Leicester
City Council

MEETING OF THE PLANNING AND DEVELOPMENT CONTROL COMMITTEE

DATE: WEDNESDAY, 22 APRIL 2015
TIME: 5:30 pm
PLACE: COMMITTEE ROOMS 1 AND 2, CITY HALL
115 CHARLES STREET, LEICESTER, LE1 1FZ

Members of the Committee

Councillor Kitterick (Chair)
Councillor Shelton (Vice-Chair)

Councillors Dr Barton, Dr Chowdhury, Fonseca, Joshi, Dr Moore, Potter and Unsworth.

Two Labour Group vacancies.

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

for The Monitoring Officer

Officer contact: Julie Harget/Jason Tyler
Democratic Support,
Leicester City Council
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Further information

If you have any queries about any of the above or the business to be discussed, please contact Julie Harget, **Democratic Support on (0116) 454 6357** or Jason Tyler**, Democratic Support on (0116) 454 6359 or email Julie.Harget@leicester.gov.uk** or **Jason.Tyler@leicester.gov.uk** or call in at the City Hall.

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PUBLIC SESSION

AGENDA

NOTE:

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1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

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

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

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

3. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting of the Planning and Development Control Committee held 1 April 2015 have been circulated and Members are asked to confirm them as a correct record.

4. PLANNING APPLICATIONS AND CONTRAVENTIONS **Appendix A**

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

(i) 20132033 7 NUGENT STREET A1

(ii) 20141811 GREENHITHE ROAD, RIVERSIDE DYEWORKS A2

(iii) 20150167 42 VICARAGE LANE, BELGRAVE A3

(iv) 20150361 95 AND 173 AVENUE RD EXTENSION, BAITUL IKRAM MOSQUE A4

(v) 20150609 19 LANCASTER PLACE A5

(vi) 20150610 21 LANCASTER PLACE A6

(vii) 20150611 23 LANCASTER PLACE A7

(viii) 20150612 25 LANCASTER PLACE A8

(ix) 20148019A 34A ROWSLEY STREET A9

(x) 20148028A 10 BEECHCROFT ROAD A10

5. ADDENDUM REPORT

6. ANY OTHER URGENT BUSINESS

Leicester City Council

Wards:
See individual reports.

Planning & Development Control Committee Date: 22nd April 2015

REPORTS ON APPLICATIONS, CONTRAVENTIONS AND APPEALS

Report of the Director, Planning, Transportation & Economic Development

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 the provision of 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. These include supplementary planning documents, site-specific development briefs produced by the City Council, and relevant national policy. Individual reports refer to the policies relevant to the recommendation.

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 2011 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 in 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.

4 Equalities and personal circumstances

4.1 Planning application decisions are monitored by the ethnicity of the applicant. It is established policy not to identify individual applicants by ethnic origin, as this would be against assurances of confidentiality. I am also unable to give numbers of applications in each group as in some cases these are so small that individual applicants could be identified. The results of this monitoring are included in one of the quarterly monitoring reports about performance of the service.

4.2 The City Council must also assess impact in race equality terms before approving major developments and must show that they have properly applied the principles of section 71 of the Race Relations Act whenever taking a significant planning decision. Section 71 of the Act requires that “due regard” be given to risks of unlawful discrimination and the need to promote equality of opportunity and good race relations between persons of different racial groups when public authorities exercise their functions.

4.3 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.

The protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

4.4 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.

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 dealing with those impacts, such as increased demand for school places, 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 Regulations 2010. Recommendations to secure planning obligations are included in relevant individual reports.

7.2 Planning obligations cannot make an otherwise unacceptable planning application acceptable.

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 the material consideration in the determination of planning applications and enforcement issues. Article 8 requires respect for pride in the 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.

9 Background Papers

Copies of individual planning applications are available for inspection in the Customer Service Centre, New Walk Centre, on screen at relevant local customer service centres and on line at www.leicester.gov.uk/planning. Comments and representations on individual applications are kept on application files, which can be inspected by contacting the Planning Service on extension 37 3000 or 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

Steve Brown. Group Manager (Development Management), (0116) 454 3023 (internal 37 3023).

INDEX
APPLICATION ORDER

Page Main	Page Supp	Application Number	Address	Ward
	6	20132033	7 NUGENT STREET	FS
	18	20141811	GREENHITHE ROAD, RIVERSIDE DYEWORKS	FM
	27	20150167	42 VICARAGE LANE BELGRAVE	BE
	31	20150361	95 & 173 AVENUE ROAD EXTENSION, BAITUL IKRAM MOSQUE	CA
	36	20150609	19 LANCASTER PLACE	CA
	41	20150610	21 LANCASTER PLACE	CA
	42	20150611	23 LANCASTER PLACE	CA
	43	20150612	25 LANCASTER PLACE	CA
	44	20148019A	34A ROWSLEY STREET	ST
	46	20148028A	10 BEECHCROFT ROAD	KN

Recommendation: Conditional approval	
20132033	**7 NUGENT STREET**
Proposal:	DEMOLITION OF EXISTING FACTORY BUILDING AND REDEVELOPMENT WITH A TERRACE OF NINE HOUSES (9 X 3 BED) (AMENDED)
Applicant:	MR IQBAL GAFFAR
App type:	Operational development - full application
Status:	Minor development
Expiry Date:	5 December 2014
DW1	WARD: Fosse

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Summary

- Cllr Cassidy has requested a committee decision because of concerns about parking in the area.
- Site occupied by an unused factory, surround by residential.
- Previous refusals of applications for residential development on the site in 2007 for reasons relating to parking and living conditions.
- Main objections are on the grounds of lack of parking and effect on living conditions.

Introduction

The application relates to a vacant single storey early 20th century red brick factory on the north side of Nugent Street. It has no parking facilities. The surrounding area has a predominantly residential character comprising streets of late Victorian terraced houses interspersed by some factories many of which have been converted or the sites redeveloped.

The site is within flood zone 2 and is within 20m of a main river bank top as the Braunstone Brook runs under the existing houses on Nugent Street and Paget Road. It is within a critical drainage area and a hot spot with regard to surface water flooding.

The building extends back into the site and the majority is set back about 3m from the rear boundaries to gardens of houses on Paget Road to the north, and has a series of north light roofs. A flat roofed section of the building at the west end of the site extends up to the rear boundary. The building has no particular architectural merit.

To the east is a former factory that has been converted to four flats and may previously have been part of No 7. To the west is a row of two storey terraced houses built on the site of the Taylor Bloxham factory following approval of an application (ref 20060721) by Planning & Development Control Committee in July 2007.

On the opposite side of Nugent Street is Fiveways House an old textile factory. An appeal to convert it to 252 student flats plus 3 visitor units was allowed in March 2009. Works to convert the building commenced but have subsequently stalled. It is accepted that the development has lawfully started and could now be completed at any point in the future.

Background

The lawful use of the building appears to be industrial (Class B2) and the planning history suggests that it has been used previously as a dye house.

Application ref 20071862 for outline planning permission for nine two storey terraced houses all 2 bed was refused in November 2007 for reasons relating to:

- the absence of adequate off road parking spaces which would be detrimental to traffic management, road safety and pedestrian safety in the locality;
- the fact that the proposal lacked satisfactory details to demonstrate that minimum separation distances between facing windows of the proposed houses and those to the rear on Paget Road could be met, resulting in overlooking and a loss of privacy.

Application ref 20070615 also for outline planning permission for nine terraced houses was refused in May 2007 for the same reasons.

The Proposal

As amended it is for a terrace of 9 three bed houses. All would be two storeys with a bedroom in the roofspace served by rooflights. Each house would have a rear garden with shared entries from Nugent Street between each pair of houses.No off-street parking is included.

As first submitted the proposal was for a two storey building with a three storey central section served by dormers to provide 26 one bed self-contained flats.

The scheme was then amended to a terrace of 10 three bed house before a further amendment reduced the number to nine.

Supporting documents: flood risk assessment, highways report, Lifetime Homes Compliance developer's checklist, energy statement, viability appraisal, design and access statement.

A parking survey has also been submitted with the most recent amendment to the proposals.

Policy Considerations

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

National Planning Policy Framework (2012)

has a presumption in favour of sustainable development which for decision-taking means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted

Supplementary Planning Documents/Guidance

Vehicle Parking Standards SPG (2006). The site is in Zone 3 for the purposes of the SPG. The maximum parking standard for three bedroom houses is two spaces per house.

Residential Amenity SPD (2008)

Consultations

Local Highway Authority: advise that when consultations on residents parking in the area were undertaken, there was a 'no' vote. Some changes to Traffic Regulation Orders in the area have been made to prevent parking around junctions. It is estimated that there would be seven car parking spaces available on-street meaning a shortfall of 19 for the development (as originally submitted).

Following the receipt of amended plans and a parking survey the highway authority comment that the maximum standard requires two car parking spaces for a dwelling with 2 or more bedrooms. Average car ownership for a house in Fosse Ward is 1.2 cars per house, which will be adjusted for the 2011 census. This would give a forecast demand of 11 car parking spaces for the proposed 9 houses. The parking survey shows that there is some surplus roadside parking space outside and opposite the site but the existing residential frontages towards Fosse Road are more heavily parked. The frontage of the site is unlikely to support a full parking demand for the development; however there is further roadside parking opposite. On completion of the Fiveways development opposite, the parking demand in the area may increase.

The responses below are based on the proposal as first submitted

Play & Youth Development: request a contribution of £22,247 which would be used to improve existing open space in the area, as the Fosse ward has deficiencies in local open space provision meaning the open space requirements of the development's future occupiers could not be met from existing provision.

Environment Agency: object in the absence of any evidence to demonstrate that the flood risk sequential test has been applied and on the grounds that the Flood Risk Assessment (FRA) does not take into account the best available information in the area and needs to be updated with the Leicester Strategic FRA to help inform finished floor levels and any additional flood risk mitigation that would have to be in place.

Environment Team: no objection subject to a condition requiring further details and implementation of the proposed solar voltaic installation.

Noise Team: no objections.

Housing Development: request the provision of 20% affordable housing on the site in accordance with CS policy 07 which equates to 5 units.

Pollution Control: recommend a condition to relating to contaminated land is included should permission be granted.

Representations

Nearby occupiers were notified about the application as originally submitted for 26 flats and the subsequent amendment to 10 houses.

Application as originally submitted

Three objections on the following grounds:

- Loss of privacy and light to houses to the rear.
- Overshadowing of houses to the rear.
- Noise and disturbance from communal courtyard/amenity space would affect houses to the rear. It would be better used for car parking.

- Lack of parking, particularly in view of the conversions of the old factory opposite.
- The area is already overcrowded with people with more than one car. Parking is already a problem in the area as commuters park there because there is not a resident's parking scheme. Existing problems and traffic flows on Tudor Road will be worsened.
- Developer of the nearby scheme built in 2008 actively promoted a scheme to encourage residents of it not to have car, giving occupiers a free one year bus pass or bike, but the majority of the houses still have one car per household.
- Lack of demand for one bed flats in the area.
- Design of the front elevation is positive as it reflects adjacent houses.

Amendment to ten houses

One objection on the following grounds:
- Loss of privacy.
- A lot of the houses to the rear have no fencing in place which means they would be open to Nugent Street during construction and open to burglaries and vandalism;
- General noise and inconvenience during construction.
- What type of housing is proposed and who would it be offered to?

Consideration

The main issues are:
- The effect of the development on the character and appearance of the area;
- The effect of the development on the living conditions of nearby occupiers;
- the effect on living conditions of neighbouring occupiers and highway safety resulting from any potential increase in demand for on-street parking;
- Whether the development would be at risk from flooding or result in increased flooding elsewhere.

Character and appearance

The height and scale of the proposed terrace of houses would reflect those of the recent houses immediately to the west and the surrounding area generally. They would be built to the back edge of the footway, have a continuous ridge and eaves line; each would have a front door with shared rear accesses between each pair of houses all of which is typical of the area.

