

Leicester
City Council

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

DATE: WEDNESDAY, 29 JANUARY 2020

TIME: 5:30 pm

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

Members of the Committee

Councillor Riyait (Chair)

Councillor Aldred (Vice-Chair)

Councillors Gee, Halford, Joel, Khote, Rae Bhatia, Thalukdar, Valand and
Whittle

One unallocated Non-Grouped place.

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

A. Thomas .

For Monitoring Officer

Officer contact:

Elaine Baker, tel: 0116 454 6355 / Aqil Sarang, tel: 0116 454 5591 / Ayleena Thomas, tel: 0116 454 6369
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Democratic Support, Leicester City Council, City Hall, 115 Charles Street, Leicester, LE1 1FZ

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

Further information

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

Elaine Baker, tel: 0116 454 6355 or Aqil Sarang, tel: 0116 454 5591 / Ayleena Thomas, tel: 0116 454 6369, Democratic Support Officers.

Alternatively, email elaine.baker@leicester.gov.uk / aqil.sarang@leicester.gov.uk / ayleena.thomas@leicester.gov.uk, or call in at City Hall.

For Press Enquiries - please phone the **Communications Unit on 0116 454 4151.**

PUBLIC SESSION

AGENDA

FIRE / EMERGENCY EVACUATION

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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

Members are asked to confirm that the minutes of the meeting of the Planning and Development Control Committee held on 11 December 2019 are a correct record.

4. PLANNING APPLICATIONS AND CONTRAVENTIONS [Appendix A](#)

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

(i) **20171160 MALABAR ROAD, KOCHA HOUSE** [Appendix A1](#)

(ii) **20191135 6 SOUTHLAND ROAD** [Appendix A2](#)

(iii) **20192162 68 QUEENS ROAD** [Appendix A3](#)

5. MORLAND AVENUE AREA - PROPOSED 20MPH SPEED LIMIT - OBJECTION TO SCHEME IMPLEMENTATION [Appendix B](#)

6. THE LEICESTER (CONSOLIDATION) TRAFFIC REGULATION ORDER 2006 (AMENDMENT) AYLESTONE PHASE 1 AND ISLINGTON STREET TRO, LEICESTER [Appendix C](#)

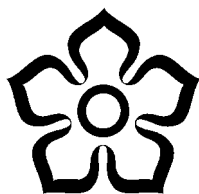
7. ANY URGENT BUSINESS

8. CLOSE OF MEETING

MEMBERS' BRIEFING SESSION

After the meeting has closed, there will be an informal briefing session for Members, which will include the following:

- Appeal decisions – for information



Leicester
City Council

**Wards:
See individual reports.**

Planning & Development Control Committee

Date: 29th January 2020

REPORTS ON APPLICATIONS AND CONTRAVENTIONS

Report of the Director, Planning and Transportation

1 Introduction

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

2 Planning policy and guidance

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

3 Sustainability and environmental impact

- 3.1 The policies of the Local Plan and the LDF Core Strategy were the subject of a Sustainability Appraisal that contained the requirements of the Strategic Environmental Assessment (SEA) Directive 2001. Other Local Development Documents will be screened for their environmental impact at the start of preparation to determine whether an SEA is required. The sustainability implications material to each recommendation, including any Environmental Statement submitted with a planning application are examined in each report.
- 3.2 All applications for development falling within the remit of the Town and Country Planning (Environmental Impact Assessment) Regulations 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 and detailed within each report.
- 3.4 Core Strategy Policy 2, addressing climate change and flood risk, sets out the planning approach to dealing with climate change. Saved Local Plan policies and adopted supplementary planning documents address specific aspects of climate change. These are included in individual reports where relevant.

4 Equalities and personal circumstances

- 4.1 Whilst there is a degree of information gathered and monitored regarding the ethnicity of applicants it is established policy not to identify individual applicants by ethnic origin, as this would be a breach of data protection and also it is not a planning consideration. Section 149 of the Equality Act 2010 provides that local authorities must, in exercising their functions, have regard to the need to:
- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 4.2 The identity or characteristics, or economic circumstances of an applicant or intended users of a development are not normally material considerations. Where there are relevant issues, such as the provision of specialist accommodation or employment opportunities these are addressed in the individual report.

5 Crime and disorder

- 5.1 Issues of crime prevention and personal safety are material considerations in determining planning applications. Where relevant these are dealt with in individual reports.

6 Finance

- 6.1 The cost of operating the development management service, including processing applications and pursuing enforcement action, is met from the Planning service budget which includes the income expected to be generated by planning application fees.
- 6.2 Development management decisions can result in appeals to the Secretary of State or in some circumstances legal challenges that can have cost implications for the City Council. These implications can be minimised by ensuring decisions taken are always based on material and supportable planning considerations. Where there are special costs directly relevant to a recommendation these are discussed in the individual reports.
- 6.3 Under the Localism Act 2011 local finance considerations may be a material planning consideration. When this is relevant it will be discussed in the individual report.

7 Planning Obligations

- 7.1 Where impacts arise from proposed development the City Council can require developers to meet the cost of 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.
- 7.2 Planning obligations cannot make an otherwise unacceptable planning application acceptable.
- 7.3 Recommendations to secure planning obligations are included in relevant individual reports, however it should be noted however that the viability of a development can lead to obligations being waived. This will be reported upon within the report where relevant.

8 Legal

- 8.1 The recommendations in this report are made under powers contained in the Planning Acts. Specific legal implications, including the service of statutory notices, initiating prosecution proceedings and preparation of legal agreements are identified in individual reports. As appropriate, the City Barrister and Head of Standards has been consulted and his comments are incorporated in individual reports.
- 8.2 Provisions in the Human Rights Act 1998 relevant to considering planning applications are Article 8 (the right to respect for private and family life), Article 1 of the First Protocol (protection of property) and, where relevant, Article 14 (prohibition of discrimination).
- 8.3 The issue of Human Rights is a material consideration in the determination of planning applications and enforcement issues. Article 8 requires respect for private and family life and the home. Article 1 of the first protocol provides an entitlement to peaceful enjoyment of possessions. Article 14 deals with the prohibition of discrimination. It is necessary to consider whether refusing planning permission and/or taking enforcement action would interfere with the human rights of the applicant/developer/recipient. These rights are 'qualified', so committee must decide whether any interference is in accordance with planning law, has a legitimate aim and is proportionate.
- 8.4 The impact on the human rights of an applicant or other interested person must be balanced against the public interest in terms of protecting the environment and the rights of other people living in the area.
- 8.5 Case law has confirmed that the processes for determination of planning appeals by the Secretary of State are lawful and do not breach Article 6 (right to a fair trial).

9 Background Papers

Individual planning applications are available for inspection on-screen in the Customer Service Centre, Granby Street, and on line at www.leicester.gov.uk/planning. Comments and representations on individual applications are kept on application files, which can be inspected on line in the relevant application record.

10 Consultations

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

11 Report Author

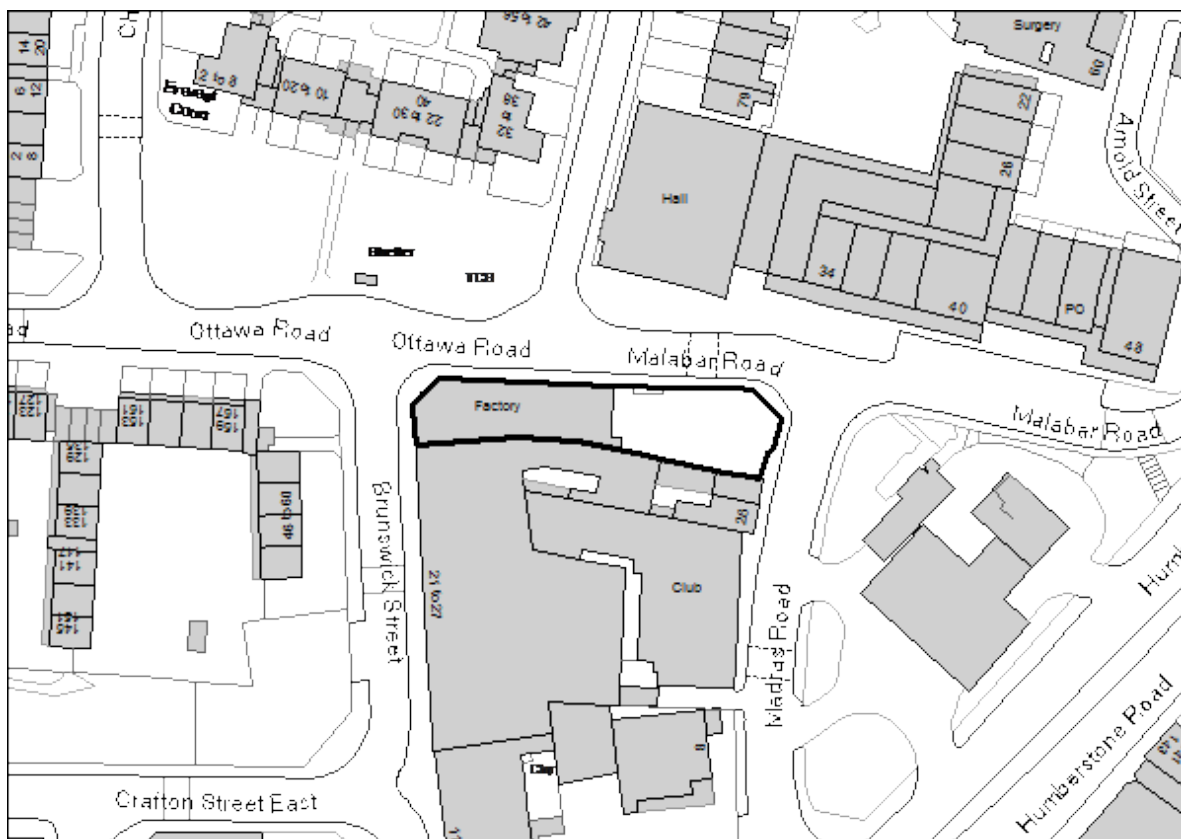
Grant Butterworth (0116) 454 5044 (internal 37 5044).

INDEX APPLICATION ORDER

Page Main	Page Supp	Application Number	Address	Ward
5		20171160	Malabar Road, Kocha House	WY
27		20191135	6 SOUTHLAND ROAD	KN
35		20192162	68 Queens Road	CA

Appendix A1

Recommendation: Conditional approval	
20171160	Malabar Road, Kocha House
Proposal:	Demolition of existing building; construction of four and five storey building to create 10 shops on the ground floor (Class A1) and 27 flats on the first to fourth floors (16 x 1bed, 11 x 2bed) (Class C3) (amended plans 28/10/2019) (S106 Agreement)
Applicant:	MR PATEL
View application and responses	https://planning.leicester.gov.uk/Planning/Display/20171160
Expiry Date:	6 May 2020
WJJ	WARD: Wycliffe



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Summary

- Brought to the Committee as the recommendation is for approval and more than six objections have been received.
- The main issues are the principle of retail units and dwellings in this area, the character and appearance of the area, highway and parking concerns, the amenity of neighbouring dwellings and the quality of living environment for future residents
- The petition with thirty names and the two objection letters raise concerns regarding the impact of the scheme on parking and traffic congestion, the light enjoyed by neighbouring properties, education provision and the impact of demolition and redevelopment on businesses who occupy the existing building.

- The application is recommended for Approval subject to conditions and the completion of a S106 Agreement to secure developer contributions to off-site green space, on-site affordable housing and education.

Introduction

The site consists of a two-storey building on the western side of the site and a surface car park, surrounded by a wall, on the east. The ground floor is in retail use and the upper floors are storage space and offices.

The site lies within a Primarily Employment Area just off the Humberstone Road and inner ring road. To the north and west of the application site is the largely residential St Matthews Estate. On the north side of Malabar Road is the Malabar Road Local Centre.

