rear of house (Class C3) – refused in 2024 for 1 reason:

1. The proposed two storey side extension by reason of its size, massing and design, would have a detrimental visual impact on the application property, the wider block of terraced properties (Nos.72-76 Peters Drive) and the neighbouring property of 78 Peters Drive, as well as the wider street scene of Peters Drive. As such, the proposal would represent a poor design in conflict with policy CS03 of Leicester Core Strategy (2014) and paragraphs 131 and 139 of the National Planning Policy Framework (2023).

## The Proposal

The proposal is a resubmission of the recently refused application above with a minor change to the ridge height, and is for the construction of:

- A single storey extension at the front. The extension will be 3.0m wide, 0.9m deep, 2.9m high to the eaves and 4.4m high to the ridge. The extension will be part of an entrance porch.
- A 2 storey extension at the side and rear with a ridge height reduced by 0.2m from the refused scheme. The extension will be 6.6m wide, 10.5m deep, 5.2m high to the eaves and 8.0m high to the ridge. There will also be a dormer window on the front elevation which will be 1.6m wide, 0.5m deep and 1.6m high to the flat roof. The ground floor of the works will be for an office, W/C, Utility Room and part of a kitchen/Family Lounge, whilst the first floor will be for 2 additional bedrooms one of which will also contain a dresser and en-suite.
- A single storey extension at the rear. The extension will be 3.5m wide, 5.0m deep and 3.5m high to the flat roof. The works will be for part of the proposed kitchen/ Family Lounge.

The proposal also includes alterations to the existing windows on the ground floor of the front elevation.



## Policy Considerations

### National Planning Policy Framework (NPPF) 2024

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

Paragraph 11 (Presumption in favour of Sustainable Development)

Paragraphs 40 and 41 (Pre-applications)

Paragraph 44 (Sufficient information for good decision making)

Paragraph 57 (Six tests for planning conditions)

Paragraphs 135 and 139 (Good design and ensuring high standard of amenity)

Paragraph 181 (Flooding and Drainage)

### Development Plan Policies

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

### Other legal or policy context

Residential Amenity SPD (2008)

Leicester Street Design Guide (2020)

## Consultations

No consultation responses have been received.

## Representations

No public representations have been received.

## Consideration

### Principle of development

Being a residential area, the proposal is acceptable in principle provided it does not have a detrimental impact on the amenity of neighbouring properties nor have a detrimental impact on the character and appearance of the streetscene and neighbouring area.

### Design

The site is one of three joined townhouses with both of the end units having a barn style roof. The dwellings are highly symmetrical which with their distinctive gabled design and hipped roofs with tile hung and brick detailing giving positive visual impact on the street scene which is a significant factor in the assessment of this application.

The proposal is made up of three elements (which are integrated with each other), the single storey front extension, the two storey side and rear extension and the single storey rear extension.

With regards to the single storey front extension, whilst the porch would be visible from the street scene, it is considered that, due to its size and roof design, the

porch is visually sympathetic to that of the existing dwelling and would not cause any substantial visual harm to the site or wider street scene.

The single storey extension to the rear would replace an existing conservatory and whilst there would be an increase in depth, the extension would not be visible from the street scene and would appear as a clearly subordinate addition to the host property.

However, the proposed two storey extension to the side and rear is a substantial increase to the cubic volume of the host property and is only 0.5m lower than the ridge of the main dwelling.

The proposed side extension is a substantial increase of the built form facing onto Peters Drive's street scene creating a much larger frontage and failing to be a subordinate addition to the host property.

This along with the changes to the windows of the front elevation, result in a discordant and jarring design, out of keeping with the original property, intrusive in the streetscene and which will not be symmetrical to its counterpart at No.72 Peters Drive.

It is also noted that due to the height and distance to the boundary, the proposal will likely be higher than the ridge of No.78 Peters Drive causing the extension to dominate over the neighbouring property.

Whilst not within the immediate vicinity of the proposed site, there are similar style dwellings elsewhere on Peters Drive. Of these, three have received planning permission for side extensions at Nos. 9, 13 & 65.

No.9 received planning permission (Ref.028055) for a flat roofed first floor extension above their existing garage in 1973.

No.13 was approved in 2011 (application ref: 20111189) This extension is located on the same block of dwellings as No.9 and was sensitively designed with a barn style roof.