The front elevations would have corbelling to the brickwork for the eaves, string course detailing and chimneys which would add some visual interest. Provided suitable external materials are used, which can be secured by condition, I consider the proposal would reflect the Victorian terrace housing that characterises the area

and be appropriate within the streetscene. It is therefore acceptable in terms of CS policy 3.

The proposal would not result in any harm to the setting of the listed building opposite (Fiveways Houses) and as such is acceptable in terms of CS policy 18.

Living conditions – nearby occupiers

This was one of the reasons for refusal of the two applications in 2007. The rear elevation to the ground floor section of the proposed houses would extend very slightly further back than the rear wall of the recent houses to the west. The rear elevation of the first floor section would extend back slightly further but less than the ground floor. This would give a back-to-back distance of about 18m between the rear elevations of the proposed houses and those on Paget Street; and about 12m between the rear elevation of the proposed houses and the rear of the outriggers to the Paget Street houses which usually have windows to bathrooms, but in some cases may contain windows to bedrooms.

These are typical of the separation distances between rears of existing houses on streets which run parallel with each other such as Vaughan Street and Tewkesbury Street. This was accepted by Committee in respect of the adjacent site subject to a condition requiring first floor windows in the rear to be fitted with obscure glazing. I consider with such a condition the proposal would not result in a material loss of privacy to nearby occupiers on Paget Street. Rooflights in the rear roofslope would serve ensuites and wardrobes. Their height would be such that the people would not be able to look down out of them.

On balance, whilst occupiers of the houses to the rear of the site would have a perceived reduction in privacy and increase in overlooking compared with the existing relationship as the factory is only single storey, I consider the proposal to be acceptable in this respect and in accordance with policy PS10 of the Local Plan.

With regard to overshadowing, I do not consider there would be any significant overshadowing of nearby houses or their gardens and any that there may be would be similar to what was accepted for the adjacent site.

The proposal would result in the removal of a building that could, at any time, be used for industrial purposes without any restrictions, which I consider would be a benefit for nearby occupiers.

Living conditions – future occupiers of the development.

The proposal would provide a satisfactory living environment for future occupiers in terms of outlook, privacy and room sizes. Each house would have a rear garden area of about 33m^2. The area is well below the 100m^2 recommended in the Residential Amenity SPD but typical of the existing area. Although appeals where amenity areas have been smaller than the SPD standard have been dismissed for that reason, I consider that as the proposal is for terraced housing that reflects the character of the area in terms of its scale and appearance, this is on balance acceptable in terms of policy PS10 of the Local Plan and CS policy 03.

It is likely that the development could be built to Lifetime Home Standards as required where feasible by CS policy 6. A condition is recommended to secure this.

Highways and parking

I consider the proposal is finely balanced in terms of this issue. There is no parking attached to the existing building and any servicing of it including by goods vehicles would have to be from the street. Based on its floor space the maximum parking standard required by the Vehicle Parking SPG would be 9 car parking spaces.

For 9 houses as proposed the maximum standards in the Vehicle Parking SPG requires 18 car parking spaces to be provided. The Residential Car Parking Research document published in 2011 document sets out guidance to developers and others on the demand for car parking space on residential developments in the city, but is not adopted planning guidance. It is based on the 2001 census information and suggests that for 3 bedroom houses in Fosse ward the average cars per household in 2026 would be 1.2 for owner occupied houses and 0.8 for rented houses. This suggests 11 parking spaces are required. In either case as no off-road parking is proposed residents of the development with cars would need to park on street.

Policy AM12 of the local plan suggests reduction below maximum standard may be appropriate in an area immediately adjacent to the area previously identified as the Central Commercial Zone that is accessible by means other than the private car. A range of shops and facilities are available close by on Fosse Road and the city centre is within walking distance for many people so the development could be attractive to those who did not wish to own a car. As such I consider it reasonable to assume that the proposed development is likely to demand 11-14 car parking spaces on street.

Highway safety and parking was one of the main issues considered by the Inspector at the appeal relating to Fiveways House. The council withdrew one of its reasons for refusal relating to this following a commitment in a planning obligation to allow only 35 residents to use a car within the vicinity of the site which could increase to 47 residents should a car park on Vernon Street become available. The Inspector considered this demand could be adequately accommodated within the available capacity on the roads around Fiveways House. He also referred to there being limited residential accommodation opposite the site on the Vernon Street and Nugent Street frontages meaning additional on-street parking should not cause an undue conflict for spaces with those living nearby.

Such an obligation is not proposed in this case but in my opinion their effectiveness is questionable and enforcement difficult. Furthermore it is more likely that general residential occupiers would have access to a car or need to use one than student occupiers. It is unfortunate that the Fiveways House scheme has not been completed because if it had, the impacts on parking in the area would have been clearer. However, as the development has started the on-street parking capacity it would take up has to be accounted for.

A parking survey has been submitted but this overestimates the on street parking capacity on Nugent Street. It does however show how many vehicles are parked along it throughout the day from 7.00am to 7.00pm.

I consider that the parking survey submitted in support of the Fiveways House development is still valid as although it is dated, parking conditions in the area are unlikely to have changed significantly. This covers a number of streets – Tudor and Paget Road, Nugent, Vernon, Borface, Hoby and Tyrell Street. It suggests that when the 35 spaces for Fiveways House are taken into account there would still be 57 car parking spaces available in the morning peak, 73 at the lunchtime peak and 84 in the evening within these streets.

This suggests the parking demand for the development can be met from existing on-street capacity with the Fiveways scheme taken into account. Policy AM12 also allows for reductions in parking where there is a surplus of existing parking provision and indicates on-street parking may be acceptable.

As people are more likely to want to park close to where they live it is likely that there would be more competition for available spaces on Nugent Street assuming the proposed development is built and the Fiveways scheme implemented. This may mean that residents both existing and future have to use the surrounding streets to find a place to park, but I do not consider access, amenity and safety would be compromised.

I consider that on balance the proposal is acceptable in terms of policy AM12 of the Local Plan. A condition is recommend requiring the provision of travel packs to future occupiers to encourage sustainable travel choices in accordance with the aims of Core Strategy policy CS15.

Flood risk

The site is in food zone 2 which is an area with a medium probability of river flooding. The aim of the sequential test is to steer new development to areas with the lowest probability of flooding. It is the local planning authority that decides whether the test has been passed.

The general approach taken with vacant industrial buildings in existing inner city locations which need regenerating is that the test is deemed to have been passed if the development can be made safe and flood resilient, and does not increase run-off or flooding elsewhere.

Surface water run-off and potential flooding would be reduced as the area of hard standing would be reduced and sustainable drainage techniques could be incorporated into the development.

I consider it is very likely that the sequential test can be passed but further information as specified by the Environment Agency is required. Subject to the receipt of this information and it being satisfactory, I consider the proposal to be acceptable in terms of policy BE20 of the Local Plan and Core Strategy policy CS02.

Other Considerations

Affordable housing and developer contributions

The amendments to the proposals mean the number of units is now below the 15 dwelling threshold set by CS policy 07. There are therefore no affordable housing contributions required.
Recent changes to national planning policy guidance to support small scale developers make it clear that contributions should not be sought from developments of 10-units or less. As such no contributions to open space are required.

Climate change

The relevant development policies are only applicable to major developments, which for residential is defined as 10-units or more. The amendments to the proposals mean that the number of units is below this and as such there are no renewable energy requirements.

Disruption and security

I note the concerns raised in this respect but I do not consider the scale of the development is sufficient to warrant the requirement for a construction management plan. Any disturbance would be temporary and not significant. Matters relating to the security of the site during construction cannot be given significant weight and development sites are usually made secure out of hours for health and safety reasons as well as site security. A condition requiring suitable boundary treatments to be in place before occupation is recommend.

Conclusion

The proposed development will add to the supply of housing in the city and make use of a vacant site in a sustainable location. The change to three bed houses rather than small flats is welcomed. The design of the development is acceptable and should improve the streetscene.

Concerns about further on-street parking are understandable but I consider there is still capacity in the area to absorb it. There is an outstanding matter in relation to flooding that needs to be resolved.

Subject to the receipt of further information in respect of flood risk and it being acceptable, I recommend APPROVAL subject to the conditions below:

CONDITIONS

1. START WITHIN THREE YEARS

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The details shall include the preparation of a one square sample of

the proposed brickwork at the site for inspection by the local planning authority. Development shall be carried out in accordance with the approved details.
(To ensure only appropriate materials are used on the exterior of the building, in the interests of the appearance of the development, in accordance with the aims of Core Strategy policy CS03)

3. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.

   If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.
   (To ensure the site is free from contamination in the interests of public health and safety and in accordance with policy PS11 of the City of Leicester Local Plan)

4. No dwelling hereby permitted shall be occupied until all first floor windows in the rear elevations have been fitted with obscured glazing and any part of the windows that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.
   (To protect the privacy of the occupiers of the houses to the north of the site on Paget Road)

5. No dwelling hereby permitted shall be occupied until lockable gates have been installed at the entrance to each shared rear access way in accordance with details that have first been submitted to and approved in writing by the local planning authority. The gates shall thereafter be retained.
   (In the interests of the security of the dwellings and in accordance with Core Strategy policy CS03)

6. No pipes (other than rainwater pipes), vents, flues grilles or similar shall fitted in or to the front elevation of the development hereby permitted other than in accordance with details that have first been submitted to and approved in writing by the local planning authority.
   (To ensure the appearance of the development is satisfactory, in accordance with Core Strategy policy 03)

7. No dwelling hereby permitted shall be occupied until the rear (north) boundary of the application site and the boundaries of the gardens to the houses have been enclosed in accordance with details that have first been submitted to and approved in writing by the local planning authority.
(To ensure reasonable levels of privacy and security are provided for the occupiers of the development and those of adjacent houses on Paget Road, and in accordance with Core Strategy policy CS03.

8. No part of the development shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall: (i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; (ii) include a timetable for its implementation; and (iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
(To reduce the risk of flooding from surface water as the site is within a critical drainage area and an identified hot spot and in accordance with policy BE20 of the City of Leicester Local Plan)

9. Within one month of the first occupation of any dwelling, the occupiers of each of the dwellings shall be provided with a 'New Residents Travel Pack', the contents of which shall have first been submitted to and approved in writing by the local planning authority. The travel packs shall include walking, cycling and bus maps, and the latest relevant bus timetable information.
(To encourage residents to consider the use of sustainable modes of travel and reduce the demand for on-street parking, and in accordance with the Core Strategy policy CS15)

10. No development shall take place until details showing how all dwellings will be designed, constructed and maintained to Lifetime Homes Standards (July 2010) and the Lifetime Homes Design Guide (2011) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with approved details.
(To ensure the houses are adaptable enough to match lifetime's changing needs in accordance with Core Strategy policy CS6)

11. The development hereby permitted shall be carried out in accordance with the following approved plans except as may be provided for by the conditions above: 640/01 (dated October 2013) and 640/05, 640/06 (dated October 2014)
(For the avoidance of doubt.)

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_BE16 Planning permission will be granted for the development of renewable energy installations where local impacts are not outweighed by wider benefits. Major developments must realise their potential for incorporating renewable energy technologies.

2006_BE20 Developments that are likely to create flood risk onsite or elsewhere will only be permitted if adequate mitigation measures can be implemented.

2006_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_CS01 The overall objective of the Core Strategy is to ensure that Leicester develops as a sustainable city, with an improved quality of life for all its citizens. The policy includes guidelines for the location of housing and other development.

2014_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.

2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.

2014_CS06 The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.