The site is within an Air Quality Management Area (AQMA). The site is close to a known source of pollution, the St Matthews Petrol Service Station.

With regards to flooding from fluvial sources the site is within Flood Zone 1 with a less than 1 in 1000 year estimated risk of flooding. With regards to flooding from pluvial sources the site is within a Critical Drainage Area. Although flooding from pluvial sources is unlikely to take place here the rapid run-off of surface water from this area may result in flooding in neighbouring Hotspots.

Background

The historic maps show the area was developed by the 1880s. Brunswick Street, Malabar Road and Madras Street were in place. However, at that time Malabar Road was called Dysart Street and Madras Street was Curzon Street. The form of development consisted of small plots and buildings. Over time these were amalgamated into larger plots and the larger buildings that currently exist within this block were built. These include a number of reasonably tall warehouse/factory buildings with impressive frontages to Brunswick St.

From the 1950's to the 1970's much of the area nearby, including the street layout, was cleared and redeveloped for the largely residential St Matthews Estate, the Malabar Road Local Centre and the inner ring road. The block in which the application site is located, along with some of the streets nearby, is one of the remaining blocks from before that time.

In the late 1980's and early 1990's the St Matthews Estate was refurbished. This involved removing or improving some of the negative design features from the redevelopment of the 1950's to the 1970's.

The current two storey building seems to date from, or shortly after, 1960 and was built as a clothing factory. By 1963 the use had changed to a television repair workshop, stores and offices. By 1973 it appears to have been being used solely as an office. Since then a number of change of uses have been permitted and a number of uses taken place including five shops (Class A1), a factory (Class B1), warehouse (Class B8), flats (Class C3) and community use and training centre (Class D1).

The ground floor is currently used for retail units. The first floor is used for storage space and offices.

The Proposal

The proposal is to demolish the existing two-storey building and construct a building with retail uses on the ground floor and flats above.

The proposed building would occupy the whole of the site and would not have any parking within it. This is in contrast to the existing situation where the building occupies the western and middle parts of the site and there is a surface car park on the eastern side that can take around nine cars.

This application was originally for a six and seven-storey building with nine retail units on the ground floor and forty-five flats above (19 x 1bed & 26 x 2bed).

The scale of the building has been amended so it is now a four and five storey building. The amended plans retain the retail uses on the ground floor. These have been reconfigured so there are now ten. On the upper floors are now twenty-seven flats (16 x 1bed & 11 x 2bed). For many of the flats private balconies are proposed and a rooftop communal garden is proposed on the eastern side of the fourth floor.

Policy Considerations

National Planning Policy Framework (NPPF) February 2019

Paragraph 2 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

Paragraph 11 contains a presumption in favour of sustainable development. For decision-taking this means:

'c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

The City does not currently have a five-year deliverable land supply for housing. Developer contributions. The following paragraphs are particularly relevant to viability matters.

Paragraph 54 states that *'Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.'*

Paragraph 56 states that *'Planning obligations must only be sought where they meet all of the following tests:*

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development.'*

Sequential Test for Retail. The following paragraphs are particularly relevant to the sequential test for retail uses.

Paragraph 87 states that *'Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.'*

Paragraph 87 states that *'When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.'*

Transport. The following paragraphs are particularly relevant to the transport related aspects of the scheme.

Paragraph 108 states that *'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'*

Paragraph 109 states that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

Paragraph 110 states that *'Within this context, applications for development should:*
a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or

other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Design. The following paragraphs are particularly relevant to design matters.

Paragraph 124 states that *‘The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.’*

Paragraph 127 states that *‘Planning policies and decisions should ensure that developments:*

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where

crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

Climate change aspects. The following paragraph is particularly relevant to climate change matters.

Paragraph 153 states that *'In determining planning applications, local planning authorities should expect new development to:*

a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and

b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'

Sustainable Drainage aspects. The following paragraph is particularly relevant to sustainable drainage matters.

Paragraph 165 states that *'Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:*

a) take account of advice from the lead local flood authority;

b) have appropriate proposed minimum operational standards;

c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and

d) where possible, provide multifunctional benefits.'

Habitat and biodiversity aspects. The following paragraphs are particularly relevant to habitats and biodiversity matters.

Paragraph 170 states that *'Planning policies and decisions should contribute to and enhance the natural and local environment by:*

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;'

Paragraph 175 states that *'When determining planning applications, local planning authorities should apply the following principles:*

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.'

Other policy

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

Supplementary Planning Document – Tall Buildings
Supplementary Planning Document - Employment Land
Supplementary Planning Document – Residential Amenity
Supplementary Planning Document – Green Space
Supplementary Planning Document – Affordable Housing
The 6Cs Design Guide (Highway Guidance)

Leicester City Council Waste Management guidance notes for residential properties
Technical housing standards – nationally described space standard – March 2015
(National Space Standards).

City of Leicester Local Plan (2006). Saved policies. Appendix 1: Parking Standards
National Design Guide (Ministry of Housing, Communities & Local Government)

Consultations

Highway Authority

The site is in a highly sustainable location in terms of transport. It is close to the city centre, the Malabar Road Local Centre, areas with employment uses and public transport. Staff, customers and residents of the proposal may not be solely reliant on the use of a car for all their journeys.

For when a car is needed, Lee Circle public car park is a relatively short distance away. The surrounding roads do have a reasonably high level of on-street car parking controls in place. However, the City Council Parking Enforcement use significant resources to address parking related problems that arise in this area. Double parking, parking on the footway and parking on double yellow lines has been witnessed by officers. It is therefore clear that the area suffers from existing parking issues and that the level of parking currently available is insufficient to cater for existing demand.

The City Council's Neighbourhood Housing Team have funded and seen installed additional car parking spaces that seek to cater for existing parking demand from residents. Further locations where car parking spaces could be created on-street through the alteration of Traffic Regulation Orders (TROs) would be along Malabar Road near Prince Phillip House. Nine spaces can be provided. This equals the number of spaces that will be lost from the existing on-site car park.

There have been a relatively large number of reported road traffic accidents within a very short distance of the site. Within the latest five years of data, there have been fourteen recorded accidents on Malabar Road, Madras Road, Ottawa Road, Crafton Street and Brunswick Street. A number of these accidents involved vehicles that were parked, stopping, starting and sometimes more than one of these.

The high demand for on-street car parking indicates that, despite the site being in a sustainable location, there is likely to be a demand to use cars by the future staff, customers

and residents of this scheme. As such a sizeable development with no off-street car parking is likely to result in an increase in demand for on-street car parking. Given the current shortfall in on-street car parking spaces, the proposal may lead to an increase in indiscriminate parking. This may include parking on the street in restricted areas, parking across dropped kerbs, parking on verges and pavements. This would be detrimental to the good functioning of the highway and to highway safety in an area that has a relatively high accident rate.

Therefore, in the light of comments above, the Local Highway Authority raises concerns about the impact of removing a small development with an off-street car park and replacing it with a much larger scheme with no off-street car parking. It is likely to result in an increased demand for on-street car parking and servicing in an area where supply currently is less than demand. This may result in actions that lead to increased danger for highway users; particularly for pedestrians and cyclists.

Should the scheme be desirable on planning balance then the scheme should be managed to promote sustainable forms of transport and to promote highway safety. These include:

- Amending Traffic Regulation Orders (TROs) at developer expense to increase the provision of on-street car parking spaces. The potential to provide nine on-street parking spaces through alterations to TROs has been identified. This would involve removing single and double yellow lines on Malabar Road near the Prince Phillip Centre. This would equal the loss of the nine car parking spaces in the existing on-street car park and would go some way to mitigating the potential on-street parking impact of the whole scheme.
- A Travel Plan for the development to manage delivery arrangements and promote the use of sustainable means of transport.
- Travel Packs for new residents to promote the use of sustainable means of transport.

The applicant has stated they will pay for the costs of altering the TROs.

The scheme has been designed to provide a high level of cycle parking. Our current cycle parking guidance suggest one space per two bed spaces, with one visitor space per twenty bed spaces for the residential element and one space per 400sqm for staff and one space per 1000sqm for customers using the retail element.

The scheme will provide forty-two cycle parking spaces. This is significantly above our current guidance that indicates around seventeen cycle spaces should be provided. The high level of cycle parking may help to offset the impact of the lack of vehicle parking.

Highway Authority, Air Quality

An Air Quality Assessment has been submitted with the application. It is unlikely that residents will be subjected to unacceptable levels of air pollution.

Lead Local Flood Authority (LLFA)

No objection subject to a condition to secure a Sustainable Drainage System (SuDS).

Waste Management

The bin store is acceptable and should be secured by condition.

Estates & Building Services, Better Buildings

The scheme will connect to the district heating network which will provide heating and hot water. PV panels will be installed on the roof and a range of measures to minimise energy use are also proposed such as low flow taps and toilets, high air tightness and natural ventilation. This is acceptable and can be secured by condition.

Environmental Services, Noise Team

Details of noise insulation and ventilation have been submitted. They are acceptable and can be secured by condition.

Environmental Services, Land contamination

There is the potential that the land has been contaminated from past uses. This needs to be investigated and, should contaminants be found, cleaned up. This can be secured by condition.

Environmental Services, Parks Service

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

Based on the amended proposals and by applying the formula from the Green Space SPD, a contribution of £31,738 is required for improvements to existing green space within the local area of this development. The contribution would be used to fund quality improvements to Kamloops Crescent open space and Taylor Road open space.

Education

The site is within the Primary North planning area. This faces a deficit of pupil places both before and after any places for other developments are offset. Calculated demand from this development before offsetting against any surplus is three places. Because the calculated demand from this development increases the deficit, the number of places is not adjusted. The Primary contribution comes to £12,866.08.

The Primary schools identified for the potential demand for these additional spaces and located within one mile are: Abbey Primary Community School, Bridge Junior School, Catherine Infant School, Catherine Junior School, Charnwood Primary School, Green Lane Infant School, Highfields Primary School, Medway Community Primary School, Sacred Heart Catholic Primary School, Shenton Primary School, Slater Primary School, Sparkenhoe Community Primary School, Spinney Hill Primary School & Community Centre, Taylor Road Primary School, Uplands Infant School, Uplands Junior L.E.A.D Academy.

There is one Secondary School planning area for the city. The Secondary School Planning area faces a deficit of pupil places both before and after any places for other developments are offset. Calculated demand from this development before offsetting against any surplus is one place. Because the calculated demand from this

development increases the deficit, the number of places is not adjusted. The Secondary contribution comes to £7,453.47.

Secondary Schools identified for the potential demand for these places and located within 2 miles are: Beaumont Leys School, Crown Hills Community College, English Martyrs Catholic School, Fullhurst Community College, Madani Boys School, Madani Girls School, Moat Community College, Rushey Mead Academy, Soar Valley College.

The total contribution for Education comes to £20,319.55.

Housing Service

The applicant has indicated they intend this development to be for the Private Rental Sector (PRS) accommodation. In line with the Core Strategy Policy 7 and the SPD on Affordable Housing, 20% of such units should be for Affordable Private Rent. For twenty-seven flats five flats should be provided as Affordable Private Rent. These should consist of 3 x 1 bed/2 person flats and 2 x 2 bed/4 person flats

Representations

A petition with thirty signatures has been received. Two objection letters have been received. Grounds:

- There are existing problems with parking and traffic congestion in this area; including parking on the forecourt of St Matthews Service Station. The proposed scheme will make these worse.
- A seven-storey building will reduce light to neighbouring properties (the scheme has now been reduced to four and five storeys)
- The petition expresses the view that Taylor Road Primary School is already full and raises concerns as to the impact of the scheme on education provision.
- A manager of one of the shops in the existing building has expressed concern that their business would struggle should the existing building be demolished.