No.65 was approved in 2014 (application ref: 20142047) and has a hipped roof design to align with the host property in a sensitive manner.

Nos. 9 and 13 were both approved under previous national guidance which predated the 2012 NPPF, whilst No.65 was approved under the first version of the NPPF which had a substantially lower emphasis on good quality design.

Application 20240996 at No.76 Peters Drive was the previous submission and is broadly similar to the current application with the main difference being the ridge height was 0.2m higher than the current proposal. During the assessment of application 20240996, the LPA requested a design amendment to the planning agent (which is similar to that approved at No.65 Peters Drive) which was considered to be more sensitive and in keeping with the host/adjacent properties,

and street scene and which would still provide a similar amount of additional accommodation to the original proposal.

Unfortunately the applicant resisted the suggested amendment to the application which was therefore refused, and neither has the suggested amendment been incorporated within the current application.

The primary difference between the current application at the previously refused application being a 0.2m reduction of the ridge height, so I remain of the view that the design as recently refused remains unacceptable. I consider that the proposed works continue to fail to be a subordinate addition to the host property, and represent inappropriate design which will unbalance the block of properties and will have a discordant visual impact on Peters Drive. The works are therefore contrary to Policy CS03 of the adopted Core Strategy.

#### Residential amenity (*neighbouring properties*)

Due to the location of the site, the primary properties with the potential of being impacted are, Nos. 74 & 78 Peters Drive, and No.79 Barbara Avenue.

The proposed rear elevation is located circa 26m from the rear elevation of 79 Barbara Avenue. It is therefore considered there would be no substantial loss of light, privacy or outlook to this property.

With regards to No.74, the proposed single storey extension would only marginally increase beyond the existing conservatory and is shown not to breach the properties 45 degree line from the rear conservatory. It is therefore considered there would be no substantial loss of outlook, light or privacy to No.74.

At No.78, there are side facing windows overlooking the site, however these are all obscure glazed meaning there will be no loss of outlook to the property, nor are the 45 degree lines being breached by the proposed 2 storey side extension. It is therefore considered that there would be no loss of outlook, privacy or light to No.74.

With regards to the noise levels on the site, the property is a residential unit within a residential area. It is therefore considered the noise levels would not substantially increase.

#### Drainage

The site is located within a critical drainage area. However, I consider the proposal would not have adverse impact in terms of increased surface water run-off. I conclude that the proposal would not conflict with Policy CS02 of the Core Strategy (2014) and is acceptable in terms of sustainable drainage.

#### Other Matters

As part of the request for the application to be determined via committee decision, Councillor Osman stated that the officer delegated decision was inappropriate in

the context of 4 householder appeals allowed within the last 6 months as reported to your meeting on 18<sup>th</sup> November 2024 (Appeals Report: April to October 2024).

Cllr Osman fails to acknowledge the 12 dismissed appeals in respect of householder applications referred to in the report where officer delegated decisions were upheld by the Planning Inspectorate.

As planning applications fall to be determined on their own merits, seeking to justify application decisions based on other cases as suggested by Cllr Osman would not be appropriate, and in any event the 4 decisions which were allowed pertain to householder extensions which are not considered to be comparable to the circumstances of the current application as set out below:

- 40 Park Rise – Construction of dormer extension at front; & single storey extensions at side and rear of house (Class C3)(Planning permission granted on appeal-23/8/24) – There is no similarity in design considerations between this and the application at 76 Peters Drive,
- 16 The Wayne Way – Construction of two storey extension at front; single and two storey extension at rear of house (Class C3) (Planning permission granted on appeal - 12 August 2024) – There is no similarity in design considerations between this and the application at 76 Peters Drive,
- 1 Hutton Place – Construction of single storey extension at rear of house (Class C3) (Planning permission granted on appeal - 11/06/2024) – There is no similarity in design considerations between this and the application at 76 Peters Drive,
- 593 Welford Road – Certificate of lawful proposed development for construction of hip to gable extension; two rooflights at front; dormer at rear of house (Class C3) (Certificate of lawful proposed development granted on appeal - 17 June 2024) – Certificate of Lawfulness application

As applications need to be determined on their own merits and none of the allowed appeals are considered to be comparable to the current planning application, it is considered that they hold no substantive weight to be considered in respect of the current proposal.