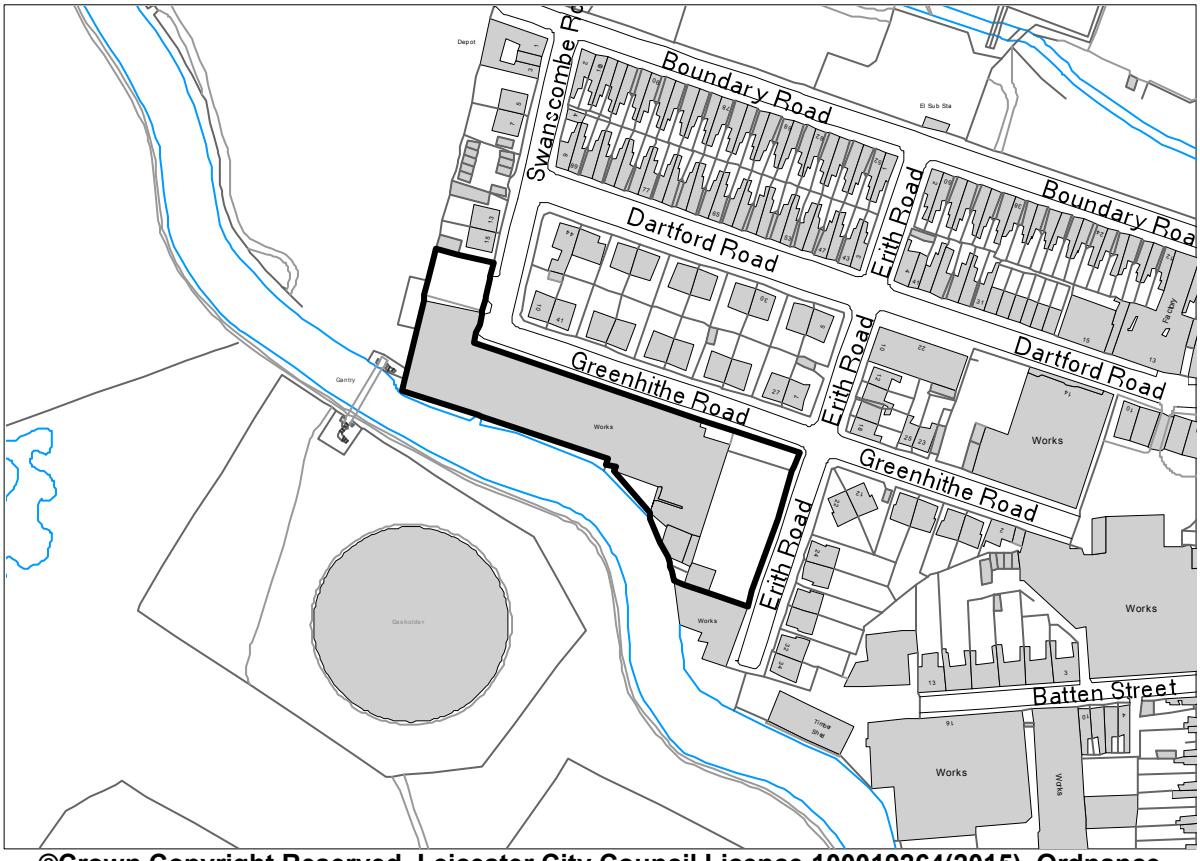
2014_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.

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

2014_CS17 The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.

2014_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.

Recommendation: Conditional approval	
20141811	**GREENHITHE ROAD, RIVERSIDE DYEWORKS**
Proposal:	TWO STOREY EXTENSION TO FACTORY (CLASS B2) (AMENDED PLANS)
Applicant:	COLOURS DYERS (UK) LTD
App type:	Operational development - full application
Status:	Smallscale Major Development
Expiry Date:	24 April 2015
WJJ	WARD: Freemen



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Summary

- This application has been brought to Committee as the recommendation is for approval and six objections have been received.
- The main issues are the impact on the character and appearance of the area, residential amenity and parking.
- Six representations have raised concerns about noise, light, privacy, bright building lights, parking and fires at this site.

Introduction

The site is an industrial site which backs onto the canal. Around the site on the other sides of Erith and Greenhithe Roads are dwellings.

Background

In 1997 an extension to dye works (19971453) was refused for the following reason:

The proposal would be detrimental to the amenities of nearby properties due to the increase in floor space and bulk of the building, which would represent an over-development of a restricted site and result in loss of outlook to residential properties on Greenhithe Road, increase in traffic, parking and inappropriate loading/ unloading facilities. The impact would be further intensified by potential provision of a full mezzanine floor or subdivision of the premises. As such the proposal would be contrary to policy E2 of the City of Leicester Local Plan.

An appeal against this decision was dismissed.

The Proposal

The proposed extensions will replace a previous single storey element which existed behind a boundary wall which remains in place.

Amended plans have been submitted which lower the height of the eaves facing Erith Road from 7.12m to 6.4m.

Policy Considerations

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

The site is within a Local Wildlife Site, the Inner Hazard Zone for the Aylestone Road Gas Holders and within a Landfill Buffer where methane may build up.

With regards to fluvial flooding the site is within Flood Zone 3b with greater than a 1 in 30 year risk of flooding. It is also within 20m of the river Soar's bank which raises potential concerns regarding maintenance of the canal.

With regards to pluvial flooding most of the site is within a Hotspot where flooding is likely to occur. The remaining part is within a Critical Drainage Area (CDA) which is unlikely to flood but where rapid runoff leads to flooding in the Hotspots.

Supplementary Planning Guidance – Vehicle Parking Standards

Consultations

Health & Safety Executive – No objection

Environmental Services, Land Contamination – No objection subject to condition ensuring any land contamination is cleaned up.

Environmental Services, Noise Team – No objection subject to conditions

Environment Agency – No objection subject to conditions

Highway Authority – No objection subject to conditions

Canal & River Trust – No objection

Severn Trent Water – No objection subject to condition covering drainage

Representations

There are six objections on grounds of:

- increased noise
- loss of sunlight
- loss of privacy
- light pollution from building lights at night
- on-street parking problems due to lack of on-site parking for employees
- there have been a number of fires at this site in recent years.

Consideration

Principle

The site is within a Primarily Employment Area. In principle an extension is acceptable here.

Residential amenity

The site is close to dwellings which are on the other side of Greenhithe and Erith Roads. They will be 13 metres distant from the proposed extension.

Amended plans have been submitted which lower the height of the eaves facing Erith Road from 7 metres to 6.4metres. While slightly higher than the single storey element that was here before, the proposed two storey extension will be lower than many houses and similar in height to the existing adjacent building to the south on Erith Road.

Erith Road is of a type and width where one would expect to find two storey buildings on each side. Given these factors I consider that while the two storey extension will have a greater impact on the houses on the other sides of Greenhithe

and Erith Roads than the existing boundary wall and former single storey element it will have an acceptable relationship.

I am concerned about the impact of noise from activities in the building on neighbouring residents. I therefore recommend conditions be attached to control this.

I note the concerns of residents regarding external lighting and I consider it is appropriate to control this by condition. Lighting can also be designed to have a minimal impact on wildlife.

Character and appearance

The extension is in a style similar to the existing factory buildings and is not higher than neighbouring buildings. It will maintain the character and appearance of the area.

Transport & parking matters

The site is within an area that suffers from a high level of on-street car parking. Daytime parking restrictions are in force, which prevents parking along the northern side of Greenhithe Road and along sections of neighbouring streets between 8am and 6:30pm Monday to Friday.

The site currently provides eight car parking spaces. The site is within Parking Zone 4. For this area the parking standards indicate the factory, including the proposed extension, should provide fifty spaces. Given the proposed two storey extension replaces a single storey extension and that only a small part of it has a first floor the increase in demand for parking should be low.

The applicants have provided plans showing a loading and unloading area within the proposed extension. This should keep delivery vehicles on the highway to a minimum and would be an improvement over current arrangements. They have also indicated they are happy to agree a Travel Plan and a Delivery Management Plan. I recommend these are secured by condition.

I also recommend conditions are attached to ensure kerbs are altered to reflect the access arrangements. On balance the scheme offers the opportunity to improve the parking and delivery situation in this area.

Other matters

The requirement to meet 18% of the energy needs of the site through on-site renewable energy can be met through rooftop solar photovoltaic panels. I recommend this be secured by condition.

Due to past industrial uses of the site I recommend a condition be attached to ensure the site is investigated for land contamination and cleaned up if necessary.

The site currently has near complete coverage with hard surfaces from which water rapidly runs off. There is however a small permeable area next to the river. The applicants have indicated water from the roof can be diverted to a permeable area at

the rear and from there into the Soar. This will reduce the rate of water runoff from the site and I recommend it is secured by condition.

To protect the development from flooding I recommend conditions covering the floor level and egress in the event of a flood be applied.

The Environment Agency have indicated this development raises no concerns regarding maintenance of the canal.

Conclusion

The proposal will expand an existing business without causing significant harm to the character and appearance of the area, residential amenity or highway safety /function.

I recommend APPROVAL subject to conditions.

CONDITIONS

1. START WITHIN THREE YEARS

2. The doors to the building shall be kept closed at all times when machinery is being operated or processes undertaken within the building, except to allow access or egress. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS11 of the City of Leicester Local plan.)

3. No vehicles shall enter or leave the premises for the purpose of delivery of raw materials or despatch of finished goods outside the hours of 0730 to 1800 daily and there shall be no movement of plant or equipment (fork lift trucks, pallet trucks, etc) along the roadway before 0730 daily. (In the interests of residential amenity and in accordance with policy PS11 of the City of Leicester Local Plan.)

4. No machinery shall be installed or operated nor shall any processes be undertaken which are detrimental to the amenity of the area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. (In the interests of the amenities of nearby occupiers and in accordance with policy PS11 of the City of Leicester Local Plan.)

5. The proposed building shall be used as a warehouse and offices ancillary to that of the existing factory and not for any other use at any time. (To protect the amenity of neighbouring residents in accordance with policy PS11 of the City of Leicester Local Plan)

6. The use shall not commence until details of any external lighting has been submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details. (To protect the amenity of nearby residents and to avoid harm to wildlife in accordance with policy PS10 of the City of Leicester Local Plan and policy CS17 of the Core Strategy)

7. No development 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 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 policy PS11 of the City of Leicester Local Plan.)

8. The use of the extension shall not commence until the Sustainable Drainage System (SuDS) shown on the plan received on the 16th of March 2015 has been implemented. It shall be retained at all times. (To reduce the rate of surface water runoff in accordance with policy CS02 of the Core Strategy)

9. The development shall not commence until details of foul and surface drainage (including the SuDS) has been submitted to and approved by the local planning authority. The development shall not be occupied until drainage has been installed in accordance with the approved details. (To ensure drainage is acceptable and in accordance with policy CS02 of the Core Strategy)

10. The floor levels shall be no lower than 58.1 m above Ordnance Datum (AOD). (To protect the development from flooding in accordance with policy CS02 of the Core Strategy.)

11. The development shall not commence until safe route(s) into and out of the site to an appropriate safe haven have been submitted to and approved by the local planning authority. The use of the extension shall not commence until they have been implemented in accordance with the approved details. They shall be maintained and kept clear at all times. (To provide an acceptable means of access and egress in the event of a flood and in accordance with policy CS02 of the Core Strategy.)

12. Development shall not commence until full design details of the proposed solar photo voltaic installations to meet the required target of 18% of renewable energy of the total predicted energy demand for the site shall be submitted to and approved by the local planning authority. Before the development is occupied satisfactory evidence will be required demonstrating satisfactory operation of the approved scheme, including on-site installation, in accordance with the approved details. The installations shall be maintained in working order for the life of the development. (To ensure sustainable energy efficiency in accordance with saved Policy BE16 of the City of Leicester Local Plan)

13. All street works shall be constructed in accordance with the Council's standards contained in the `6Cs Design Guide` (view from www.leicester.gov.uk/6cs-design-guide). (To achieve a satisfactory form of development, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)

14. No part of the development shall be occupied until footway crossing(s) have been provided at each vehicular access in accordance with the Council's standards contained in the `6Cs Design Guide` (view from www.leicester.gov.uk/6cs-design-guide). (To ensure a satisfactory means of access to the highway, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)

15. No part of the development shall be occupied until any redundant footway crossings and/or damaged or altered areas of footway or other highway have been reinstated in accordance with the Council's standards contained in the `6Cs Design Guide` (view from www.leicester.gov.uk/6cs-design-guide). (For the safety and convenience of pedestrians and other road users, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)

16. Space shall be kept available within the curtilage of the site to allow for loading and unloading always to take place within the site. (In the interests in highway safety, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)

17. The use of the extension shall not commence until a Delivery Management Plan has been submitted to and approved by the local planning authority. It shall be complied with at all times. (To avoid traffic and parking problems and in the interests of highway safety in accordance with policy AM11 of the City of Leicester Local Plan and policies CS14 and CS15 of the Core Strategy.)

