



Leicester  
City Council

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

**DATE: TUESDAY, 18 FEBRUARY 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.

For Monitoring Officer

**Officer contact:**

**Elaine Baker, tel: 0116 454 6355 / Aqil Sarang, tel: 0116 454 5591 / Ayleena Thomas, tel: 0116 454 6369**

**e-mail: [elaine.baker@leicester.gov.uk](mailto:elaine.baker@leicester.gov.uk) / [aqil.sarang@leicester.gov.uk](mailto:aqil.sarang@leicester.gov.uk) / [ayleena.thomas@leicester.gov.uk](mailto:ayleena.thomas@leicester.gov.uk)**

**Democratic Support, Leicester City Council, City Hall, 115 Charles Street, Leicester, LE1 1FZ**

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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](mailto:elaine.baker@leicester.gov.uk) / [aqil.sarang@leicester.gov.uk](mailto:aqil.sarang@leicester.gov.uk) / [ayleena.thomas@leicester.gov.uk](mailto: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 29 January 2020 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)   | <b>20190800 382 LONDON ROAD</b>   | <b><a href="#">Appendix A1</a></b> |
| (ii)  | <b>20191832 LAND EAST OF THURMASTON<br/>LANE OFF COLIN GRUNDY DRIVE</b> | <b><a href="#">Appendix A2</a></b> |
| (iii) | <b>20192113 166-166A EVINGTON ROAD</b>                                  | <b><a href="#">Appendix A3</a></b> |
| (iv)  | <b>20192150 25 BRACKENTHWAITE</b>                                       | <b><a href="#">Appendix A4</a></b> |
| (v)   | <b>20192171 1 EXPLORATION DRIVE</b>                                     | <b><a href="#">Appendix A5</a></b> |
| (vi)  | <b>20192172 ASDA 1 EXPLORATION DRIVE</b>                                | <b><a href="#">Appendix A6</a></b> |
| (vii) | <b>20192220 130 EVINGTON ROAD</b>                                       | <b><a href="#">Appendix A7</a></b> |

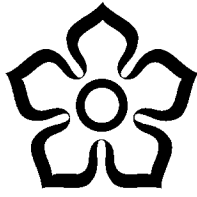
### **5. ANY URGENT BUSINESS**

### **6. 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.**

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**Planning & Development Control Committee**

**Date:** 18<sup>th</sup> February 2020

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## **REPORTS ON APPLICATIONS, CONTRAVENTIONS**

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### **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
		20190800	382 LONDON ROAD	KN
		20191832	Land East of Thurmaston Lane off Colin Grundy Drive	HH
		20192113	166-166A Evington Road	ST
		20192150	25 Brackenthwaite	RM
		20192171	1 Exploration Drive	AB
		20192172	ASDA 1 Exploration Drive	AB
		20192220	130 Evington Road	ST



<b>Recommendation: Conditional approval</b>	
<b>20190800</b>	<b>382 LONDON ROAD</b>
Proposal:	CONSTRUCTION OF SINGLE STOREY EXTENSION AT REAR OF DAY NURSERY (CLASS D1); DEMOLITION OF GARAGE AT REAR; ALTERATIONS (AMENDED PLANS RECEIVED 27/08/2019)
Applicant:	KIDDI CARU DAY NURSERIES
View application and responses	<a href="https://planning.leicester.gov.uk/Planning/Display/20190800">https://planning.leicester.gov.uk/Planning/Display/20190800</a>
Expiry Date:	30 August 2019
PK	WARD: Knighton



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## Summary

- Reported because more than 5 objections have been received;
- objections received from 6 City addresses raising concerns about highways safety, parking, residential amenity and light pollution;
- The main issues are the impact on residential amenity, character and design, highways and trees;
- Recommended for approval.

## The Site

The application relates to a two storey detached building which is in use as a children's nursery. The site is situated on the corner of London Road (A6) and Elmsleigh Avenue and within a predominantly residential area. There are two TPO trees to the rear of the building and a TPO tree and group TPO in the adjacent garden of Ashford, Llewellyn and Carlton Court.

## **Background**

The site has been used as a children's nursery since 1990 when it was granted planning permission under reference 19892033. This permission did not restrict the number of children. Since then there have been a number of applications for mainly tree works on site. None of the planning history is directly relevant to this application.

## **The Proposal**

The proposal is for the construction of a single storey rear extension close to the south-eastern boundary of the site. The extension would have a foot print measuring 6.8 metres by 6.9 metres. The extension would have a flat roof with a maximum height of 3.4 metres. As part of the proposal the height of the current pre-school area (to which the proposed extension would be attached) would have its roof raised to match the current proposal. The roof would be raised by approximately 0.5 metres.

The proposal includes the demolition of the detached garage at rear to accommodate two additional off-street parking spaces.

The proposed development would result in an increased floor area of 40 sq metres, which if used as a pre-school could contain a maximum of 17 children and 5 staff. The plans submitted with the application state that the total children in placement will be 71 as opposed to the current 48.