Consideration

Principle

Non-employment uses

The site is within a Primarily Employment Area where employment related uses (usually B Class uses) are usually sought and retained. However, retail units have operated from the ground floor of the existing building for many years. The first floor is in use for storage space and offices. The 2016 Valuation Office Agency (VOA) data shows that the industrial rateable value is low. The building is not a modern portal frame, which is the preferred format for most businesses. Given these elements non-employment related uses are acceptable here.

Retail uses

The proposal will increase the amount of retail floorspace offered on this site as it will include building over the existing surface car park on the eastern side of the site. 330sqm of retail will be lost when the existing building is demolished and 415sqm will be provided in the proposed building. This is an increase of about 26%.

Paragraph 86 of the NPPF and policy CS11 in the Core Strategy require main town centre uses (this includes retail uses) to be directed in the first instance to a shopping centre before edge-of-centre and then out-of-centre locations are considered appropriate. The development site is classed as an edge of centre location.

The site is opposite the Malabar Road Local Centre. There are few locations in the city where Local Centres can be extended. A retail study was undertaken as part of the evidence base to support the Council's new Emerging Local Plan (Leicester City and Blaby Town Centre and Retail Study of September 2015). This study carried out health checks for all the local centres in the City and considered whether boundaries should be altered. The study recommended extending the boundary of the Malabar Road Local Centre to incorporate existing surrounding retail uses. This includes the existing retail units on the application site. At this stage the change to the boundary of the local centre is only a recommendation of the study. To actually change the boundary of the centre the Local Plan and proposals map would need to go through various local plan and consultation stages as well as the Local Plan examination in public.

Given the existing building has retail units on the ground floor, that it is in an edge-of-centre location, and that the Leicester City and Blaby Town Centre and Retail Study of September 2015 took the view that the Malabar Road Local Centre should be expanded, I consider the proposed ground floor retail units to be acceptable.

Dwellings

The site is close to the residential area of St Matthews. It currently has retail units on the ground floor and retail units are proposed for the new building. Dwellings above retail units are desirable as they can make an efficient use of land, provide activity during hours when the retail units are closed and provide active frontage to the street. I consider the proposed dwellings on the upper floors to be acceptable.

Character and appearance

The area is characterised by the meeting of a number of townscapes. To the north is the St Matthews Estate with a street layout, dwellings and local centre that mostly date from when it was built from the 1950's to the 1970's. The application site is within a block defined by an older street layout. For many years this has included buildings of an employment nature; the tall warehouse/factory buildings with impressive frontages to Brunswick St in particular. There are a number of blocks like this located on the south side of the St Matthews Estate, the south sides of Humberstone Road and the inner ring road (at this point St Matthews Way and St George's Way). The area in and around the inner ring road is a third townscape characterised by the wide roads, roundabout, verges and planting.

On the far sides of Malabar Road and Brunswick Street are four-storey blocks of flats. The St Matthews Local Centre is a purpose built complex and varies from two to four (or equivalent) storeys in height. Facing Brunswick Street from within the same block as the application site are four storey warehouse/factory buildings with impressive frontages. Compared with the modern dwellings and Local Centre complex buildings in the area these are taller as the floor to ceiling heights are greater.

In the context of these existing buildings the proposed four to five storey building will fit in to the existing townscape and provide a building appropriate for the existing area that is mostly densely developed and close to the city centre.

From the rear the proposed building will be largely obscured by the existing buildings within the block. A large expanse of plain brickwork, forming the rear elevation, will not be visible.

From the front the building will provide active frontage to Malabar Road and smaller amounts from the sides to Brunswick Street and Madras Road.

The existing site boundary and the pavement already cut the corners of Malabar Road/Brunswick Street and Malabar Road/Madras Road on the diagonal. This ensures good pedestrian movement around the corners. The design of the building makes use of these diagonals to create a corner feature. The plans show a palette of materials consisting of light and dark grey bricks, white render and glass balcony balustrades. Some of the windows will have an aluminium surround. To ensure the quality of the design is maintained through the use of appropriate materials I recommend these are secured by condition.

The proposed building has two main pedestrian entrances from Malabar Road. These are wide and light from glazing in the doors and windows. They should provide good entrances for residents and active frontage to the street.

Residential amenity *Of neighbours*

For this scheme the biggest concern is the effect on properties to the north and west and especially the residential properties. To the south the properties are in commercial uses. The impact on them is acceptable. The nearest distances to the properties to the north and west are approximately as follows and all are across streets:

- 18m to one of the main elevations of 46-60 Brunswick Street
- 28m to the side wall of 159-167 Ottawa Road
- 35m to one of the main elevations of Everest Court
- 16m to the Malabar Road Local Centre complex

Appendix G of the SPD for Residential Amenity gives the following separation distances as guidance:

- 15m where facing a blank wall
- 18m where windows face each other obliquely
- 21m where windows face each other directly

Caution should be taken in using these measures as they are not generally applied to across street situations. This is a different urban form to the denser and often higher forms that are often close to the city centre such as here.

Given the dense urban form of this area, the distances involved, the orientation of buildings, the type of uses and that all of these properties are on the other sides of streets I consider these separation distances are acceptable.

The application includes shadow diagrams to indicate the impact of the scheme on the light enjoyed by neighbouring properties. It shows that the scheme will cast a shadow over the flats at Everest Court, and the Local Centre (which contains shops, a community centre on the western side and flats above the shops on the eastern side) on the north side of Malabar Road at 0900 and 1200 in December. The diagram indicates that in March, June and September shadows cast at 0900, 1200 and 1500 do not overshadow the flats. A shadow reaches the edge and goes over parts of the Local Centre in March and September at 1200 and 1500. The shadow from the proposed building will be longer than the shadow cast by the existing buildings. However, in terms of the impact on neighbouring dwellings, a similar shadow is currently cast by the existing buildings within the block and by the flats on the south side of Ottawa Road (Malabar Road becomes Ottawa Road to the west of the application site). Given the impact of the existing buildings, and that the shadow will have most impact on the shops and community centre, and minimal impact on flats, I consider this impact to be acceptable.

Of residents

All flats will comply with Category M4(2) of the Building Regulations. This will ensure the flats will be reasonably adaptable to the changing needs of residents over the course of their lives.

While the National Space Standards are of relevance to schemes such as this, the Council have not adopted them, and therefore their weight is limited. The National Space Standards for a one-bedroomed flat is a minimum of 37sqm and 61sqm for a two bedroomed flat.

The flats range in size from 43sqm-72sqm. The proposed flats will have acceptable outlook over the street and twenty-one of the twenty-seven flats have balconies. Given this, and the provision of a communal garden on the roof of the fourth floor, I consider the size of the flats to be acceptable.

The Residential Amenity SPD indicates that one-bedroomed flats should have outdoor amenity space of 1.5sqm and two-bedroomed flats should have 2sqm (or the equivalent in a communal garden). For six one-bed and eleven two-bed flats this comes to 31sqm. The communal rooftop garden on the fourth floor is approximately 280sqm. I consider the scheme is well provided for in terms of outdoor amenity space and I recommend this is secured by condition.

The site is close to a number of significant sources of noise. The scheme includes shops on the ground floor and is opposite a Local Centre. The Humberstone Road is nearby. The scheme includes a noise insulation and ventilation scheme. This should ensure the amenity of residents is acceptable and I recommend it is secured by condition.

An Air Quality Assessment has been submitted with the application. It is unlikely that residents will be subjected to unacceptable levels of air pollution.

Highway and parking matters

In recent years developments without any car parking have been accepted by the City Council in the city centre. Many developers have brought forward city centre schemes

without parking on the understanding their customers can use sustainable means of transport. In suburban locations a high level of parking spaces still tends to be provided.

Urban areas that are close to the city centre and public transport provision typically have a dense urban form that has some space for on-street parking but is too dense to have large amounts of space for off-street parking. Residents and businesses in the area struggle with a scarcity of highway and parking relative to demand. On the other hand, providing lots of highway and parking undermines the qualities that these densely developed areas have. To help manage the limited supply of parking space in these areas residents parking schemes have been introduced in many areas.

The application site currently has a two-storey building and a surface car park that can accommodate around nine cars. These do not make a large contribution to the qualities of this densely developed area. Redevelopment of this site offers the opportunity to replace this with a scheme where car parking is not prioritised and with a scale of building appropriate for an inner urban area.

For redevelopment, providing on-site car parking has significant site-specific drawbacks. These include:

- The loss of space for other uses, such as retail and dwellings, that may be more appropriate for this densely developed area.
- The loss of uses, doors and windows that would provide an active frontage to the street.
- The site is thin. The amount of space for car parking will be low in proportion to the space needed for vehicle access and manoeuvring.
- Creating further accesses for on-site car parking may require the loss of some existing on-street parking.

I recognise the difficulties with parking in this area. However, on balance, I consider inner urban areas are not appropriate areas for parking to be prioritised on new developments. The benefits of development outweigh the benefits of providing on-site parking.

The potential to provide nine on-street parking spaces through alterations to TROs has been identified. This would involve removing single and double yellow lines on Malabar Road near the Prince Phillip Centre. This would equal the loss of the nine car parking spaces in the existing on-street car park and would go some way to mitigating the potential on-street parking impact of the whole scheme. The applicant has stated they are prepared to pay for the cost of altering the TROs and the potential for this alteration can be secured by condition.

The proposed scheme will provide plenty of space for cycle parking. Residents can be encouraged to use sustainable means of transport through a travel plan and by providing them with travel packs. The reinstatement of kerbs for the existing parking area and new dropped kerbs for bin stores can be provided. I recommend these are secured by condition.

I therefore consider this scheme is acceptable in highway terms.

Land contamination

The site may be contaminated from past uses. Redevelopment offers the opportunity to clean up contaminants that may be there. I recommend this is secured by condition.

Waste

The bin store is acceptable and can be secured by condition.

Wildlife

A protected species survey has been received with the application. It reports the building did not have any protected species at the time of the survey and is unlikely to house any in future. This is accepted.

A brown or green roof on the roof of the fifth floor plus planting within the communal garden on the fifth floor can provide some wildlife habitat as well as contribute to the Sustainable Drainage System (SuDS). I recommend these are secured by condition. The brown or green roof, planting within the communal garden, bat and bird boxes will provide a biodiversity net gain for this scheme in accordance with paragraph 170 of the NPPF.

Energy

The scheme will connect to the district heating network which will provide heating and hot water. PV panels will be installed on the roof and range of measures to minimise energy use are also proposed such as low flow taps and toilets, high air tightness and natural ventilation. This is acceptable and I recommend it be secured by condition.

Water Environment

A SuDS to reduce the rate of surface water runoff and provide residential amenity, water cleaning and wildlife habitat benefits will be provided. I recommend a condition be attached to ensure the details are acceptable and it is provided.

I recommend a condition be attached to ensure foul drainage is acceptable.

Developer contributions

The developer has agreed to make contributions to green space, education and affordable housing. A S106 Agreement is being drafted to secure these contributions.

Green Space

A contribution of £31,738 to fund quality improvements to Kamloops Crescent open space and Taylor Road open space is required to cater for the likely impact of the scheme from future residents.

Education

A contribution of £20,319.55 to fund quality improvements to local education provision is required to cater for the likely impact of the scheme from future residents.

Affordable Housing

The applicant has agreed to provide the following as Affordable Private Rent to contribute towards the affordable housing need in the city:

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

Other matters

A manager of one of the existing shops in the building has expressed concern that their business may struggle if the existing building is demolished. The management of businesses while the buildings they are in are demolished is outside the scope of the Planning system. When compared with the existing building the proposed building will increase the overall space for retail uses by 26%.

Conclusion

With numerous flats and retail units and an active frontage to the street the scheme will make a positive contribution to the appearance and vitality of the area. It will provide retail units that will complement the existing Malabar Road Local Centre and make a contribution towards the need for housing in the city. It will provide a building of suitable scale and density, making efficient use of land, for a densely developed neighbourhood close to the city centre.