18. No part of the development shall be occupied until a Travel Plan for the development has been submitted to and approved in writing by the City Council as local planning authority and shall be carried out in accordance with a timetable to be contained within the Travel Plan, unless otherwise agreed in writing by the Council. The Plan shall: (a) assess the site in terms of transport choice for staff, users of services, visitors and deliveries; (b) consider pre-trip

mode choice, measures to promote more sustainable modes of transport such as walking, cycling, car share and public transport (including providing a personal journey planner, information for bus routes, bus discounts available, cycling routes, cycle discounts available and retailers, health benefits of walking, car sharing information, information on sustainable journey plans, notice boards) over choosing to drive to and from the site as single occupancy vehicle users, so that all users have awareness of sustainable travel options; (c) identify marketing, promotion and reward schemes to promote sustainable travel and look at a parking management scheme to discourage off-site parking; (d) include provision for monitoring travel modes (including travel surveys) of all users and patterns at regular intervals, for a minimum of 5 years from the first occupation of the development brought into use. The plan shall be maintained and operated thereafter. (To promote sustainable transport and in accordance with policies AM01, AM02, and AM11 of the City of Leicester Local Plan and policies CS14 and CS15 of the Core Strategy).

19. 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 City Council as local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: (i) the parking of vehicles of site operatives and visitors; (ii) the loading and unloading of plant and materials; (iii) the storage of plant and materials used in constructing the development; (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) wheel washing facilities; (vi) measures to control the emission of dust and dirt during construction; (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works. (To ensure the satisfactory development of the site, and in accordance with policies AM01, UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)

20. This consent shall relate solely to the amended plans (ref: 14/384/001 RevD & 002 RevB) received by the local planning authority on the 8th of April 2015, unless otherwise submitted to and approved by the local planning authority. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. The site lies adjacent to the River Soar which is a statutory 'main River'. Under the provisions of the Water Resources Act 1991, and the Environment Agency's Byelaws, any works in, over, under or within 8 metres of the top of the bank of the watercourse will require the prior formal consent of the Agency in addition to the planning permission hereby granted.

2. Condition 11 assumes an estimated net total annual operational energy demand of 744,647 kWh/yr. The agreed scheme will need to operate to a satisfactory performance in terms of a renewable energy actual percentage of actual consumption, which shall be confirmed at the time of condition discharge.

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.

4. In relation to the condition on Travel Plan, the applicant is advised to contact the Travel Plan Officer on 0116 4542849 for guidance.

Policies relating to this recommendation

2006_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.

2006_AM11 Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01.

2006_E03 Planning permission granted for the development of appropriate B1, B2 and B8 uses in Primarily Employment Areas and not for changes to other uses unless it meets criteria.

2006_GE02 Permission not normally granted if development adversely affects Sites of Importance for Nature Conservation, Local Nature Reserves and the Regionally Important Geological Sites.

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.

2010_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.

2010_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'.

2010_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.

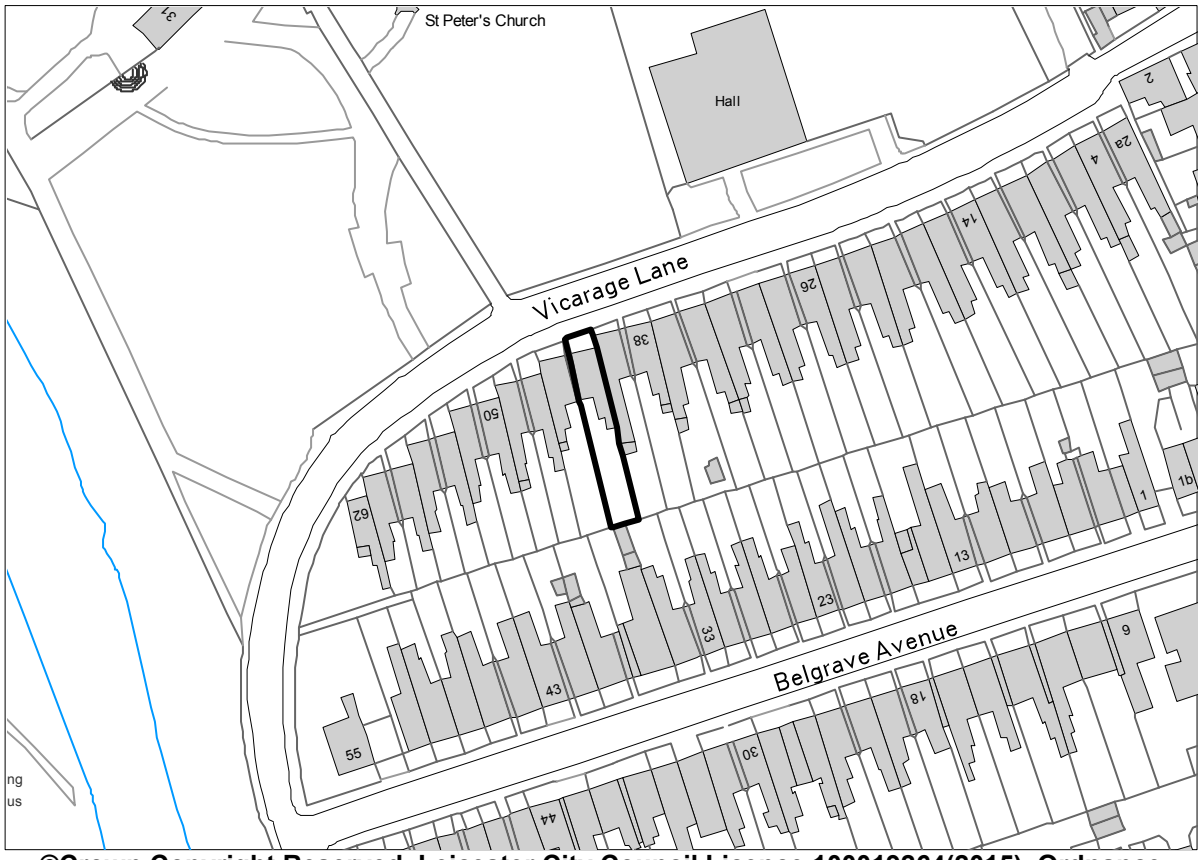
2010_CS10 The Council will seek to ensure that Leicester has a thriving and diverse business community that attracts jobs and investment to the City. The policy sets out proposals to achieve this objective.

2010_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.

2010_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.

2010_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.

20150167	42 VICARAGE LANE BELGRAVE
Proposal:	CHANGE OF USE FROM HOUSE (CLASS C3) TO TWO SELF CONTAINED FLATS (2 X 2 BEDS)(CLASS C3); SINGLE STOREY EXTENSION AT REAR; REPLACEMENT WINDOWS (AMENDED PLANS)
Applicant:	MR AMRATBHAI CHUDASAMA
App type:	Change of use
Status:	Change of use
Expiry Date:	24 April 2015
JMM	WARD: Belgrave



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Summary

- The application is being reported to committee as seven objections have been received.
- The main objections relate to the impact on the character and appearance of the Belgrave Conservation Area, parking and residential amenity.
- The main planning issues are appearance and the impact on residential amenity.
- Recommended for APPROVAL subject to conditions.

Introduction

The application relates to a mid-terrace property in a residential part of the city. The property falls within the Belgrave Conservation Area.

The Proposal

The proposal is for the change of use of the property from a two bedroom house to two self-contained flats each with two bedrooms, replacement windows and a single storey extension at the rear.

Policy Considerations

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

Residential Amenity – Supplementary Planning Document.

Representations

Seven objections have been received on the grounds of:

- The proposed replacement windows will not be in keeping with the character and appearance of the conservation area.
- The proposed rear extension will overlook and block light to neighbouring properties.
- Increase in parking pressures in the area and a subsequent impact on access for Emergency Services.
- The property does not lend itself well to a conversion to two self-contained flats due to its size.

Consideration

Principle of development

Being a residential area the proposal is acceptable in principle provided it does not have a detrimental impact on its own amenity or the amenity of neighbouring properties and does not have a detrimental impact on the character and appearance of the neighbouring area.
The property is a traditional terraced property which can comfortably convert into two self-contained flats therefore the principle of the proposed development is acceptable.

Residential Amenity

The proposed single storey rear extension will replace the original outbuildings to the property. Whilst the proposal is higher than the existing extension at 40 Vicarage Lane, the proposal will not project beyond the rear wall of 40 Vicarage Lane therefore I am satisfied there will be no loss of light or overbearing impact on the residents of this property.

I am satisfied there will be sufficient amenity space remaining at the host property once the extension is built.

Living Conditions

The proposal will create two good sized flats with acceptable outlook, access to the rear garden and front door access to both flats. I have concerns about the creation of a second bedroom for the upper flat by partitioning the front room. This partition meets the existing window leaving a small area of window to the second bedroom.

An amended plan has been submitted showing a roof light and sun pipe to the second bedroom to increase the amount of light entering the second bedroom which in the circumstances I consider acceptable.

Design and Appearance

The original proposal to replace the windows on the front elevation with Upvc was unacceptable; therefore this has been altered to retain and repair the existing window to maintain the character and appearance of the conservation area, including restoring sash windows to the ground floor bay window. I am therefore satisfied the amended scheme to repair the existing windows is acceptable.

The design of the proposed rear extension is in keeping with surrounding properties and is therefore acceptable.

Highways and Parking

There are no parking restrictions along Vicarage Lane on either side of the road. Whilst the road is narrow a one-way system is in operation therefore I am satisfied there is sufficient capacity on Vicarage Lane to accommodate parking for the extra residential unit.

Conclusion

The proposal to bring a currently vacant property back into use, retaining its original first floor window and restoring the ground floor window is welcomed; although the internal layout of the first floor is not ideal. However, on balance, I am satisfied the proposal will produce two good sized flats while not having a negative impact on the character and appearance of the conservation area or on residential amenity. The proposal accords with policies set out in the City of Leicester Local Plan, Core Strategy and Supplementary Planning Document “Residential Amenity”.

I recommend **APPROVAL** subject to the following conditions:

CONDITIONS

1. START WITHIN THREE YEARS

2. No part of the development shall be occupied until secure cycle parking has been provided and retained thereafter. (In the interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan).

3. This consent shall relate solely to the amended plans received by the City Council as local planning authority on 08/04/2015, unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. The applicant is reminded that no consent is granted or implied for works or alterations to the front elevation of the property other than those agreed for the restoration of the ground floor bay window.

Policies relating to this recommendation

2006_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.