## Conclusion

Overall, the proposal has been considered from the perspectives of the principle, the design, the neighbouring amenity and drainage.

Whilst with regards to the principle, the neighbouring amenity and drainage, the works have been deemed acceptable. The proposal has been deemed unacceptable with regards to the visual harm identified.

I recommend REFUSAL for the following reasons:

## REASONS FOR REFUSAL

1. The proposed two storey side extension by reason of its size, massing and design, would have a detrimental visual impact on the application property, the block of three properties (Nos.72-76 Peters Drive) and the neighbouring property of 78 Peters Drive, as well as a discordant impact the wider street scene of Peters Drive. As such, the proposal would represent a poor design in conflict with policy CS03 of Leicester Core Strategy (2014) and paragraphs 135 and 139 of the National Planning Policy Framework (2024).

## NOTES FOR APPLICANT

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

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

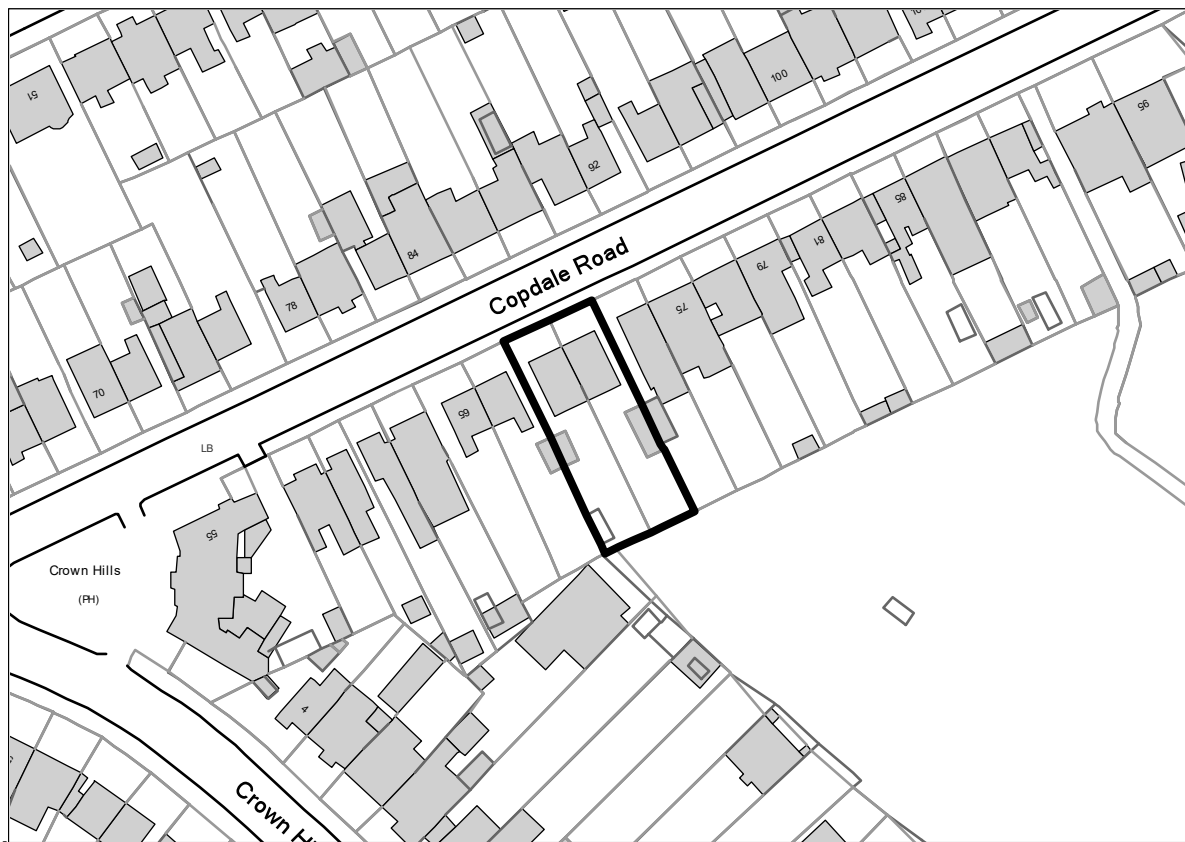
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| 2006_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.   |
| 2014_CS02 | Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.  |
| 2014_CS03 | The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'. |