There are concerns regarding the potential impact of the scheme on problems relating to car parking in the area. However, on balance, I consider the potentially harmful impact to be outweighed by the positive aspects of the scheme. In accordance with paragraph 11 of the NPPF, in approving this scheme, the 'adverse impacts of doing so would (not) significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'

I therefore recommend APPROVAL subject to conditions and the completion of a S106 AGREEMENT to secure developer contributions to green space, affordable housing, and education

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. Prior to the commencement of development the site shall be investigated for the presence of land contamination. 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, shall be submitted to and approved in writing by the City Council as local planning authority. The approved remediation scheme shall be implemented and a completion report shall be submitted to and approved in writing by the City Council as 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 that are carried out and approved in writing by the City Council as local planning authority prior to the occupation of the development. The report of the findings shall include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments; (iii) an appraisal of remedial

options, and proposal of the preferred option(s). This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. (To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved policy PS11 of the City of Leicester Local Plan.) (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

3. No retail unit or flat shall be occupied until evidence has been submitted to and approved in writing by the City Council as local planning authority demonstrating all the measures in the Sustainable Energy Statement (dated the 28th of April 2018) have been installed. They shall remain in place thereafter. (In the interests of securing energy efficiency in accordance with policy CS02 of the Core Strategy.)
4. No retail unit or flat shall be occupied until evidence has been submitted to and approved in writing by the City Council as local planning authority demonstrating all the measures in the noise insulation and ventilation scheme approved as part of this application (Sanctuary Acoustics, April 2017) have been implemented. They shall be retained thereafter. (To protect residents from unacceptable levels of noise and in accordance with policies PS10 & PS11 of the City of Leicester Local Plan.)
5. Prior to the commencement of above ground development details of 3 x bat bricks/tiles/boxes; 3 x bird bricks/boxes and 3 x invertebrate boxes to be incorporated within or on the elevations of the proposed building shall be submitted to and approved in writing by the City Council as local planning authority. The locations shall be determined by an ecologist who shall also supervise their installation. Prior to the occupation of any flat or retail unit they shall be installed in accordance with the approved details. They shall be retained for the lifetime of the development. (In the interest of biodiversity and in accordance with policy CS17 of the Core Strategy.)
6. No retail unit or flat shall be occupied until a brown or green roof has been installed on the roof of the fifth floor in accordance with details first submitted to and approved in writing by the City Council as local planning authority. It shall be retained for the lifetime of the development. (In the interest of biodiversity and to reduce the rate of surface water run off in accordance with policies CS02 and CS17 of the Core Strategy.)
7. No flat shall be occupied until the rooftop garden on the fifth floor has been laid out in accordance with details first submitted to and approved in writing by the City Council as local planning authority. It shall be retained thereafter. (To provide residents with acceptable levels of amenity and in accordance with policy PS10 of the City of Leicester Local Plan.)

8. No retail unit or flat shall be occupied until bin storage has been provided in accordance with the approved plans. It shall be retained thereafter. (In the interests of the satisfactory development of the site and in accordance with policy CS03 of the Core Strategy.)
9. No retail unit or flat shall be occupied until secure and covered cycle parking has been provided in accordance with details first submitted to and approved in writing by the City Council as local planning authority. It shall be 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.)
10. Prior to the commencement of above ground development details of all street works, including alterations to footway crossings, shall be submitted to and approved in writing by the City Council as local planning authority. Prior to the occupation of any retail unit or flat all streetworks must be implemented in full accordance with the approved details. (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.)
11. Development shall not commence until any necessary amendments have been made to Traffic Regulation Orders (TROs) for the surrounding roads to increase on-street car parking capacity. The Development shall not be occupied until the works authorised by the TRO's referred to above have been completed. (In the interests of highway safety and in accordance with saved policy AM01 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS14.) (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)
12. No retail unit or flat shall be occupied until a Travel Plan for the scheme 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 City Council as local planning authority. 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, AM11 and AM12 of the City of Leicester Local Plan and policies CS14 and CS15 of the Core Strategy).

13. Within one month of the first occupation of any flat, the occupiers of each of the flats shall be provided with a 'New Residents Travel Pack'. The contents of this shall be submitted to and approved in writing, in advance, by the City Council as local planning authority and shall include walking, cycling and bus maps, latest relevant bus timetable information and bus travel and cycle discount vouchers. (In the interest of sustainable development and in accordance with policy AM02 of the City of Leicester Local Plan and policy CS14 of the Core Strategy).
14. Prior to the commencement of development a Construction Method Statement shall be 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 CS03.) (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)
15. The flats and their associated approach shall be constructed in accordance with 'Category 2: Accessible and adaptable dwellings M4 (2) Optional Requirement. On completion of the scheme and prior to the occupation of any of the flats a completion certificate signed by the relevant inspecting Building Control Body shall be submitted to and approved in writing by the City Council as local planning authority certifying compliance with the above standard. (To ensure the flats are adaptable enough to match a lifetime's changing needs in accordance with Core Strategy policy CS06.)
16. Prior to the commencement of development full details of the Sustainable Drainage System (SuDS), together with implementation, long term maintenance and management of the system shall be submitted to and approved in writing by the City Council as local planning authority. No flat or retail unit shall be occupied until the system has been implemented. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall include: (i) full design details, (ii) a timetable for its implementation, and (iii) a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy). (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)

17. Prior to the commencement of development details of drainage, and especially foul drainage, shall be submitted to and approved in writing by the City Council as local planning authority. No retail unit or flat shall be occupied until the drainage has been installed in accordance with the approved details. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy.) (To ensure that the details are approved in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition.)
18. Prior to the commencement of above ground construction, the materials to be used for all external surfaces shall be submitted to and approved in writing by the City Council as local planning authority. Development shall be carried out in accordance with the details approved. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
19. This consent shall relate solely to the submitted and amended plans ref. no. DSA-16146-PL-PRO-03-G, 04-G, 05-G, 06, 07 received by the local planning authority on 28th of October 2019 unless otherwise submitted to and approved by the local planning authority. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. Please note this permission is subject to a S106 Agreement that has secured developer contributions to green space, affordable housing and local education provision.
2. To meet condition 15 all those delivering the scheme (including agents and contractors) should be alerted to this condition, and understand the detailed provisions of Category 2, M4(2). The Building Control Body for this scheme must be informed at the earliest opportunity that the units stated are to be to Category 2 M4(2) requirements. Any application to discharge this condition will only be considered if accompanied by a building regulations completion certificate/s as stated above.
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 As the existing building abuts the highway boundary, any barriers, scaffolding, hoarding, footway closure etc. required for the construction works to be undertaken will require a licence. This should be applied for by emailing Licensing@leicester.gov.uk
4. With regards to the Travel Pack related condition, the contents of the pack are intended to raise the awareness and promote sustainable travel, in particular for trips covering local amenities. The applicant should seek advice from Bal Minhas (Leicester City Council's Travel Plan Officer via telephone 0116 4542849).

5. The costs for the alterations of the Traffic Regulation Orders (TROs) shall be funded by the Applicant. The Applicant is advised to contact Ed Kocik in the Traffic Management section (0116 454 3714) to discuss the requirements to enable the TRO to be processed.
6. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the application process and pre-application. The decision to grant planning permission with appropriate conditions and a S106 legal agreement, taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019, is considered to be a positive outcome of these discussions.

Policies relating to this recommendation

- | | |
|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2006_AM01 | Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations. |
| 2006_AM02 | Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations. |
| 2006_AM11 | Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01. |
| 2006_AM12 | Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01. |
| 2006_BE10 | In developments involving a new shopfront, the design should be an integral part of the whole building and should be in proportion to the lines of the facade of which it forms a part. |
| 2006_BE11 | Planning permission for the fitting of external security measures including roller shutters and grilles will only be approved where a special need for external security exists. |
| 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_H03 | Provides guidance on minimum net densities to be sought for residential development sites according to location. |
| 2006_H07 | Criteria for the development of new flats and the conversion of existing buildings to self-contained flats. |
| 2006_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents. |
| 2006_PS11 | Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc. |
| 2014_CS02 | Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City. |
| 2014_CS03 | The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'. |

- 2014_CS06 The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
- 2014_CS07 New residential development should contribute to the creation and enhancement of sustainable mixed communities through the provision of affordable housing. The policy sets out the broad requirements for affordable housing.
- 2014_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
- 2014_CS10 The Council will seek to ensure that Leicester has a thriving and diverse business community that attracts jobs and investment to the City. The policy sets out proposals to achieve this objective.
- 2014_CS11 The Council supports a hierarchy of retail centres in Leicester. The policy sets out measures to protect and enhance retail centres as the most sustainable location for retail development.
- 2014_CS13 The Council will seek to maintain and enhance the quality of the green network so that residents and visitors have easy access to good quality green space, sport and recreation provision that meets the needs of local people.
- 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.
- 2014_CS19 New development must be supported by the required infrastructure at the appropriate stage. Developer contributions will be sought where needs arise as a result of the development either individually or collectively.

Recommendation: Conditional approval	
20191135	6 SOUTHLAND ROAD
Proposal:	RAISED RIDGE HEIGHT TO CREATE A TWO STOREY PROPERTY; TWO AND SINGLE STOREY EXTENSION AT SIDE AND REAR OF HOUSE; ALTERATIONS (CLASS C3) (AMENDED PLANS RECEIVED 14/01/2020)
Applicant:	MR OUBED MOOSA
View application and responses	https://planning.leicester.gov.uk/Planning/Display/20191135
Expiry Date:	25 October 2019
PK	WARD: Knighton



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Summary

- The application is before committee as objections have been received from more than 6 City addresses;
- a total of 6 objections received concerned with the design and character, impact on traffic and parking and impact on residential amenity,
- the main issues are the principle of development, amenity and privacy, character of local area, parking and sustainable drainage;
- recommended for approval.

The Site

The application site is a detached bungalow situated on a corner plot on the junction of Southland Road and Wimbourne Road in a predominantly residential area of the City. The property is located on a lower land level than the street. Part of the site is within an area prone to surface water flooding (1 in 1000 years).

Background

None

The Proposal

The proposal is for extensions and alterations to the bungalow to create a two storey dwelling. The dwelling would follow the building line of the bungalow (front elevation of the garage) facing Southland Road and would construct a two and single storey side extension (towards Wimbourne Road) to create a dwelling with a total width of 12.9 metres (1.9 metres would be single storey). The depth of the dwelling would remain the same. The height of the bungalow would be increased from approximately 5.1 metres to 7.9 metres.

A single storey front porch would be constructed facing Southland Road. This would measure 2 metres by 1.7 metres with a height of 2.5 metres. The front door on the existing property is at the side, but it is proposed to relocate this to the front elevation facing Southland Road.

At the rear it is proposed to have a central balcony over the single storey rear element. All of the outbuildings within the site would be removed as part of the development.

The external elevations are proposed to be a mix of brickwork and render to match the local area.

Amended plans have been submitted with have significant reduced the size of the dwelling and also altered the design of the property.

Policy Considerations

The National Planning Policy Framework (NPPF) 2019

Paragraph 2 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. Paragraph 11 contains a presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with the development plan without delay.

Where the development plan is absent, silent or relevant policies are out of date, this means granting planning permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so

would significantly and demonstrably outweigh the benefits, when assessed against policies in the NPPF taken as a whole. Leicester city Council does not currently have a 5 year housing land supply therefore the policies relating to housing are out of date.