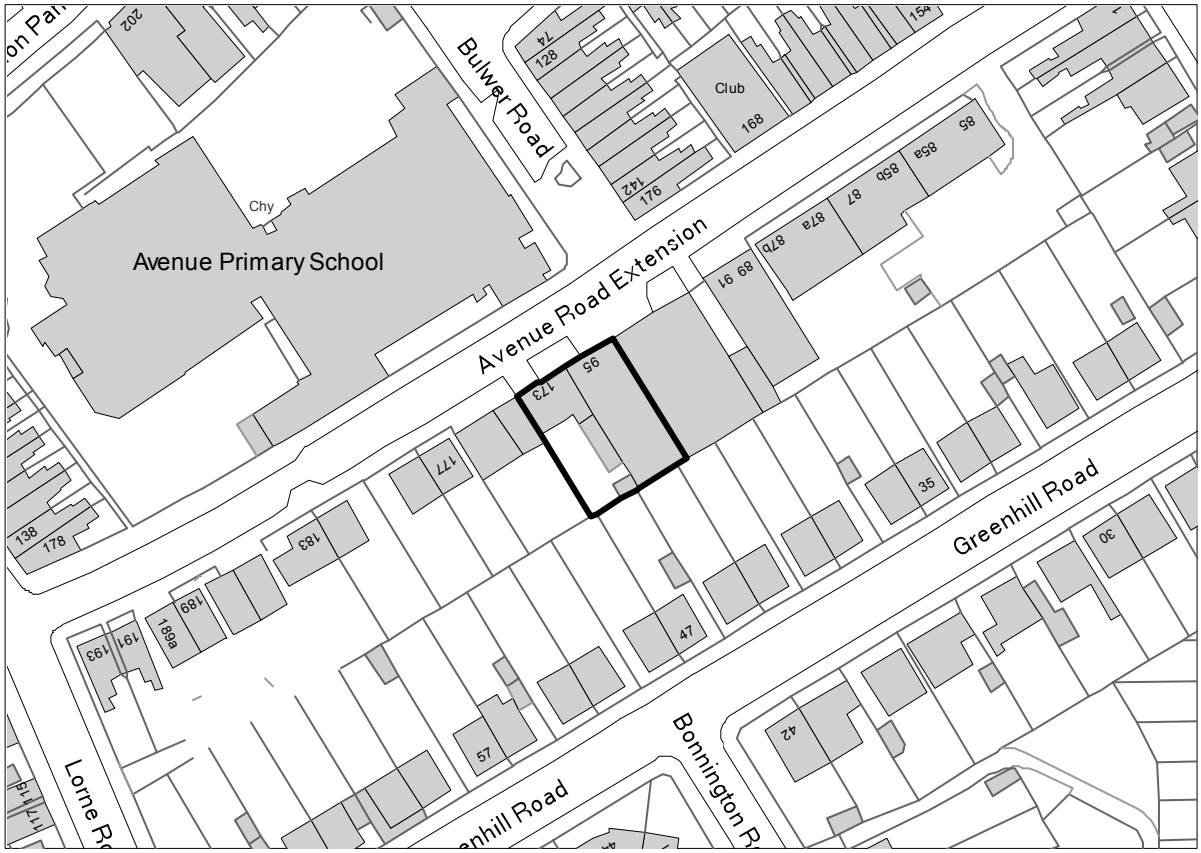
2006_H07 Criteria for the development of new flats and the conversion of existing buildings to self-contained flats.

2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.

2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.

2014_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.

Recommendation: Conditional approval	
20150361	**95 & 173 AVENUE ROAD EXTENSION, BAITUL IKRAM MOSQUE**
Proposal:	FIRST FLOOR EXTENSION TO PLACE OF WORSHIP; TWO MINARETS; TWO DOMES; ALTERATIONS (CLASS D1)
Applicant:	AHMADIYYA MUSLIM ASSOCIATION UK
App type:	Operational development - full application
Status:	Minor development
Expiry Date:	29 April 2015
TEI	WARD: Castle



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Summary

- The application is reported to committee as seventeen objections have been received.
- The main issues are the impact on the proposal on residential amenity, parking and the character and appearance of the area.
- The application is recommended for approval.

Introduction

The application relates to two adjoining buildings (numbers 95 and 173) in a residential area. The locally listed Avenue Primary School is to the north of the site on the other side of the road.

Background

Conditional approval (20101710) was granted in 2010 for a two storey extension at side and rear. Conditional approval (20141486) was granted last year for a variation of the plans condition to allow for separate entrances and an additional internal entrance. The extensions approved under these permissions would bring the two buildings together.

The approval was also for two domes and two minarets and alterations to the front of the building and ancillary residential accommodation to the place of worship. Pre-commencement conditions relating to the required travel plan and cycle parking and bin storage were discharged in 2013.

To date there has been no application to discharge a pre-occupancy condition relating to details of noise insulation. All other conditions are continuous or pre-occupation conditions. The development approved under these permissions has commenced.

The Proposal

The proposal is similar to the proposal approved under application 20101710 and modified under application 20141486. The two changes from the permitted scheme are for a first floor extension to the rear of the site and for tiling to the front elevation.

The extension will measure 11 metres in width and will extend to the rear boundary. Externally it will square off the apse on the Qibla wall and it will provide ancillary space for the mosque that will have a footprint of 20 metres². The height of the extension will be the same height as the two storey element of the permitted scheme.

The design and proportions of the front elevation will remain the same; however, the front elevation will be tiled.

The two domes and minarets will be retained as per the permitted scheme and the domes will be tiled.

Policy Considerations

City of Leicester Local Plan policies relevant to this application are listed at the end of this report.

Supplementary Planning Document (SPD) – Residential Amenity

Supplementary Planning Guidance (SPG) – Vehicle Parking Standards

Consultations

Environmental Health (noise) (LCC): - Suggest that conditions preventing amplified/live music/voice that would be detrimental to amenity, preventing external amplified call to prayer or oral announcements and restricting hours of use be retained.

Representations

Seventeen objections have been received primarily concerned with the impact of the development on local parking capacity and traffic volume, with mention given in particular to the close proximity of the site to a primary school. There is concern over the traffic conflict between the two uses with safety issues for pupils. The impact on the function of the one way street is highlighted.

There are also concerns from residents at the rear of the property that the proposal will impact on the light and feeling of space within gardens along Greenhill Road. Concern is also noted about the impact of the window at the rear of the approved scheme on the privacy of gardens at the rear and the impact of the minarets on privacy.

Some objections express concern that the proposal is out of keeping with the character and appearance of the local area and that it would be an unattractive addition to the street scene. Concerns were also raised about possible noise levels.
Concern has also been expressed that work has begun on the site. Specific concern was raised over the removal of a fence and building of a grey brick wall at the rear of one of the Greenhill Road properties. One objection expressed concern that the proposal would not serve the local community.

There may be confusion in a number of representations regarding the status of this application and its relationship with the previously approved applications. Many of the objections relate to issues that are relevant to the broader scheme including the previously approved applications.

Consideration

Extension to the rear

The proposed extension will have a footprint of 20 square metres. The Vehicle Parking Standards SPG recommends one space per 22 metres for places of worship. Given the existence of the approved Travel Plan and the fact that the extension is located at the rear of the building and will only be used for ancillary office or storage I do not consider that the proposal will have a significantly detrimental impact in terms of parking.

There will be no windows to the rear elevation and the proposal will not have an impact on the privacy of adjacent properties. The extension will be the same height as the two storey element of the approved scheme. There will be sufficient separation distance from the rear of the residential properties on Greenhill Road and the property to the east does not appear to be in residential use. The proposal will

not have a detrimental impact on the outlook of neighbouring residential properties and will not have an overbearing impact.

Design

The existing buildings do not make a positive contribution to the street scene. I consider that the scheme will make a positive contribution to the character and appearance of the area, appropriate to a residential area where community uses are commonly located in the city, and that the proposed tiling would be in keeping with the design.

Conclusion:

The proposed scheme differs from the permitted scheme in two aspects. These aspects will not have a detrimental impact on residential amenity, parking or (with a condition attached requiring a sample of the tiling to be agreed) the character and appearance of the area.
Given that the proposal is part of a previously permitted largely scheme I consider it necessary to carry through the same conditions, altered to reflect the fact that the larger scheme has commenced.

I recommend APPROVAL subject to the following conditions:

CONDITIONS

1. START WITHIN THREE YEARS

2. There shall be no amplified music or voice including call to prayer which would audible in nearby properties. (In the interests of the amenities of nearby occupiers and in accordance with policy PS10 of the City of Leicester Local Plan.)

3. With the exception of acts of worship the premises shall not be used outside the hours of 0730-2300 daily. (In the interests of the amenity of nearby occupiers and in accordance with policy PS10 of the City of Leicester Local Plan.)

4. The side windows that face southwest shall be obscurely glazed and non-opening. (To maintain the privacy of the flats at number 175 Avenue Road Extension and in accordance with policy PS10 of the City of Leicester Local Plan.)

5. The development shall not be occupied until any redundant footway crossings and/or damaged or altered areas of footway or other highway have been reinstated to the satisfaction of the City Council as local planning authority. (For the safety and convenience of pedestrians and other road users.)

6. The travel plan approved under application 20132020 shall be implemented in accordance with the agreed timetable. (In the interests of sustainability and highway safety and in accordance with policy CS15 of the Core Strategy.)

7. The bin storage and cycle parking approved under application 20132020 shall be implemented prior to the commencement of use. (To encourage the use of sustainable means of transport and to avoid bins being left on the pavement and in accordance with policies PS10, AM02 and AM12 of the City of Leicester Local Plan.)

8. This consent shall relate solely to the submitted plans received by the City Council as local planning authority on the 23.02.15 and 04.03.15. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. With regard to condition 5 all streetworks should be carried in accordance with Leicester City Councils adopted 'Highways, Transportation and Development Guide'.

2. With regard to condition 5 works within the highway prior to the commencement of such works, the applicant/developer will also need to contact the Team Leader for Travel Planning and Development Control (direct line (0116) 252 7272) for written approval of construction, materials, design and contractor details. The works will be subject to a section 184 agreement.

Policies relating to this recommendation

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

2006_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.

2006_AM11 Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01.

2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.

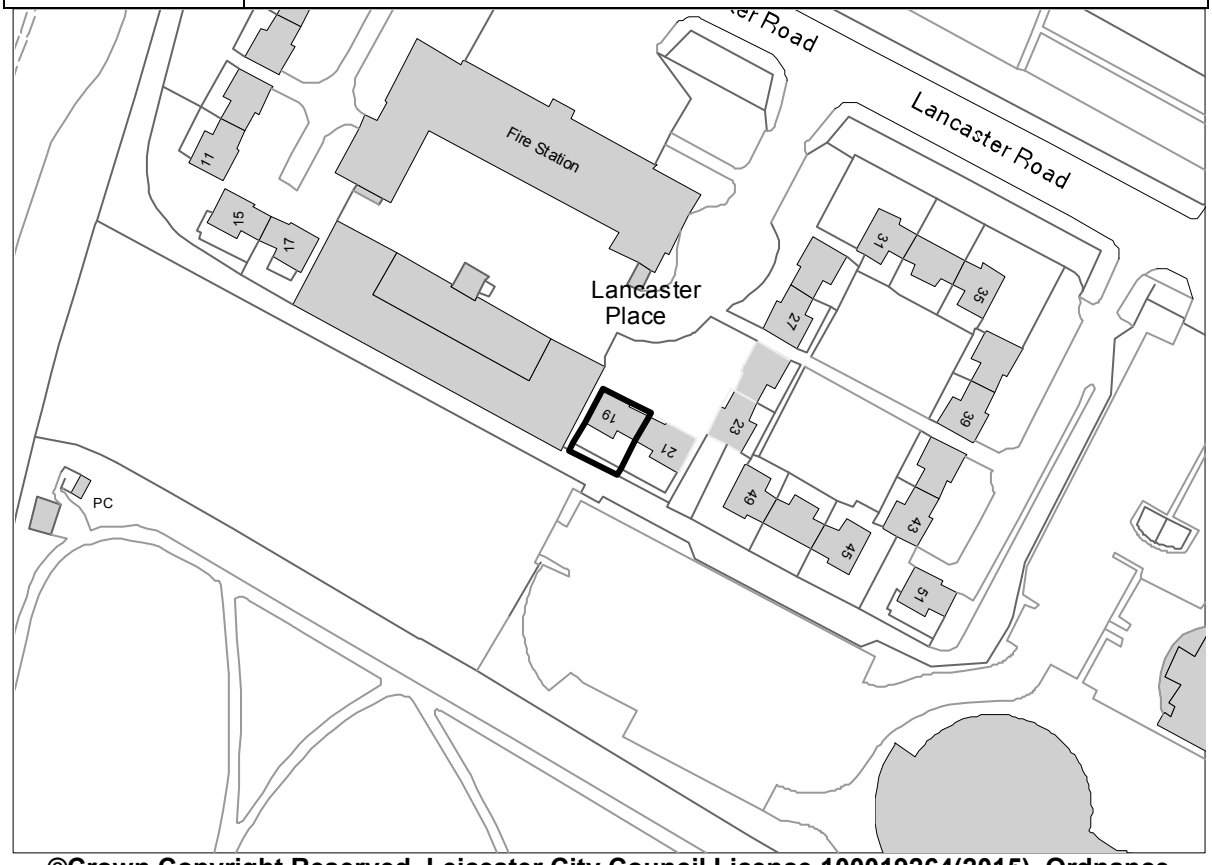
2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.