# Item 4d

## COMMITTEE REPORT

<b>20240668</b>	<b>69 and 71 Copdale Road</b>	
Proposal:	Construction of detached single storey outbuilding at rear of houses (Class C3) (subject to s106 agreement)	
Applicant:	Mr Pratik & Pravinlal Patel	
App type:	Operational development - full application	
Status:	Householder development	
Expiry Date:	24 July 2024	
CY1	TEAM: PD	WARD: North Evington



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### Summary

This application has been brought to committee as one of the applicants works for Leicester City Council.

No objections or supporting comments have been received.

The main concerns are design and amenity.

The application is recommended for approval subject to a s106 agreement.

## The Site

The application relates to a pair of semi-detached dwellings in a residential area. There is a tree at number 67 Copdale Road which is close to the proposed development. Spanning some of the site, namely 71 Copdale Road, are areas with a low risk of surface water flooding.

## Background

There have been two planning applications on each site in recent years.

The first was for two annexes to the rear of two properties which would have been connected on the boundary. These were refused for the following reasons:

20221935 – 69 Copdale Road:

1. The proposed annexe, by reason of its siting, scale, design, and separate access, would dominate the rear of the site and appear disproportionate to the original dwelling. The annexe would fail to read as ancillary to the main house and instead resemble a self-contained unit and back land development. The proposal would be contrary to saved policy PS10 of the City of Leicester Local Plan, Core strategy Policies CS03, and CS08, and Chapter 12 of the National Planning Policy Framework (2021).
2. In the absence of sufficient information, the applicant has failed to demonstrate that the tree at number 67 Copdale Road would not be harmed by the nature of the development. The proposal would fail to comply with saved policy UD06 of the Local Plan and paragraph 131 of the National Planning Policy Framework (2021).
3. The plans and documents submitted by the applicant is conflicting, ambiguous, and insufficient with regards to discrepancies between: • the intended use of the building; • the existing boundary treatment on plans versus the existing situation on site; and • the site plan outline shown on plans and intended location of the development. The proposal is therefore contrary to National Planning Policy Framework (2021) paragraphs 43 and 44
4. The proposed annexe, by reason of its siting, scale and design would adversely affect the residential amenity of the occupiers of 67 and 71 Copdale Road in respect of overbearing. The proposal would be contrary to saved policy PS10 of the City of Leicester Local Plan paragraph 130 of the National Planning Policy Framework (2021).



20221936 – 71 Copdale Road:

1. The proposed annexe, by reason of its siting, scale, design, and separate access from the host property, would dominate the rear of the site and appear disproportionate to the original dwelling. The annexe would fail to read as ancillary to the main house and instead resemble a self-contained unit and back land development. The proposal would be contrary to saved policy PS10 of the City of Leicester Local Plan, Core strategy Policies CS03, and CS08, and Chapter 12 of the National Planning Policy Framework (2021).

2. The proposed annexe, by reason of its siting, scale and design would significantly reduce the usability of the rear amenity space, and provide poor outlook for the users of the proposed study. The proposal would be contrary to saved policy PS10 of the City of Leicester Local Plan paragraph 130 of the National Planning Policy Framework (2021).

3. The plans and documents submitted by the applicant is conflicting, ambiguous, and insufficient with regards to discrepancies between:

- the intended use of the building;
- the existing boundary treatment on plans versus the existing situation on site; and
- the site plan outline shown on plans and intended location of the development.

The proposal is therefore contrary to National Planning Policy Framework (2021) paragraphs 43 and 44.

4. The proposed annexe, by reason of its siting, scale and design would adversely affect the residential amenity of the occupiers of 69 and 73 Copdale Road in respect of overbearing. The proposal would be contrary to saved policy PS10 of the City of Leicester Local Plan paragraph 130 of the National Planning Policy Framework (2021).

The second applications (20231125 – 69 Copdale Road and 20231126 – 71 Copdale Road) were for detached outbuildings to the rear to be used for gym/ storage. Unlike the previous application these outbuildings were not connected and would not be used for accommodation. These were approved but with a condition stating that they could not be used for residential accommodation.