In making an assessment Paragraph 108 of the NPPF states that development proposals should take up appropriate opportunities to promote sustainable transport modes; ensure safe and suitable access can be achieved for all users and; any significant impact (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Section 12 of the NPPF focuses on requiring good design. Paragraph 124 describes good design as a key aspect of sustainable development. Paragraph 127 sets out criteria for assessing planning applications and requires decision makers to ensure that development proposals:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 130 states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

Development Plan policies

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

Supplementary Planning Documents (SPD)

Residential Amenity supplementary planning document (2008)

Local Plan Appendix 1 – Vehicle Parking Standards

Representations

Letters of objection has been received from 6 City addresses on the original scheme raising the following concerns:

- Impact on residential amenity in terms of privacy, loss of light, overshadowing, overbearing, noise;
- Impact on the character of the area, poor design, overdevelopment of the site and,
- Landscaping details not submitted, parking plan not included and flood alleviation details not provided,
- Impact on traffic and parking.

Following the submission of amended plans, neighbours were not re-consulted.

Consideration

The main issues in this case are: residential amenity of neighbours; character and appearance; parking and sustainable drainage.

Residential amenity (*neighbouring properties*)

Policy PS10 of the Local Plan states that in terms of residential amenity any new development proposals should have regard to existing neighbouring and proposed residents in terms of noise, light, vibrations, smell and air pollution, visual quality of the area, additional parking and vehicle manoeuvring, privacy and overshadowing, safety and security, the ability of the area to assimilate development and access to key facilities by walking, cycling or public transport.

Section 3 of the Council's *Residential Amenity SPD* (2008) ("the SPD") sets out more detailed design guidance for development in outer areas of the City. In particular, it recommends separation distances of 15 metres between a blank wall and principal room windows and of 21 metres between facing principal room windows. It also recommends the provision of a minimum of 100 square metres' amenity space for detached dwellings. Appendix G of the SPD advises a separation distance of 11 metres is recommended between principal room windows and the boundary with any undeveloped land, including neighbouring gardens; that the separation distance between principal room windows may be reduced to 18 metres where direct overlooking is avoided by the positioning of windows, and that a two storey rear extension should not project beyond a 45 degree line from the nearest point of any ground floor principal room window at an adjacent property.

4 Southland Road

The neighbouring property to the north is a two storey dwelling which is situated 1 metres from the common boundary with the application site. The amended plans have reduced the depth of the two storey part of the dwelling which has ensured that the proposed development would not intersect a 45 degree line when taken from principal room windows at no.4. As such I consider the proposal would not result in detriment in respect of daylight to and outlook from principal room windows.

It is recognised that the increased height would result in the property being visible from the rear garden of no.4; however this is common in suburban areas and I do not consider that greater visibility would result in harm. The application site is located to the south of no.4 and therefore the property would cast a shadow on the land between the two properties; however the application site will continue to maintain a distance of approximately 2.5 metres from the common boundary which would ensure the whole garden of no.4 would not be overshadowed as a result of the development.

There are side facing windows proposed in the extended property; however these windows all serve non-principal rooms and therefore I consider it reasonable and necessary to attach a condition securing all of the new windows to be fitted and maintained as obscure glazed. I consider subject to such a condition, the proposal would not result in detriment to the privacy of the adjacent occupiers. The proposed balcony would have a privacy screen on both sides which I consider can be secured by condition to protect the privacy of the adjacent occupiers.

6 Wimbourne Road

The property at the rear of the application site would be separated by a distance of 18.5 metres and it is located on a higher land level than the application site. The side elevation of the two storey part of the property does not have any side facing windows which would be overlooked by the future occupiers of the property. There is a side facing window on a single storey front extension of the property which is a secondary window serving a study; however this window would be a distance of 26 metres from the balcony and therefore I consider the proposal would not result in detriment to the privacy of the occupiers of 6 Wimbourne Road.

I consider the separation distance between the two properties would ensure there is minimal impact in terms of daylight, outlook, overbearing and overshadowing as a result of the proposed development. Similarly I consider the proposal would not result in any unreasonable levels of noise and disturbance.

General Amenity

Other properties on both Southland Road and Wimbourne Street are a sufficient distance away from the application site to avoid any significant harm in terms of light, outlook, overshadowing, privacy and overbearing. Likewise I consider the proposal would not result in significant detriment in terms of noise and disturbance to warrant refusal.

I acknowledge that the proposal will no doubt be more visible in the street scene as a result of the proposed development. However I do not consider the proposed dwelling would be any more visible than other two storey dwellings in the street scene. Moreover, the plans indicate that the property would be built on the same level as the bungalow which is on a lower level than the street scene. This would further minimise any visual prominence of the proposed dwelling.

The use of the house as a residential dwelling (Class C3) is acceptable and consistent with other properties in the area. I consider this would not give rise to unacceptable impacts in terms of waste. Similarly as the site is currently in some disrepair, the proposed development of the site would improve the visual amenity of the site and appearance within the street scene.

I am satisfied that there is not a significant risk of crime or reduced safety to neighbouring occupiers as a result of the development. I conclude that the proposal would comply with Core Strategy Policy CS03 and is acceptable in terms of the privacy and amenity of the neighbouring occupiers.

Character and Appearance

Policy CS03 of the Leicester Core Strategy (2014) states that high quality, well designed developments that contribute positively to the character and appearance of the local built environment are expected. It goes on to require development to respond positively to the surroundings and to be appropriate to the local setting and context and, at paragraph 1 (first bullet point), to contribute positively to an area's character and appearance in terms of *inter alia* urban form and high quality architecture. Policy CS08 states that the Council will not permit development that does not respect the scale, location, character, form and function of the local area.

The proposed dwelling would be larger than the bungalow by virtue of the increased ridge height and width. It would be more prominent in the street scene also by virtue of the rise in the land levels to the south and east. However I do not consider the property would be visually overbearing or detract from the residential street it would sit within. The plot is situated on the corner and benefits from a relatively large garden which can accommodate a two storey dwelling, similar to others on both Southland Road and Wimbourne Road.

Turning to the design of the proposed dwelling, the amended plans have balanced the front elevation facing Southland Road and have reduced the depth of the dwelling by approximately 6 metres. The plans also show greater detailing in the elevations and windows which adds visual interest, but also breaks up the mass of the two storey dwelling, especially on the elevation which faces Wimbourne Road. I consider the amended design provides more detail and also provides a more sympathetic design within the site's context. The use of bay windows to the front would match the original bay window to the side and this is like other properties in the street scene. I consider the revised plans demonstrate a simpler design which would not appear at odds with the local character.

The application form and plans indicate that the external finish materials would match those of the original dwelling. I consider that this is an appropriate material response and can be secured as a condition of planning permission.

I consider the current application represent a scale and form of development that is compatible with the local area in terms of its visual appearance. The proposal would be acceptable on character and design grounds in accordance with paragraphs 127 and 130 of the NPPF and Core Strategy policy CS03.

Parking

Policy CS15 of the Leicester Core Strategy (2014) states that parking for residential development should be appropriate for the type of dwelling and its location, and take into account the amount of available existing off street and on street car parking and the availability of public transport. It also seeks the provision of high quality cycle parking. Saved Policy AM02 of the Local Plan (2006) states that planning permission will only be granted where the needs of cyclists have been successfully incorporated into the design. Policy AM12 gives effect to published parking standards.

The proposed development includes off-street parking for two spaces at the front which is in accordance with our adopted standards. The driveway would not be altered and therefore no further details are required in this respect. Secure and covered cycle

parking can be accommodated in the rear garden similar to other residential properties.

The proposal would be in accordance with Core Strategy Policy CS15 and saved Local Plan Policies AM02 and AM12.

Sustainable Drainage

The site is not in a critical drainage area, but a small part of the rear garden is within an area prone to surface water flooding. I consider as an application for householder extensions it would unreasonable and onerous to require the submission of a full sustainable drainage scheme.

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

Conclusion

The amended proposal would have an acceptable relationship with the neighbouring dwellings and would not have an unacceptable impact upon the character and appearance of the area. The proposal is acceptable in terms of highways and parking and no further drainage details are required.

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

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. Before the commencement of above ground works, the materials to be used on all external elevations and roofs shall be submitted to and approved by the City Council as local planning authority. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03.).
3. Before the occupation of the proposed extension new windows facing 4 Southland Road shall be fitted with sealed obscure glazing (with the exception of top opening light) and retained as such. (In the interests of the amenity of occupiers of 4 Southland Road and in accordance with policy PS10 of the City of Leicester Local Plan).
4. Before the occupation of the proposed extension the screen to both side of the balcony shall be obscure glazing and retained as such. (In the interests of the amenity of occupiers of neighbours and in accordance with policy PS10 of the City of Leicester Local Plan).
5. This consent shall relate solely to the amended plans received by the City Council as local planning authority on 14th January 2020. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process. The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019 is considered to be a positive outcome of these discussions.

Policies relating to this recommendation

- 2006_AM12 Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
- 2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.

Appendix A3

Recommendation: Conditional approval	
20192162	68 Queens Road
Proposal:	Change of use from retail premises (Class A1) to hot food takeaway (Class A5); installation of ventilation flue at rear (Amended Plans 06.01.2020)
Applicant:	Mr R Khan
View application and responses	https://planning.leicester.gov.uk/Planning/Display/20192162
Expiry Date:	21 January 2020
GB1	WARD: Castle



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Summary

- Reported to committee as more than 5 objection letters have been received.
- There are 14 objections on the grounds of too many uses in the area, litter, parking, noise and smell.
- The main issues relate to the function of the local centre, noise, residential and visual amenity and the ventilation flue.
- The recommendation is for conditional approval

Introduction

The site is a mid-terraced unit located within the Queens Road local shopping centre. There is a mix of commercial uses along this part of Queens Road. There are residential units on the upper floors and residential located to the rear of the site.

The Proposal

The application is a change of use of the ground floor from a retail premises (Class A1) to hot food takeaway (Class A5). A flue is also proposed on the rear outrigger and extending 1m higher than the outrigger.

Amended plans include flue ducting and fan situated on the rear most point of building.

The proposed hours of use have been amended from 1100 until midnight weekdays, until 12:30 Saturdays and 2300 Sundays and bank holidays to 2300 every day of the week including public holidays.

Policy Considerations

The National Planning Policy Framework 2019 paragraphs 10-11 makes it clear that the planning system should be genuinely plan led with a presumption for sustainable development.

Paragraph 85 states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

Paragraph 58 describes how in seeking to secure good design planning decisions should focus on, amongst other considerations, the importance of streetscapes in creating attractive places and on the long term impacts of development on the overall design quality of the area.

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

Consultations

Noise and pollution team – Initially concerned with the flue as the flue should have a discharge point which is not less than 1 metre above the highest ridge of the building. In addition had concerns about the proximity of the fan itself to the bedroom window.

Representations

A total of 14 objections have been received making the following points:

- Too many hot food take away premises in the area
- Loss of character of the area with independent stores.
- Impact on the function of the local shopping centre
- Littering
- Dogs eating the bones that are discarded and becoming ill as a result.
- Smell and vermin
- Animal welfare of the chickens that would be consumed
- Noise and general disturbance

.Councillor Kitterick objected to the original proposed hours of use.

Consideration

Principle of the development

The property is located within an existing local shopping area and therefore the proposed change of use is acceptable in principle. There are other existing hot food uses in the local centre however there is still a good range of other local centre uses.

I consider that the use will not have a detrimental impact on the retail viability or vitality of the local shopping centre.

Visual amenity

Located on the main road through the district centre, the ventilation flue which is towards the rear will be hidden from the main street scene. No other external alterations are proposed. Overall, I consider that the proposal will not have an adverse visual impact on the character and appearance of the building and the street scene.

Residential Amenity

Saved policies PS10 and PS11 seek to protect residential amenity by resisting development that would result in unacceptable levels of pollution, including noise, air and smell pollution and resisting development that would result in an unacceptable impact on the visual quality of an area, including the impact of litter.