2014_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.

2014_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.

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

Recommendation:	
20150609	**19 LANCASTER PLACE**
Proposal:	CHANGE OF USE FROM ONE HOUSE IN MULTIPLE OCCUPATION (CLASS C4) (5 BEDS) TO FOUR FLATS (CLASS C3); ALTERATIONS TO BUILDINGS AND SITE LAYOUT (AMENDED)
Applicant:	MR KULLAR
App type:	Change of use
Status:	
Expiry Date:	27 May 2015
TEI	WARD: Castle



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Summary

- joint report for this and 3 similar applications (20150610, 20150611 and 20150612) for 21, 23 and 25 Lancaster Place.
- The application is before committee as applications for similar proposals were refused at committee on 12th March.
- The publicity period expires on 28th April; however the previous applications had 8 objections on grounds of effect on character and appearance and setting of the listed buildings
- The main issue is the impact the proposals might have on the setting of the listed buildings.
- The recommendation is that the applications be determined by officers under delegated powers with the expectation of approval.

Introduction

The applications relate to semi-detached properties on Lancaster Place. The relevant listings for the properties describe how they were built as part of the accommodation provided with the Leicester Fire Station. All the firemen's cottages in Lancaster Place and the fire station itself are covered by statutory listings whether individually, in pairs or in groups. Together they create the appearance of a unified complex.

There are small yards to the rear of each property and a communal garden to the rear of 23 and 25 that is shared with the other cottages that back onto it.

There is also shared communal space to the front of the properties. The communal space to the front of the properties is under the ownership of the applicant. Parts of the communal garden to the rear are also under the ownership of the applicant.

Background

In 2013 listed building consents and Planning Permissions were granted (20131033, 20131034, 20131925 and 20131926) for internal and external alterations and changes of use from house to 4 flats at both 27 and 29 Lancaster Place. These consents have been implemented.

Conditional approvals (20141395, 20141583, 20141584, 20141586) were granted at committee of 12th March 2015 for listed building consent for the internal and external changes to the four buildings proposed as the physical changes to the undivided listed buildings were considered acceptable.

Four applications (20141394, 20141582, 20141585 and 20141587) for the change of use of the buildings were refused on the grounds that they would significantly harm the appearance and setting of the former fireman's cottages and Leicester Fire Station.

Primarily the maintenance of the outside areas was not considered to have been satisfactorily addressed. The conclusion was that the appearance and character of the garden areas would not be satisfactorily maintained.

The Proposal

The internal layouts will fundamentally remain as existing though with shower rooms and kitchens included to the two ground floor flats and to two first floor flats. One of the existing bedrooms on the first floor will be given over to kitchen use.

Some internal walls will be removed including either side of the chimney breast on both floors. A number of internal walls will be added to separate shower/WC and kitchen facilities from the main bedrooms. The internal alterations will allow for two flats to each floor with separate kitchens and wc/shower rooms.

The external alterations include the replacement of windows to front and rear elevations and four extraction vents to the rear elevations. The replacement windows

will be timber and with the same detailing as the existing windows. However, they will be double glazed.

The current applications include consideration of the treatment of the outside areas and in this respect differ from the refused applications. The raised hard landscaped area to the front of the properties will be lowered. A staircase and ramp will be installed at the corner of the lowered area between numbers 21 and 23. Five parking spaces will be made available and a covered communal timber bin store installed at the west of the lowered area in front of number 19.

Policy Considerations

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

The NPPF describes the conservation of heritage assets in a manner appropriate to their significance as one of the core planning principles. Paragraph 131 states that planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Paragraph 137 states that planning authorities should look for opportunities within the setting of heritage assets to enhance or better reveal their significance.

Consultations

The Conservation Advisory Panel previously had concerns that the subdivision to facilitate the change of use would result in significant harm to the original floor plan, and that it would no longer be possible to discern historic layouts or circulation routes. Concerns that the increased number of units would lead to a proliferation of wheelie bins and the number of vents on the rear elevation would lead to unacceptable cluttering. There would be harm to the special architectural and historic character of the buildings and to the composition and group value of the buildings.

Representations

Although the publicity period for the current applications has not yet expired 8 objections were received in relation to the previously refused applications.

The objections expressed concerns that the proposals would result in a detrimental impact on the setting of the listed buildings. Reference was made to the outside areas at the front and the rear of the properties. One objection described how the hard landscaping to the front of the property was in poor condition having a negative visual impact on the area. Most of the objections raised concerns about the visual impact that additional bins and possible litter would have.

It was also noted that additional bins may cause an obstruction to the movement of emergency vehicles from the Fire Station. Concerns were also raised about the need

for additional parking and the impact this would have on the use of the area at the front of the properties.

The buildings were described as unique properties and regret was expressed at the interior of these properties being altered. A number of objections felt that there were enough student properties in the area and that the loss of family dwellings should not be permitted.

Considerations

Policy Context

Saved policy H07 states that permission will be granted for the conversion of existing buildings to self-contained flats provided the proposal is satisfactory in respect of a number of factors. These include the location of the property and the nature of the nearby uses, the creation of a satisfactory living environment, the provision of bin storage and car and/or cycle parking, the provision of a communal garden or open space, the effect of the development on the general character of the surrounding area and the potential changes to the appearance of the building and its setting.

Core Strategy policy CS18 supports the sensitive reuse of high quality historic buildings and spaces to create attractive spaces and places including the enhancement of the setting of designated heritage assets. This policy approach is also reflected in Core Strategy policy CS03.

Principle of change of use

The previous applications were refused on the grounds that the proposals would significantly harm the appearance and setting of the former fireman's cottages and Leicester Fire Station.

All four properties are in use as a house in multiple occupation and retain the fundamental characteristics of a single household, for example a shared kitchen, WC and bathroom. The change of use to four separate self-contained flats will result in four separate planning units quite independent of each other except for the shared external access and shared private amenity area.

Effect on character of the area and setting of listed buildings

The proposed change of use to four separate planning units independent of each other has potential to lead to ambiguity over which parts of the outside areas relate to which units. As such the outside areas both to the front and rear could fall into neglect. Departures from the single household nature of the properties would lead to further ambiguity over responsibility for the upkeep of the area, i.e. storage of bins and parking.

The outside areas are fundamental to the setting of the fireman's cottages as a unified complex and any neglect of these areas would have a detrimental impact on the significance of the cottages as heritage assets. The change of use of the

buildings from single planning units to four independent units has the potential to result in neglect of these areas.

The lowering of a large part of the raised area provides space for parking and communal bin storage. I consider that a separate and covered bin storage area and marked parking spaces will present a tidier appearance to the shared area at the front of the properties. The new staircase and ramp will allow for access to the raised areas and to all four properties.

Whilst the submitted plans present an arrangement that involves the loss of a tree and has a hard appearance detrimental to the setting of the listed building I consider that, in order to preserve the heritage significance of the setting of the listed buildings, a condition could be attached that requires a landscaping scheme to be submitted to and agreed by the local planning authority. This scheme would include some soft landscaping including a treatment for the parking space which is softer in appearance to the proposed.

The plans have been annotated to state that the gardens to the rear of the properties (including to 27 and 29 Lancaster Place) and external elevations of the properties themselves will be maintained to an acceptable standard. The plans state that details are to be confirmed with the local planning authority. I consider that with satisfactory details agreed the proposal could maintain and to a degree enhance the setting of the listed buildings.

I recommend THAT THE DECISION ON THIS APPLICATION BE DELEGATED TO OFFICERS on the basis of the above assessment subject to confirmation of commitment to landscaping and management and taking into account any further representations received.

Policies relating to this recommendation

2006_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.

2006_AM12 Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.

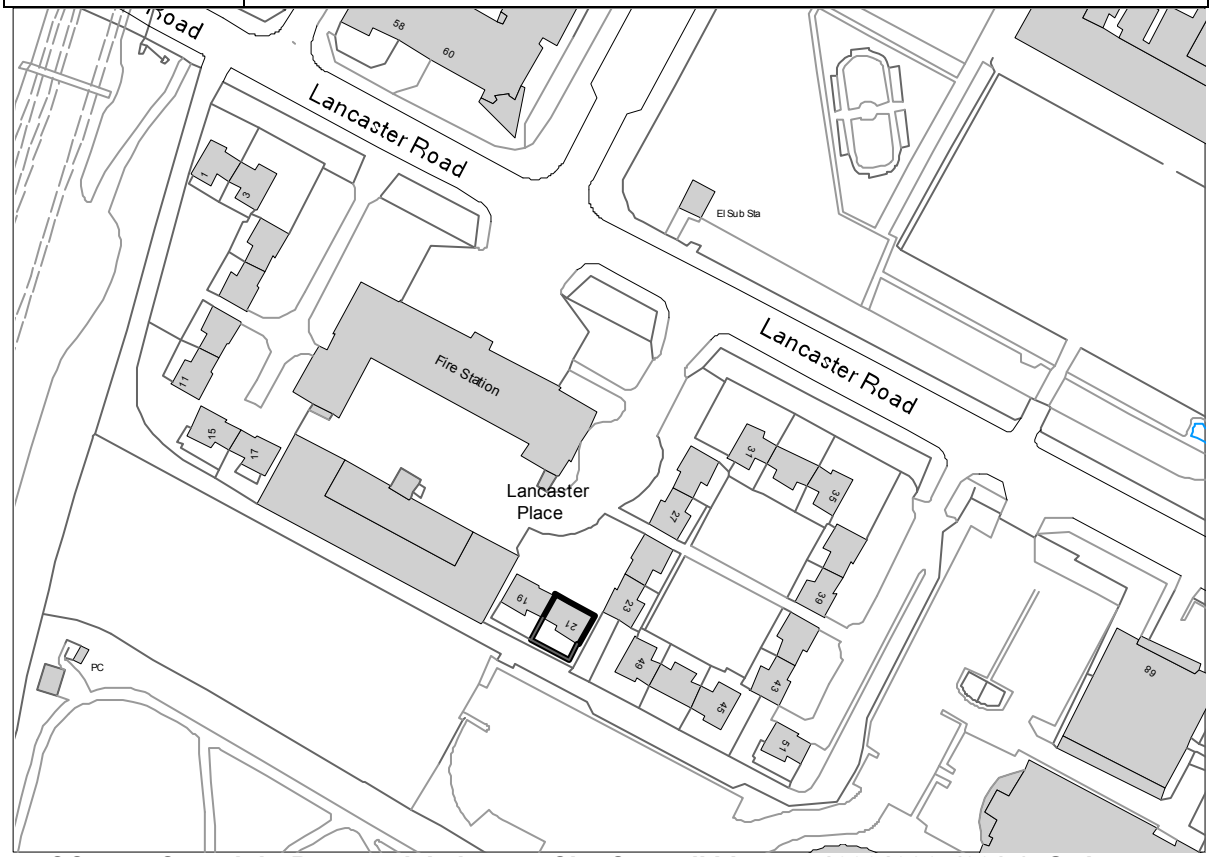
2006_H07 Criteria for the development of new flats and the conversion of existing buildings to self-contained flats.

2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.

2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.

2014_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.