## The Proposal

The application is for the construction of one outbuilding to the rear of the two properties to be used as separate gym/ stores for the applicants. The outbuilding would be similar sizes to the previous approved outbuildings with the exception that they would have slightly deeper widths in order to connect together.

The outbuilding would measure w14.5m x d7m with a height to eaves of 2.5m and height to pitch of 4m.

## Policy Considerations

### National Planning Policy Framework (NPPF) 2024

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

Paragraph 11 (Presumption in favour of Sustainable Development)

Paragraphs 40 and 41 (Pre-applications)

Paragraphs 44 (Sufficient information for good decision making)

Paragraph 57 (Six tests for planning conditions)

Paragraph 117 (Highways requirements for development)

Paragraph 135 (Good design and amenity)

Paragraph 136 (Trees)

Paragraph 139 (Design decisions)

Paragraph 140 (Clear and accurate plans)

Paragraph 181 (Flood risk considerations and SuDS)

### Development Plan Policies

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

### Supplementary Planning Documents (SPD)

Residential Amenity SPD (2008)

## Representations

None received

## Consideration

### Character & Design

The outbuilding would be subservient in scale to the existing houses and respect the pairs overall form and detailing. A condition is recommended for materials to match the existing property.

I conclude that the proposal would comply with policy CS03 of the Core Strategy (2014), saved policy PS10 of the Local Plan (2006), NPPF chapter 12 and is acceptable in terms of the character and appearance of the area.

### Residential Amenity (Neighbours)

As considered by the previous approved applications, the development would not result in any overbearing, overlooking, or overshadowing that would be detrimental to any neighbouring properties providing both parts are built out.

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

#### Residential Amenity / Living Conditions (Application Site)

All existing principal rooms would have adequate outlook and natural lighting. The garden spaces would still of a usable and ample size for existing and future occupants. A condition however is advised to ensure that each outbuilding, separately or together, shall not be used as living accommodation and shall not be used independently of the main houses.

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), paragraph 135 of the NPPF, and is acceptable in terms of living conditions for the existing and proposed occupiers.

#### Drainage/Flooding/Climate Change

The site is within an area with a low risk of surface water flooding but not within any flood zones nor critical drainage areas. As such, I consider that a requirement for a scheme of sustainable drainage would be onerous and that the impact of the proposal in terms in terms of increased surface water run-off is unlikely to be significant.

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

#### Trees/Landscaping

The building is proposed to be within the root protection area of the tree at 67 Copdale Road. An arboricultural implication study was submitted with the scheme. I recommend a condition is attached for the development to be carried out in accordance with the recommendations set out within this survey.

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:

I am mindful that should only one outbuilding be built this could have a significant impact on the other neighbour due to its proximity to the boundary. Additionally, this would result in a development that would not be in accordance with the approved plans or proposal. In order to ensure that the development remains lawful and would not have a harmful impact on the occupants of either 69 Copdale Road or 71 Copdale Road, I recommend that a legal agreement is secured between the two applicants and the Local Planning Authority. Such agreement has been drafted and I recommend that a decision is not issued until signed by all parties.

## Conclusion

I therefore recommend APPROVAL subject to the following conditions and a SECTION 106 AGREEMENT to ensure that both outbuildings are constructed simultaneously:

### 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 outbuildings shall not be used as living accommodation and shall not be used independently of their respective main houses. (In the interests of residential amenity in accordance with Policy PS10 of the City of Leicester Local Plan.)
3. The new walls and roof shall be constructed in materials to match those on the existing houses. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03.)
4. The works shall be carried out in accordance with the Arboricultural Implication Study received on 9th April 2024 by the City Council as a Local Planning Authority. (In the interests of the health and amenity value of the trees and in accordance with saved Policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS17.)
5. Development shall be carried out in accordance with the following approved plans:  
PL69-71 A203, Proposed Site Plan, Revision A, Received 9 April 2024  
PL69-71 A202, Elevations - Proposed, Revision A, Received 9 April 2024  
PL69-71 A201, Roof Plan - Proposed, Revision A, Received 9 April 2024

## NOTES FOR APPLICANT

1. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.  
Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption/transitional arrangement is considered to apply:  
Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

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

- |           |  |
|-----------|--|
| 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'. |