The applicant has amended the prescribed hours to close at 23.00. I recommend a condition restricting hours of use to between 0730 and 2300 daily to comply with policy R05.

Ventilation flue

Following concerns over the flue design, the applicant has provided evidence of where a flue installed not 1m above the ridge was considered acceptable. This is because it included a Carbon Filter, inline fan and two silencers with a jet cowl.

The ducting has also been extended where it comes out of the wall and stretches across more towards the main property.

With a jet cowl installed, odour is unlikely to cause detriment to amenity. However, the fan itself being in such close proximity to the bedroom window of the first floor flat windows could remain an issue. Further information has been requested on this.

As a result of these unresolved issues, I consider imposing a condition that the flue details should be submitted and approved before the commencement of the use.

Other issues

Comments relating to how the new use would create the loss of character by not being an independent use, animal welfare issues are not material planning considerations.

Conclusion

I do not consider that the proposal will have an adverse impact on the function of the local shopping centre. With conditions relating to the flue and suitable hours of use the proposed change of use would have a limited impact upon the amenity of those living nearby in compliance with relevant policies.

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

CONDITIONS

1. START WITHIN THREE YEARS

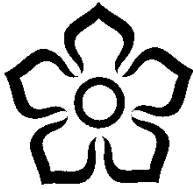
2. The use shall not be carried on outside the hours of 07:30-23:00 daily. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)

3. Before the use has commenced and notwithstanding the submitted plans, the ventilation system and flue shall have been installed in accordance with details approved by the local planning authority. It shall be maintained and operated in accordance with the manufacturer's specifications. (In the interests of the amenities of nearby occupiers, and in accordance with policies PS10 and PS11 of the City of Leicester Local Plan.)

5. This consent shall relate to the submitted plans as amended by plan ref. no. UBD531-BR-01C received by the City Council as local planning authority on 6th January 2020. (For the avoidance of doubt.)

Policies relating to this recommendation

2006_AM11	Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01.
2006_BE10	In developments involving a new shopfront, the design should be an integral part of the whole building and should be in proportion to the lines of the facade of which it forms a part.
2014_CS03	The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
2006_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
2006_PS11	Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
2006_R05	Proposals for the use of premises within existing shopping centres for food and drink purposes (Use Classes A3, A4 and A5) will be permitted subject to criteria.



Leicester
City Council

WARDS AFFECTED:
KNIGHTON

Report for consideration by the
Planning and Development Control Committee

**MORLAND AVENUE AREA – PROPOSED 20MPH SPEED LIMIT – OBJECTION TO
SCHEME IMPLEMENTATION**

Report of the Director of Planning, Development and Transportation

1. Purpose of Report

- 1.1 To enable the Committee to give their views to the Director of Planning, Development and Transportation to take into account when considering the recommendations set out in Section 3 of this report.

2. Summary

- 2.1 The proposed Morland Avenue Area 20mph scheme is part of the current programme of proposed 20mph speed limits for the City. During advertisement of the notice of intention of the proposed speed limit under Sections 84(1) and 84 (2) of the Road Traffic Regulation Act 1984, one resident has objected to the scheme. Whilst officers have corresponded with the objector with the aim of addressing the objectors' concerns, the objector wishes to continue with their objection.

3. Recommendations

- 3.1 It is recommended that:
The members of the Committee give their views for the Director of Planning, Development and Transportation to take into account when considering whether or not to overrule the objections to the scheme.

4. Report

- 4.1 Morland Avenue Area is one of the current 20mph speed limits programmed for the City. Consultations on proposals have been undertaken and an Executive Decision Report was presented to the City Mayor. The City Mayor has approved implementation of the proposed 20mph speed limit in the Morland Avenue Area and advertisement of the Speed Limit Order required before the scheme can be implemented. The scheme proposals and consultation responses are provided in the Executive Decision Report included as Appendix A to this report.

4.2 The proposed 20mph Speed Limit Order was advertised on 20th September 2019 with objections to be received no later than 14th October 2019. Details of the objection received and responses to the objection are provided in the following paragraphs.

4.3 Objection Received

The objection is as follows: -

The Council states in its Statement of Reasons for undertaking this action:

**“LEICESTER CITY COUNCIL
THE LEICESTER (20 MPH SPEED LIMIT) (MORLAND AVENUE AREA)
ORDER 2019**

Statement of reasons for proposing to reduce the speed limit from 30mph to 20mph in the Morland Avenue Area of Leicester

for avoiding danger to persons or other traffic using the road or other roads for preventing the likelihood of such danger arising”

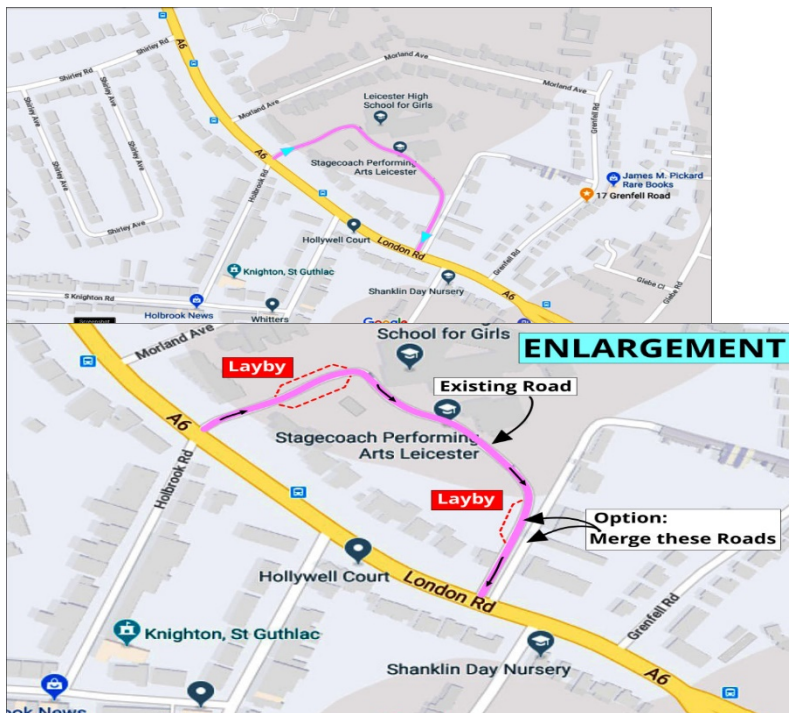
I note here that Grenfell Road, while not specifically mentioned in the Statement of Reasons, is included nevertheless.

I feel that this is a superfluous proposal and write to you to raise my objection to this order on the following grounds:

1. *Road safety: History of accidents purportedly caused by over-speeding cars on these roads in the last 10 years is **nil**. If my assertion is incorrect, I would love to hear from you with evidence to the contrary.*
2. *Our taxpayer money is being wasted on superfluous project based on groundless reasons. The taxes we pay the council are hard earned and are entrusted to the Council to spend wisely where there is a real and substantive need only.*
3. *Changing the speed limit to 20mph would in principle create the potential for someone to inadvertently exceed your new speed limit, thus putting them at risk of breaking the law and incurring penalties.*
4. *It is not inconceivable that the Council, having started this action today, would wish to enforce it in the future. This can take many forms from traffic obstacle placements in its many forms (you call this traffic calming measures) to, as a worse case scenario, traffic enforcement cameras and/or police speed traps. These are not measures that we would welcome on our road.*
5. *I put it to you that the issue you are really trying to address is the increased volume of traffic caused by parents who pick their children up from the Leicester High School for Girls located on London Road. I have to make it very clear here that there is no actual schools on Grenfell and Moreland roads, and no risk to children. It is merely the extra*

volume of traffic, parking and passing through the road, in the early morning to drop students and later to pick them up that is the issue and that is what is actually bothering people. Reducing the speed limit to 20mph will do nothing to solve this issue. You will be using the wrong instrument to address the wrong problem.

6. The students pick-up and drop-off area is confined to the very end of Moreland Avenue and to a lesser degree, Grenfell Road, not the body of the road itself.
7. May I suggest that the real solution is to ask the school to create a suitable drive-through pick-up and drop-off zone inside their grounds for parents to drop and pick the students thus relieving the pressure of extra traffic on Grenfell Road. I am attaching a map that shows that this is a feasible proposition. Please note the road marked in pink and other markings.



8. I am advised by an estate agent that the value of properties on the road might be adversely impacted if such a measure was implemented as it changes the characteristics of the road.

In conclusion, and for all the reasons mentioned above, I ask you to cancel this proposal which serves no purpose except waste taxpayers money.

4.4 Officer comments on each of the above points (1-8) are included below. Note – the item numbers correspond with the initial points raised.

1. Accidents are a random and rare event and in the last ten years we have no record of a personal injury accident on Morland Avenue or Grenfell Road. (The nearest accident to the area occurred at the junction of Morland Avenue and London Road in 2018). That does not mean an accident on Morland Avenue or Grenfell Road could not happen. The presence of children being dropped off and collected from school as well as other pedestrians using the streets increases the possibility. Our speed data recorded over seven days showed average speeds on Morland Avenue of 22.4mph and Grenfell Road of 21.8mph. These are already low enough to be appropriate for a 20mph speed limit

without the need for traffic calming. This is based on advice from the Department for Transport (DfT) Circular 106 which states 20mph speed limits are only suitable in areas where vehicle speeds are already low (the Department would suggest where mean speeds are 24mph or below), or where additional traffic calming measures are planned as part of the strategy. Installing a 20mph speed limit without traffic calming has been shown to reduce average speeds by around 1mph. Research shows that on urban roads with low average traffic speeds any 1 mph reduction in average speed can reduce the collision frequency by around 6%. There is also clear evidence confirming the greater chance of survival of pedestrians in collisions at lower speeds. Hence the likelihood and severity of a future accident is reduced.

- 2 The inclusion of Morland Avenue and Grenfell Road into the council's 20mph programme originated from a request from a resident. The council programme to introduce 20mph zones and speed limits is in line with advice from the DfT, Circular 01-2013 as follows:

"Traffic authorities are asked to:

keep their speed limits under review with changing circumstances;

consider the introduction of more 20 mph limits and zones, over time, in urban areas and built-up village streets that are primarily residential, to ensure greater safety for pedestrians and cyclists.

Traffic authorities can introduce 20mph speed limits and zones in

"Residential streets in cities, towns and villages, particularly where the streets are being used by people on foot and on bicycles, there is community support and the characteristics of the street are suitable".

The existing average speed levels on Morland Avenue and Grenfell Road are suitable for a 20mph speed limit. The public consultation showed overwhelming support for a 20mph speed limit (79% of those who responded in favour).

- 3 The 20mph speed limit would be clearly and legally signed in accordance with the Traffic Signs Regulations and General Directions 2016 and so would be no different to any other change in speed limit.

- 4 DfT circular 01-2013 gives the following advice:

"Successful 20 mph zones and 20 mph speed limits are generally self-enforcing, i.e. the existing conditions of the road together with measures such as traffic calming or signing, publicity and information as part of the scheme, lead to a mean traffic speed compliant with the speed limit. To achieve compliance there should be no expectation on the police to provide additional enforcement beyond their routine activity, unless this has been explicitly agreed".

All the emergency services, including the police have been consulted about the proposed scheme. No objections have been raised. There are no proposals to introduce traffic enforcement cameras on Morland Avenue and Grenfell Road where average speeds are already appropriate for a 20mph speed limit.

- 5 Issues with the volume of school traffic associated with the Leicester High School for Girls is outside the remit of the proposed 20mph speed limit. Comments about school parking received as part of the public consultation have been noted for potential future workstreams specifically aligned with school run parking issues. The issues will be noted for future consideration alongside other school sites in the city. The risk to children being

dropped off or collected from school on Morland Avenue / Grenfell Road has been dealt with under point 1.