Recommendation:	
20150610	**21 LANCASTER PLACE**
Proposal:	CHANGE OF USE FROM ONE HOUSE IN MULTIPLE OCCUPATION (CLASS C4) (5 BEDS) TO FOUR FLATS (CLASS C3); ALTERATIONS (AMENDED)
Applicant:	MR KULLAR
App type:	Change of use
Status:	Change of use
Expiry Date:	27 May 2015
TEI	WARD: Castle



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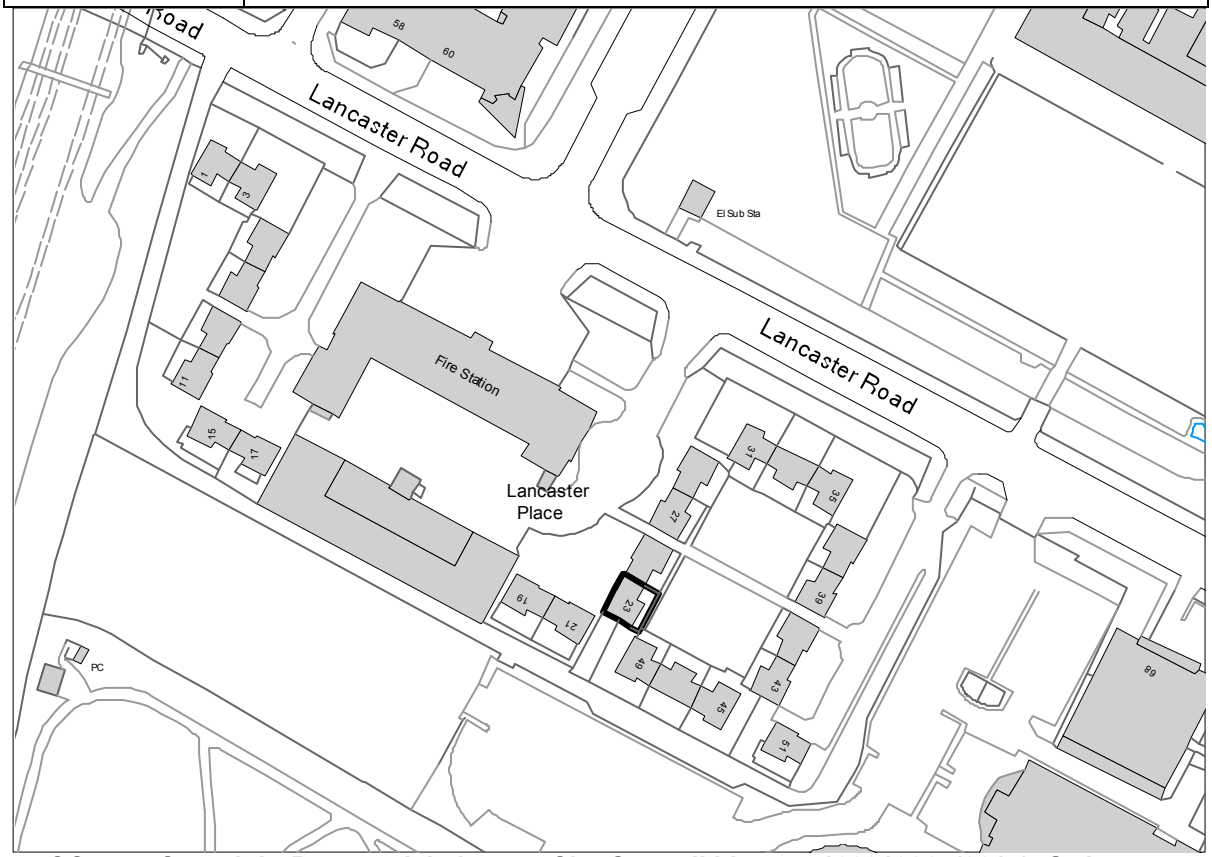
Summary

- There is a joint report under application 20150609 covering four applications (20150609, 20150610, 20150611 and 20150612).
- The recommendation is that decisions on the four applications be delegated to officers.

Recommendation:

I recommend THAT THE DECISION ON THIS APPLICATION BE DELEGATED TO OFFICERS on the basis of the assessment in the joint report subject to confirmation of commitment to landscaping and management and taking into account any further representations received.

Recommendation:	
20150611	**23 LANCASTER PLACE**
Proposal:	CHANGE OF USE FROM ONE HOUSE IN MULTIPLE OCCUPATION (CLASS C4) (5 BEDS) TO FOUR FLATS (CLASS C3); ALTERATIONS (AMENDED)
Applicant:	MR KULLAR
App type:	Change of use
Status:	Change of use
Expiry Date:	27 May 2015
TEI	WARD: Castle



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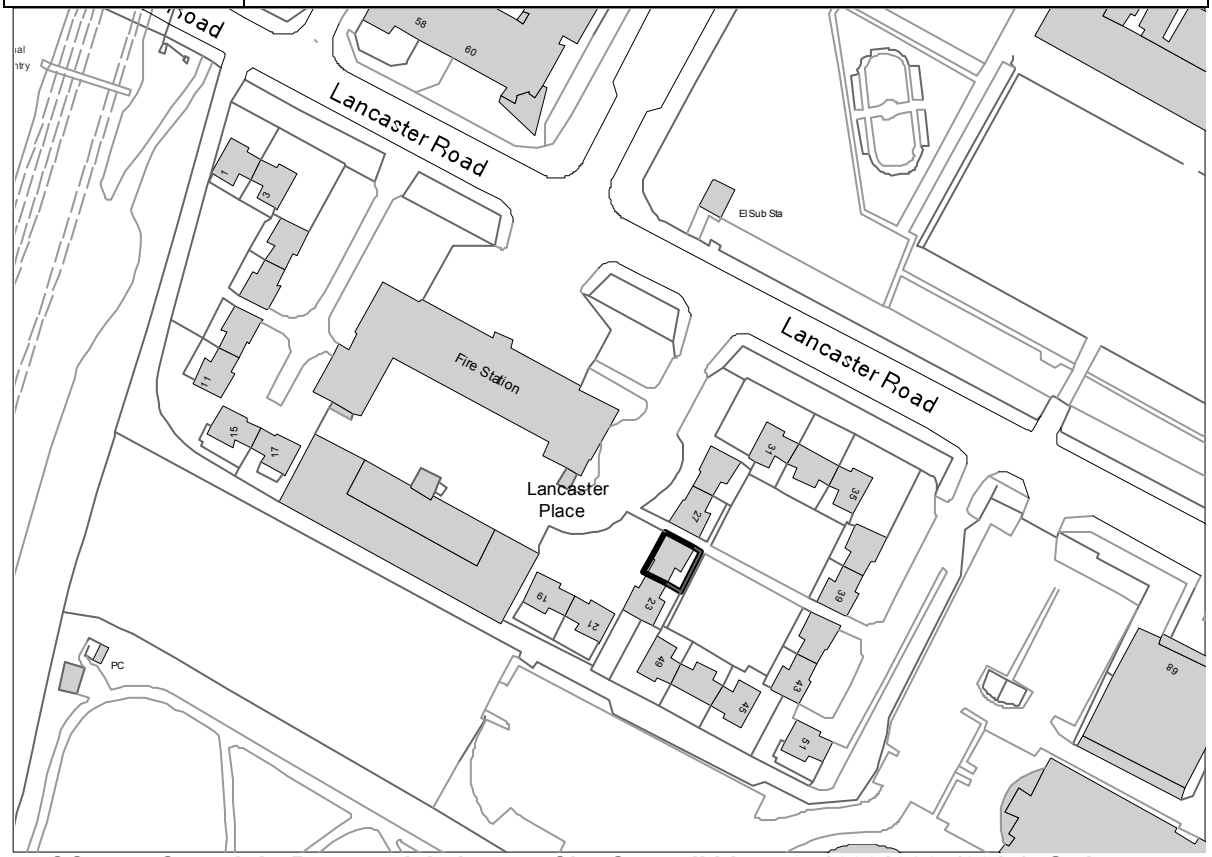
Summary

- There is a joint report under application 20150609 covering four applications (20150609, 20150610, 20150611 and 20150612).
- The recommendation is that decisions on the four applications be delegated to officers.

Recommendation:

I recommend THAT THE DECISION ON THIS APPLICATION BE DELEGATED TO OFFICERS on the basis of the assessment in the joint report subject to confirmation of commitment to landscaping and management and taking into account any further representations received.

Recommendation:	
20150612	**25 LANCASTER PLACE**
Proposal:	CHANGE OF USE FROM ONE HOUSE IN MULTIPLE OCCUPATION (CLASS C4) (5 BEDS) TO FOUR FLATS (CLASS C3); ALTERATIONS (AMENDED)
Applicant:	MR KULLAR
App type:	Change of use
Status:	Change of use
Expiry Date:	27 May 2015
TEI	WARD: Castle



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Summary

- There is a joint report under application 20150609 covering four applications (20150609, 20150610, 20150611 and 20150612).
- The recommendation is that decisions on the four applications be delegated to officers.

Recommendation:

I recommend THAT THE DECISION ON THIS APPLICATION BE DELEGATED TO OFFICERS on the basis of the assessment in the joint report subject to confirmation of commitment to landscaping and management and taking into account any further representations received.

PLANNING INSPECTORATE APPEAL DECISIONS		
20148019A	**34A ROWSLEY STREET**	
Proposal:	**VARIATION OF CONDITION 1 ATTACHED TO PLANNING PERMISSION 20131833 (FOR THE CONTINUATION OF USE AS A VEHICLE REPAIR WORKSHOP (CLASS B2))**	
Appellant:	MR PRADEEP CHAUHAN	
Appeal type:	Planning Appeal	
Appeal received:	18 September 2014	
Appeal decision:	Dismissed	
Appeal dec date:	23 March 2015	
TEI	AREA: E	WARD: Stoneygate

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Summary

- The appeal was against a condition restricting the permitted use to a limited period consent and against a personal consent.
- The appeal was dismissed

Location and Site Description

The appeal relates to 34A Rowsley Street. This is a building in use as a vehicle repair workshop (Use Class B2) in a residential part of the city.

The Proposal

The proposal was for the continued use of the building as a vehicle repair workshop. The proposal was allowed with conditions allowing the use until no later than 31st July 2016, restricting the use to the applicant and no other person, a condition protecting the amenity of the area and a condition restricting the hours of use.

The Appeal

The appeal was against the conditions restricting the use to a limited period and a personal consent.

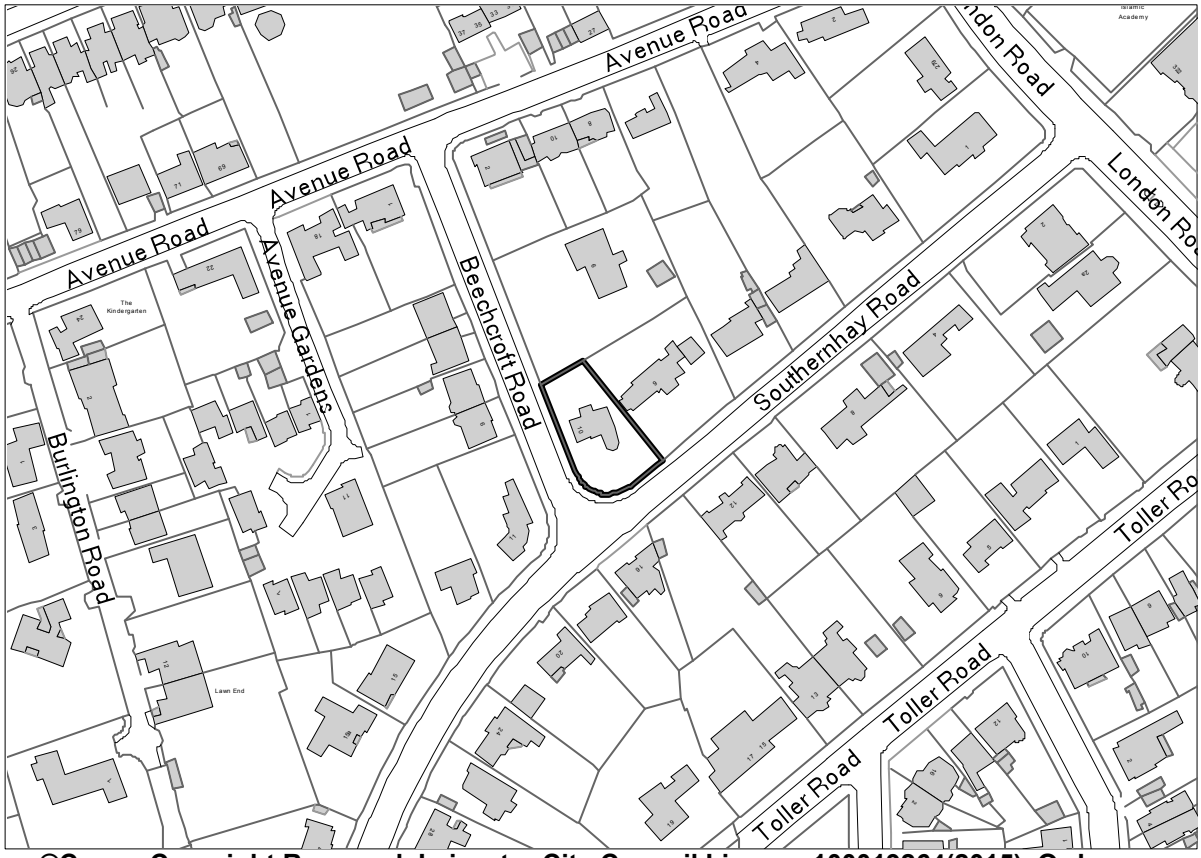
Commentary

The inspector made reference to guidance in the National Planning Practice Guidance (NPPG) that temporary permissions may be appropriate for a trial periods to assess the effect of development but that it will rarely be justifiable to grant a further temporary permission and that planning permission runs with the land and it is rarely appropriate for a permission to provide otherwise.