- 6 This is outside the remit of the proposed 20mph speed limit. However, comments received as part of the public consultation about illegal parking have been forwarded to the traffic enforcement team. As a result, they have agreed to increase the number of visits by Traffic Enforcement Officers to prevent illegal parking on the double yellow lines at the junction of Morland Avenue with London Road. Requests for the double yellow lines to be extended on Grenfell Road at the junction with London Road have also been passed on to the appropriate team. The process to extend the double yellow lines is now underway.
- 7 This is outside the remit for the 20mph speed limit change. This is a proposal which should be directed to the school. The roads indicated on the map are not highway.
- 8 No evidence has been found that introducing a 20mph speed limit would adversely affect property prices.

- 4.5 In view of the above, officers recommend that the objections do not constitute a reason to defer implementation of the scheme.

5 Financial Implications

- 5.1 The total estimated cost of the proposed scheme is £4,000 and is funded from the Transport Improvement Works Programme 2019/20.

Paresh Radia, Finance

6. Legal Implications

- 6.1 The council as the highway authority has powers to implement speed limit orders on the roads in accordance with the provisions of the Road Traffic Regulation Act 1984 and associated regulations. The procedure and the statutory consultation requirements to be followed by the council in making such an order are contained in The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.

As an objection has been received, the Council is under a duty to consider the objection in accordance with its general obligations to act reasonably in its consideration, to consider all relevant information and disregard any irrelevant information, and to provide full reasons supporting its conclusion and decision.

John McIvor, Principal Lawyer, Legal Services

7. Powers of the Director

- 7.1 Under the constitution of Leicester City Council, delegated powers have been given to the Director of Planning, Development and Transportation to approve Traffic

Orders having considered any objections that have been received and taken due regard of comments made by the Planning and Development Control Committee.

8. Decision of the Director of Planning, Development and Transportation

8.1 Approval is **given / not given*** to the making of the Order as set out in Section 4.2 having given due regard to the comments made the Planning and Development Control Committee held on 29th January 2020 (* delete as appropriate)

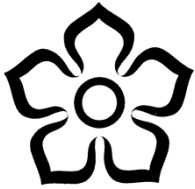
Signed.....

Dated

**Andrew L Smith,
Director Planning, Development and Transportation**

9. Report Author

Name:	Lorraine Abbott
Job Title:	Assistant Engineer, Transport Strategy
Extension number:	37 4866
Email address:	lorraine.abbott@leicester.gov.uk



Leicester
City Council

WARDS AFFECTED:

**Aylestone
Saffron**

**Report for consideration by the
Planning Development and Control Committee**

29th January 2020

THE LEICESTER (CONSOLIDATION) TRAFFIC REGULATION ORDER 2006
(AMENDMENT) **Aylestone Phase 1 and Islington Street TRO, LEICESTER**

Report for the Director, Planning, Development and Transportation

1. Purpose of Report

- 1.1** To enable the Committee to give their views (if any) for the Director of Planning, Development and Transportation to take into account when considering the recommendations herein and for the Director to approve, or otherwise, the proposals.

2. Summary

The purpose of this scheme is to address dangerous and inconsiderate parking at the junctions of roads in parts of Aylestone ward and part of Saffron ward. We have also included several other minor requests for changes into the Traffic Regulation Order.

Leicestershire County Cricket Ground is located in the Aylestone Ward between Grace Road and Milligan Road. Many of the junctions of the roads which are near to the cricket ground have been areas where motorists have been parking in a dangerous and inconsiderate manner. This can cause problems for pedestrians crossing the road, for emergency services emergency access and egress, and also for visibility of other motorists turning in and out of junctions.

The Highway Code stipulates that a car shouldn't be parked within 10 meters of a junction, the council by placing parking restrictions on junctions can use its civil enforcement officers to issue penalty charge notices to any vehicles parked on these.

Traffic Regulation Order (TRO) proposals for parts of Aylestone Ward and Saffron Ward were advertised in the Leicester Mercury on 9^h October 2019.

The city council received 5 formal objections to the proposals, 1 of which was from a resident on Old Church Street which was later withdrawn when officers were able to contact the objector to clarify the proposals. The other 4 objections were all from residents in Harold Street and have not withdrawn their objections. They were objecting to the introduction of no waiting at any time (double yellow line) restrictions on corners and the loss of on street parking as a result of this.

3. Recommendations

3.1 It is recommended that:

- a. the members of the committee give their views for the Director of Planning, Development and Transportation to take into account when considering whether or not to make the proposed traffic regulation order.

4. Background

Roads in the vicinity of the cricket ground can at times attract a high volume of vehicles due to local industries, residents, and the cricket club. The area can also be used by visitors to Leicester City Football Club and Leicester Tigers.

There is a specific problem of cars parking dangerously and inconsiderately on junctions especially in the vicinity of the cricket ground.

Pedestrians (including the elderly, the infirm, the disabled, wheel chair users, parents with children in pushchairs, children walking to school, and those with sight impairment) find that cars parked on junctions creates a real danger when crossing the road. Motorists making turns into junctions where cars block the view also face dangerous driving conditions especially at night when visibility is reduced. Emergency access to the cricket ground and also residential properties can be impeded by cars parked on corners.

Junctions which have problems have been identified and are shown on the plan in Appendix A. Many other junctions in the area which do not have a problem are being left without restrictions for the time being.

The council is not proposing the recommended 10 meters of “no waiting at any time” restrictions (double yellow lines) as described in the highway code, on most junctions but will use between 2 to 5 meters to help keep reasonable parking provision on street.

The council recognizes that there is fine balancing act of maintaining road safety for pedestrians and providing parking for residents and this scheme attempts to balance pedestrian safety and resident’s parking spaces.

The council is also exploring other potential parking and traffic management schemes in Aylestone. This includes discussions with the cricket club to produce a travel plan alongside possible pavement and residents parking schemes. Residents’ parking is reliant on there being a large support in the area for such a scheme which would be measured by a consultation with each property.

TRO proposals for this scheme were advertised on 9th October 2019. (See proposals Appendix A and Appendix B OBJECTORS REPORT PLANS)

A total of 4 objections to the TRO proposals were received before the closing date for objections which ended on 30th October 2019.

5. Report

5.1 Objections

One of the objectors from Old Church Road withdrew their objection.

The outstanding objections, numbered 1 to 4, all from residents of Harold Street, are described below and shown in Appendix C. All 4 objections used the same template letter see attached.

Objectors 1,2,3, and 4 objected to the proposals to place no waiting at any time (double yellow lines) on the junctions of:

Belmont Street
Berkshire Road
Clifton Road
Curzon road
Denmark Road
Duncan Road
Florence Street
Grace Road
Hampshire Road
Handley Street
Harold Street
Kempson Road
Knighton Lane
Landsdowne Road
Leeson Street
Lorraine Road
Lorrimer Road
Manners Road
Milligan Road
Old Church Street
Park Avenue
Percy Road
Richmond Road
Robin Close
Vaughan Road
Vernon Road
Worcester Road

They also objected to the introduction of double yellow lines on the junctions of Hallaton Street and Islington Street, there are proposals for these roads but not for double yellow lines on junctions.

The objectors made several additional points as part of their objection:

- The proposed double yellow lines on junctions would reduce the amount of parking in the area.
- The objectors did not object to double yellow lines on the junctions in principle but they objected to the order on which the work was being done, ie that double yellow lines should be put in after a residents' parking scheme was installed or another scheme was introduced to tackle the parking problem.

City Council officers replied to these points as follows:

Most of the junctions in the area would not have the recommended 10 metres of "no waiting at any time" restrictions (double yellow lines), but have less in the region of 2 to 5 metres. Also not all of the junctions in the area will have double yellow lines installed but mainly those near the cricket ground where dangerous parking is at its worst.

It was also mentioned to the objectors that this is the first part of a scheme and we will be exploring measures to review the parking issues in Aylestone including looking at whether residents' parking and pavement parking would be feasible and welcomed by residents.

5.2 Conclusion

Many of the junctions in the Aylestone area experience dangerous parking and as a consequence it was proposed to introduce no waiting at any time restrictions on those junctions which have the most problems. This was done with a road safety and pedestrian safety viewpoint and to enable access/egress for emergency service vehicles in the event of an emergency.

This scheme also included several bespoke requests from Waste Management/Biffa, residents from Old Church Street and Tesco.

- 5.3** 5 objections were received from residents, 1 of which was withdrawn leaving 4 objections all from residents of Harold Street, Appendix C,D,E and F.
- 5.4** The TRO plans for Aylestone Phase 1 and Islington Street are attached in appendix A and appendix B respectively
- 5.5** As the Highway Code states that it is an offence to park within 10 meters of a junction Officers recommend that the objections be overruled.

6. Financial Implications

The estimated cost of the Traffic Regulation Order is £10,000 and will be made up from £8,500 which will come out of the Local Environmental Works Budget of 2019-20 and £1500 from Tesco Ltd.

The Financial Implications are written and confirmed by

Paresh Radia, Finance Manager – Finance

7. Legal Implications

The Council has powers to introduce traffic regulation orders under the Road Traffic Regulation Act 1984 and in accordance with regulations. Officers have completed the statutory consultation requirements as required. Officers will need to have given due regard to the requirements of s.122 of the Act in respect of ensuring the safe and expeditious movement of traffic in making the proposals outlined in this report.

The Council has also complied with the statutory requirements for consultation as required in accordance with the Act and Regulations.

The Legal Implication are written and confirmed by Bina Tailor, Legal Officer, Legal Services.

8. Powers of the Director

Under the constitution of Leicester City Council, delegated powers have been given to the Chief Operating Officer to approve the advertisement of Traffic Regulation Orders as covered by the 'Road Traffic Regulation Act 1984 and the Local Authorities' Traffic Orders (Procedures) (England and Wales) Regulations 1996'.The Chief Operating Officer has arranged for this power to be exercised by the Director; Planning, Transportation and Economic Development

9. Decision Making

The power to make a Traffic Regulation Order is delegated to the Director Planning, Development and Transportation having regard to comments made by the Planning Development and Control Committee.

10. Decision of the Director Planning, Transportation and Economic Development.

I approve the recommendations set out in Section 3

Signed **Date.....**

Andrew L Smith, Director, Planning, Transportation and Economic Development

Report Author

Name: Robin Thomas
Job Title: Transport Development Officer
Extension number: 37 3720
E-mail address Robin.Thomas@leicester.gov.uk

APPENDIX A

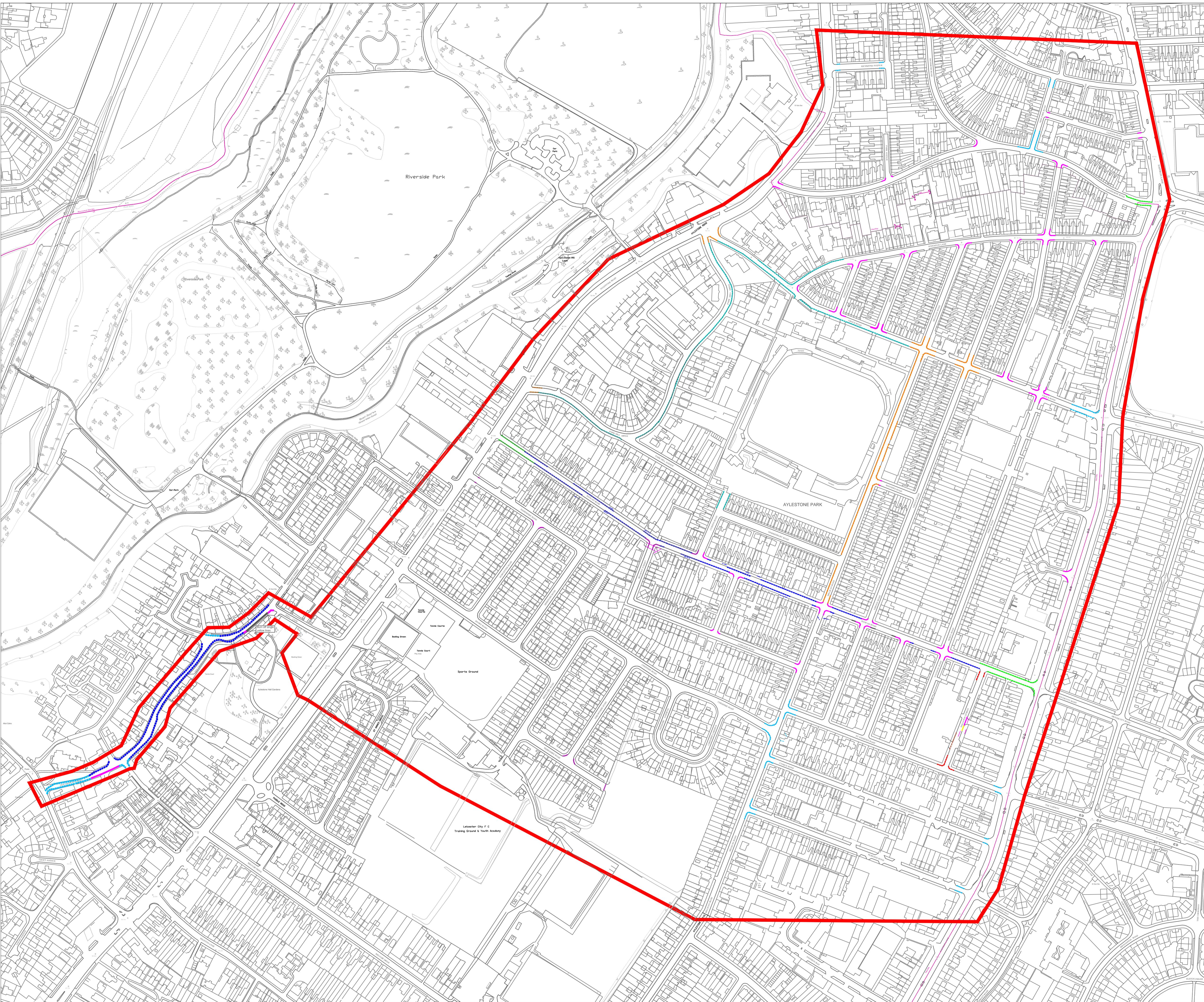
Aylestone Phase 1
TRO OBJECTORS
REPORT PLAN

APPENDIX B


Islington Street
TRO OBJECTORS
REPORT PLAN

APPENDIXES C, D, E and F

Copy of the 4 written objections
Scanned to obscure identity of objectors



Drawing Number		
Notes		
<p>existing no waiting mon - fri 8 am - 6.30 pm (single yellow line)</p>		
<p>proposed no waiting at any time (part 207)</p>		
<p>existing no waiting at any time (part 207)</p>		
<p>existing no waiting at any time no loading 7.30 - 9.30 am and 4 - 6 pm (part 204)</p>		
<p>existing cricket match day restrictions no loading 10.30 to 6.30 Match Days</p>		
<p>revoke syl</p>		
<p>proposed no waiting mon - sat 7.30 am - 6 pm (single yellow line)</p>		
<p>existing cricket match day restrictions no waiting & no loading 10.30 to 6.30 Match Days</p>		
<p>existing no waiting mon - fri 7.30 to 6 pm - part 231</p>		
<p>existing loading bay</p>		
<p>scheme boundary</p>		
Revision	Amendment	Date

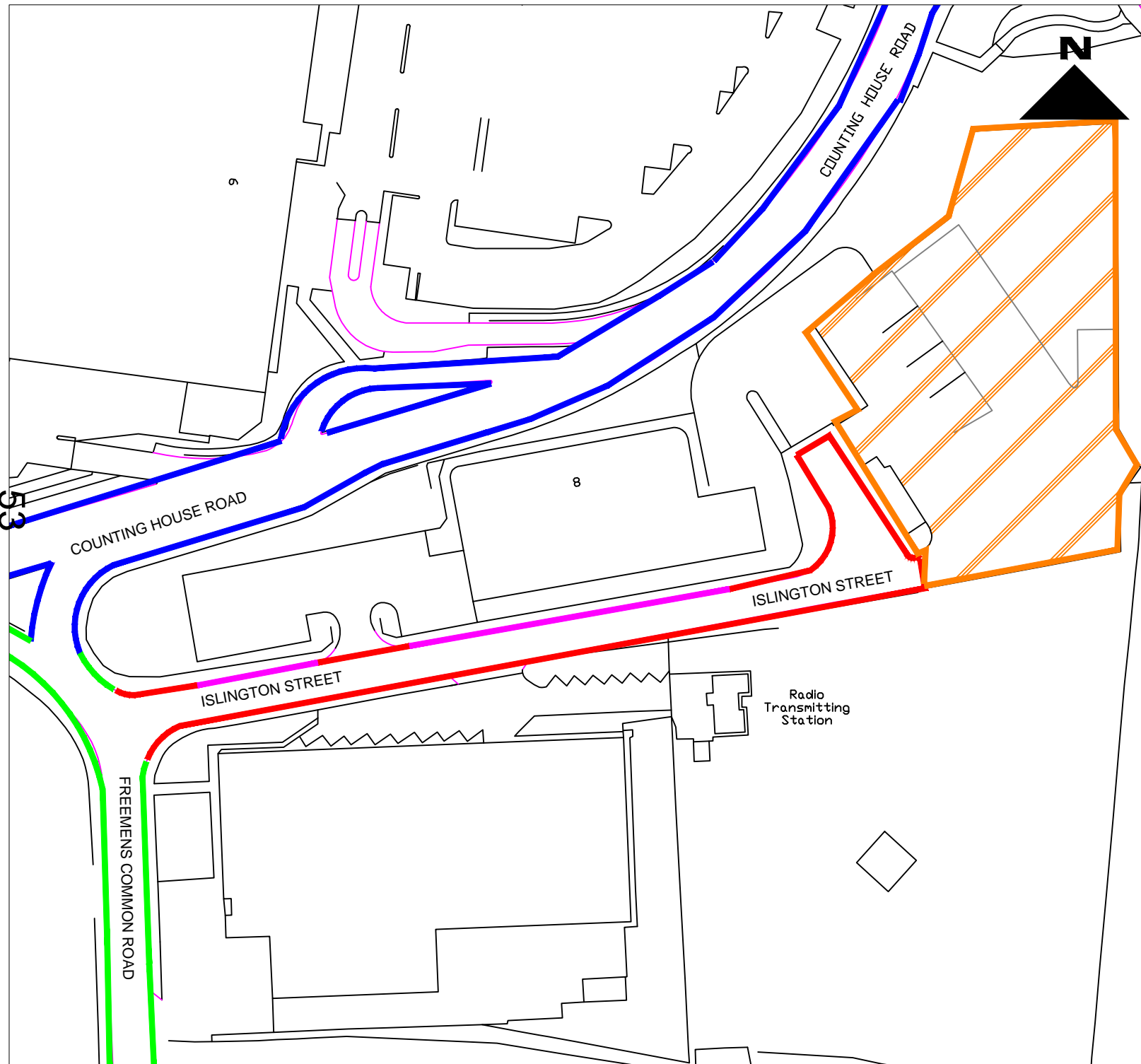
 Ordnance Survey
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Leicester City Council
 ANDREW L. SMITH
 Director, Planning, Transportation and Economic Development

CLIENT Leicester City Council


TITLE
Aylestone junctions phase 1

DRAWING No.	REVISION	-
2933	SCALE	NTS
DRAWN BY	RT	DATE
CHECKED	EK	SIZE
ACAD FILE	ACAD	LETTER FILE



-  Freemans Common Site
-  Existing no waiting at any time
-  Proposed no waiting at any time
-  existing no waiting at any time no loading at any time
-  Existing No Waiting at any time No Loading Monday to Friday 7.30am to 9.30am and 4.00pm to 6.00pm.

Revision	Amendment	Date
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 Ordnance Survey
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Leicester City Council

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CLIENT
Leicester City Council

TITLE
Islington Street

DRAWING No.	REVISION	-
2933/1	SCALE	NTS
DRAWN BY	RT	DATE 01/10/18
CHECKED	RT	SIZE A4
ACAD FILE	ACAD	LETTER FILE -

objection

23 October 2019

R Thomas,
Traffic Management,
Leicester City Council,
City Hall,
115 Charles Street,
Leicester,
LE1 1FZ.

To Robin,

I am writing to you to object to the proposed plans to place double yellow lines on the corners of Belmont St, Berkshire Rd, Clifton Rd, Curzon Rd, Denmark Rd, Duncan Rd, Florence St, Grace Rd, Hallaton St, Hampshire Rd, Handley St, Harold St, Islington St, Kempson Rd, Knighton Ln, Landsdowne Rd, Leeson St, Lorraine Rd, Lorrimer St, Manners Rd, Milligan Rd, Old Church St, Park Av, Percy Rd, Richmond Rd, Robin Cl, Vaughan Rd, Vernon Rd and Worcester Rd.

The grounds for the objection are if you place double yellow lines on these roadways you will effectively reduce the availability of parking on these roadways. These roadways are at saturation point already with the residents who live there parking their cars. If you add to that the daily extra vehicular presence of people who work in the surrounding industries, the constant stream of customers visiting the surrounding businesses, supporters of cricket, supporters of LCFC, supporters of Leicester Tigers Rugby Football Club and people who are using these roadways as "Park and Ride" sites it makes it impossible at times to find a parking space, to the point that we the residents of these named roadways dare not leave our dwellings to do our daily needs via our vehicles as we fear that we will not be able to park when we return! I have seen toe to toe arguments between residents and non residents regarding parking and that is happening before you take away parking availability, this is certainly not what we want but it is already happening! There is a family who walk to Braunstone twice daily to take their son to school and they do this with 2 toddlers in tow in rain, sleet and snow through all 4 seasons of the year! It is just not acceptable that we are put in this position that we dare not lead normal daily lives.

Please let me make it clear that I DO NOT object to double yellow lines being placed on the corners of these roadways, in fact i welcome it as due to the huge amount of extra vehicular presence on these roadways the parking of vehicles on these corners is inevitable and unavoidable but presents problems not only for pedestrians but also drivers trying to negotiate these over crowded roadways and pull out from the end of them.

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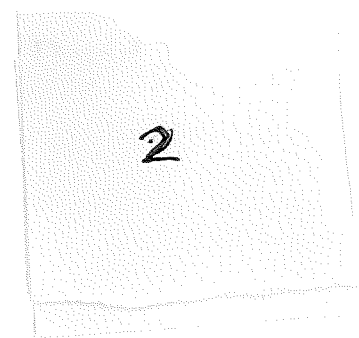
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As a resident of the area for many years i am aware that permit parking has been discussed before and a consultation was made with a result of the residents not wanting the scheme to be put in place. This consultation was made many years ago and i feel that things have got worse regarding parking in the area by about 200%. Besides that, there are certain groups of the named roadways which are infinitely worse than others for parking due to industry, businesses and the locality to main routes into and out of town which are being used as impromptu "park and ride" sites and after a conversation with Mr R Thomas it was indicated that it would be possible for certain pockets of the Aylestone ward to be placed under a parking scheme if the whole of the ward didn't want it but certain pockets did following a consultation.

I am also aware that councillor Clarke and councillor Porter have been spoken to regarding the parking issue on 4 or 5 occasions over a number of years during the surgeries they held and on all occasions they said they would look into the issue. As of yet nothing has materialised from these interactions.

I would urge you, Leicester City Council to postpone the placement of double yellow lines on these roadways until something has been done regarding the difficulties of parking in the Aylestone area for residents.

Yours sincerely,

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Steph
0203