However, the inspector noted that the characteristics of a vehicle repair business can vary greatly depending on the type of work the business focusses on and by the processes and manner of operation. She also noted that premises with planning permission could also lawfully be used by a great range of other uses within Class B2.

Although the other conditions attached to the permission were not disputed the inspector considered that they would not satisfactorily safeguard against all potential disturbing and polluting adverse impacts arising from the range of possible uses. She considered the use of additional and exceptional conditions to be appropriate in this case. The inspector noted that the permitted use was one which could intensify in the future with potential detrimental impact on the amenity of neighbouring properties. Accordingly she considered it also reasonable and necessary that the permission should continue to be subject to a time limited condition and personal consent to safeguard the longer term interests of residents.

PLANNING INSPECTORATE APPEAL DECISIONS		
20148028A	**10 BEECHCROFT ROAD**	
Proposal:	**SINGLE STOREY EXTENSION AT FRONT OF HOUSE (CLASS C3)**	
Appellant:	MRS N HUGHES	
Appeal type:	Planning Householder Appeal	
Appeal received:	17 November 2014	
Appeal decision:	Allowed	
Appeal dec date:	30 March 2015	
GB1	AREA: W	WARD: Knighton



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Summary

- The appeal site is a house in the Stoneygate Conservation Area.
- The application for an extension and roof alteration was refused on the impact on the conservation area.
- The appeal was allowed.

Location and Site Description

The appeal relates to a residential property in the Stoneygate Conservation Area and covered by an Article 4 area that restricts permitted development rights.

The Proposal and decision

The proposal was for a single storey extension to the front of the dwelling at the eastern elevation, extending 2m to the front and ending just before the porch. The height to the ridge line would have been 3.7m and would have removed part of the mansard roof.

The application was refused on the basis "of the front extension, will remove an important feature of the mansard roof, therefore unbalancing the dwelling that will have a detrimental impact on the appearance of the house and character and appearance of the Stoneygate Conservation Area and therefore contrary to policy CS18 of the Leicester City Core Strategy."

The applicant appealed on the grounds that the proposal did not remove the mansard roof but simply lowered the pitch of the lower portion of the roof slope.

It was further stated that 10 Beechcroft Road was a newly built home and policy CS18 did not justify refusal. .

Commentary

The Inspector concluded that the proposal did not conflict with the NPPF or policy CS18.

The Inspector acknowledged that the property was sympathetically designed and built to a high standard, making a positive contribution to the character of the Stoneygate Conservation Area. The Inspector concluded that the property was already unbalanced and lacking in symmetry owing to the differently sized windows that were present on either side of the projection.

The Inspector accepted that the massing of the proposal would cause an unbalance to the dwelling but would not be detrimental to the architectural integrity of the building given the sympathetic way in which the roof would be incorporated into the design.

Furthermore, the proposal could only be viewed slightly from Beechcroft Road and would have a natural effect on the character and appearance of the Stoneygate Conservation Area.

This was therefore allowed with conditions.

Leicester City Council

Wards: see individual reports

Planning & Development Control Committee **Date 22nd April 2015**

SUPPLEMENTARY REPORT ON APPLICATIONS AND CONTRAVENTIONS:

INDEX
APPLICATION ORDER

Page Main	Page Supp	Application Number	Address	Ward
6	2	20132033	7 NUGENT STREET	FS
18	-	20141811	GREENHITHE ROAD, RIVERSIDE DYEWORKS	FM
27	4	20150167	42 VICARAGE LANE BELGRAVE	BE
31	4	20150361	95 & 173 AVENUE ROAD EXTENSION, BAITUL IKRAM MOSQUE	CA
36	5	20150609	19 LANCASTER PLACE	CA
41	6	20150610	21 LANCASTER PLACE	CA
42	6	20150611	23 LANCASTER PLACE	CA
43	6	20150612	25 LANCASTER PLACE	CA
44	-	20148019A	34A ROWSLEY STREET	ST
46	-	20148028A	10 BEECHCROFT ROAD	KN

Recommendation: Conditional approval	
20132033	**7 NUGENT STREET**
Proposal:	DEMOLITION OF EXISTING FACTORY BUILDING AND REDEVELOPMENT WITH A TERRACE OF NINE HOUSES (9 X 3 BED) (AMENDED)
Applicant:	MR IQBAL GAFFAR
App type:	Operational development - full application
Status:	Minor development
Expiry Date:	5 December 2014
DW1	WARD: Fosse

Page Number on Main Agenda: 6

Minor amendment to block plan

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Amended Recommendation

That the application is approved in principle with the decision being delegated to officers subject to the receipt of additional information in respect of flood risk being received and being acceptable.

New Conditions

Additional condition 11 relating to reinstatement of redundant footway crossings on Nugent Street and reinstatement of any damaged areas of footway.

Plans condition now numbered 12.

Condition 4 amended to include policy reference.

CONDITIONS

4. No dwelling hereby permitted shall be occupied until all first floor windows in the rear elevations have been fitted with obscured glazing and any part of the windows that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.
(To protect the privacy of the occupiers of the houses to the north of the site on Paget Road and in accordance with policy PS10 of the City of Leicester Local plan)

11. No dwelling shall be occupied until any existing footway crossings into the site on Nugent Street that would be redundant following the completion of the development and any areas of footway adjacent to the site's frontages that are damaged as a result of the development, have been reinstated in accordance with details that have first been submitted to and approved in writing by the local planning authority.
(In the interests of highway safety)

12. The development hereby permitted shall be carried out in accordance with the following approved plans except as may be provided for by the conditions above: 640/01 (dated October 2013) and 640/05, 640/06 (dated October 2014)
(For the avoidance of doubt.)

Recommendation: Conditional approval	
20150167	**42 VICARAGE LANE BELGRAVE**
Proposal:	CHANGE OF USE FROM HOUSE (CLASS C3) TO TWO SELF CONTAINED FLATS (2 X 2 BEDS)(CLASS C3); SINGLE STOREY EXTENSION AT REAR; REPLACEMENT WINDOWS (AMENDED PLANS)
Applicant:	MR AMRATBHAI CHUDASAMA
App type:	Change of use
Status:	Change of use
Expiry Date:	24 April 2015
JMM	WARD: Belgrave

Page Number on Main Agenda: 27

Further Considerations
Vicarage Lane is referred to as being one way. Whilst it is one way at its junction with Loughborough Road it is not one way outside the application site.

Recommendation: Conditional approval	
20150361	**95 & 173 AVENUE ROAD EXTENSION, BAITUL IKRAM MOSQUE**
Proposal:	FIRST FLOOR EXTENSION TO PLACE OF WORSHIP; TWO MINARETS; TWO DOMES; ALTERATIONS (CLASS D1)
Applicant:	AHMADIYYA MUSLIM ASSOCIATION UK
App type:	Operational development - full application
Status:	Minor development
Expiry Date:	29 April 2015
TEI	WARD: Castle

Page Number on Main Agenda: 31

New Conditions

Condition 8 (sound insulation) and Condition 9 (materials) have been added.

CONDITIONS

8. Prior to the commencement of use a scheme for the insulation of the building against noise breakout shall be implemented in accordance with details first submitted to and agreed in writing by the City Council as local planning authority. (In the interests of the amenities of nearby occupiers and in accordance with policy PS10 of the City of Leicester Local Plan.)

9. The materials to be used for the rear elevations and the tiling to the front elevation shall be submitted to and approved by the City Council as local planning authority prior to installation and shall be retained as such (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)

Recommendation:	
20150609	**19 LANCASTER PLACE**
Proposal:	CHANGE OF USE FROM ONE HOUSE IN MULTIPLE OCCUPATION (CLASS C4) (5 BEDS) TO FOUR FLATS (CLASS C3); ALTERATIONS TO BUILDINGS AND SITE LAYOUT (AMENDED)
Applicant:	MR KULLAR
App type:	Change of use
Status:	Change of use
Expiry Date:	27 May 2015
TEI	WARD: Castle

Page Numbers on Main Agenda: 36-43

Representations

Two objections (one from the Civic Society) expressing concern that the proposals are not significantly different from those previously refused. They refer to the national space standards and note that the proposals fall short of these.

One of the objectors feels that there is no rationale behind the number of parking spaces proposed.

Further Considerations

The representations received, and any further representations to be received, will be considered by the planning officer in determination of the application.

On 21st April the agent sent through details of a revised landscaping scheme, headings of what a management plan would cover and a letter from a gardening company confirming that this company will be taking on responsibility for the maintenance of the open areas around numbers 19, 21, 23, 25, 27 and 29 Lancaster Place.

I consider that the revised landscaping scheme requires further amendments to ensure that it preserves and enhance the heritage significance of the listed buildings.

The note regarding the management plan covers:

- Objectives of the management
- Management responsibilities
- Bin and waste management
- Standards to which the open spaces will be maintained
- A maintenance schedule
- Monitoring and mechanisms for reporting
- A plan showing the final landscaping solution

I consider the revised landscaping scheme and work towards a satisfactory management plan demonstrates a commitment to ensuring that the proposals will preserve and enhance the heritage significance of the listed buildings.

Recommendation:	
20150610	**21 LANCASTER PLACE**
Proposal:	CHANGE OF USE FROM ONE HOUSE IN MULTIPLE OCCUPATION (CLASS C4) (5 BEDS) TO FOUR FLATS (CLASS C3); ALTERATIONS (AMENDED)
Applicant:	MR KULLAR
App type:	Change of use
Status:	Change of use
Expiry Date:	27 May 2015
TEI	WARD: Castle

As above.

Recommendation:	
20150611	**23 LANCASTER PLACE**
Proposal:	CHANGE OF USE FROM ONE HOUSE IN MULTIPLE OCCUPATION (CLASS C4) (5 BEDS) TO FOUR FLATS (CLASS C3); ALTERATIONS (AMENDED)
Applicant:	MR KULLAR
App type:	Change of use
Status:	Change of use
Expiry Date:	27 May 2015
TEI	WARD: Castle

As above.

Recommendation:	
20150612	**25 LANCASTER PLACE**
Proposal:	CHANGE OF USE FROM ONE HOUSE IN MULTIPLE OCCUPATION (CLASS C4) (5 BEDS) TO FOUR FLATS (CLASS C3); ALTERATIONS (AMENDED)
Applicant:	MR KULLAR
App type:	Change of use
Status:	Change of use
Expiry Date:	27 May 2015
TEI	WARD: Castle

As above.