Amended plans have been submitted during the course of the application to reduce the height of the extension by removing the originally proposed parapet. During the course of the application additional information has been submitted to address concerns from highways and trees and woodlands officers.

## **Policy Considerations**

### National Planning Policy Framework (NPPF)

Paragraph 2 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 11 contains a presumption in favour of sustainable development. Paragraph 94 highlights the importance of a sufficient choice of school places is available to meet the needs of existing and new communities. Part a of the policy requires local planning authorities to give great weight to the need to create, expand or alter schools.

Paragraph 109 advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be 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 which includes issues such as the long term functionality of development proposals; visual impacts; the ability of development to relate to local character; creation of a sense of place using various design tools such as building types and materials; optimising the potential of development sites; and, designing safe, secure and inclusive developments with a high standard of amenity for existing and future users.

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)

Appendix 01 of the Local Plan – Parking Standards

#### **Consultations**

Local Highway Authority: No objection subject to conditions

Trees and Woodlands: No objection subject to a condition to secure an Arboricultural Method Statement

Pollution (Noise): No objections

#### **Representations**

Letters of objection have been received from 6 City addresses raising concerns on the following issues:

- Impact on parking, traffic, highways and pedestrian safety;
- Impact on trees within and adjacent to the site;
- Noise and light pollution from the site

#### **Consideration**

The principle of extensions and alterations at the site are acceptable given the site is already in use as a nursery and this is a used acceptable in principle in residential areas. The main issues in this case are impact on residential amenity, character and design, highways and trees.

#### Residential Amenity

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

The site adjacent to the site has blocks of flats and to the rear of the site is 5 Elmsleigh Avenue which is a bungalow.

The proposed extension would be located wholly to the rear of the site. The rear garden of the site has a 1.8 metre high boundary fence with mature trees beyond. Much of the extension would be screened behind the boundary treatment and is unlikely to result in significant detriment in terms of daylight, outlook, overshadowing and overbearing to the residential properties nearby.

The proposal would result in a greater number of children on site. I consider that the nursery is unlikely to be at full capacity at all times and any associated comings and goings are also likely to be staggered. In addition, any outdoor play time would be limited to smaller groups of children as opposed to all children at any one time. I consider the proposal is unlikely to result in significant detriment in this respect.

I consider the proposed development would not result in significant harm to the residential amenity to the nearby residents. The proposal would comply with saved policy PS10 of the Local Plan.

#### Character and Design

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.

The proposed extension would be located wholly to the rear and views of the extension would be limited to the very top of the extension as it would have a flat roof. I therefore consider the proposed extension itself would not appear overly dominating. The size and scale of the extension although slightly larger than a typical residential extension, would sit comfortably within the site and it would be set back from the boundary with Elmsleigh Avenue, which would further minimise its visual impact on the street.

The demolition of the garage at rear will have minimal visual impact on the character and appearance of the local area. I consider this element of the proposal to be acceptable.

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 conclude that the proposal would comply with Policy CS03 of the Core Strategy (2014) and would not conflict with saved Policy PS10 of the Local Plan (2006) and is acceptable in terms of the character and appearance of the area.

### Highways

During the course of the application a number of amended details have been submitted in relation to highways matters. The garage at rear would be demolished to provide vehicle spaces which would be tandem in pairs and marked out for staff parking. Whilst tandem spaces are not ideal, the width of the spaces exceed our standards but the depth of the spaces fall short. I consider the current garage would not accommodate two cars and therefore an additional three off-street spaces are being provided for staff and this is an improvement on the current situation. Visibility splays of 1 metre by 1 metre have been provided on the western side, however visibility splays should be 2 metres by 2 metres and a condition securing this is recommended. In addition to this, the dropped kerb must be extended and a condition is recommended in this respect. The applicant would be required to enter into an agreement with the LHA to undertake the works within the highway, the costs of which would need to be borne by the applicant. A note to applicant is considered reasonable in this respect.

To the front of the site there are 7 vehicle spaces shown and it is proposed to mark these spaces out and introduce an 'in and out' system to improve traffic and manoeuvring. These are considered to improve the parking situation on site as well as highway safety when entering and exiting the site. Conditions for visibility splays, surfacing and a dropped kerb are also required for the proposed exit onto Elmsleigh Avenue for the front parking area. I consider this reasonable.

The applicant has submitted a draft Travel Plan for the site which is considered acceptable. A condition securing the submission of a full Travel Plan to be submitted following discussion with the City Council's Travel Plan Officer shall be attached to planning permission. Whilst a cycle parking area has been indicated on the proposed site layout, no details have been submitted in this respect. Therefore, a condition is suggested in respect of this.

To conclude, the proposed development includes a number of improvements in terms of highways and parking matters. A number of conditions are recommended to secure the details submitted in support of the application, subject to which the proposal is considered not to result in a severe impact on highways and parking in accordance with the NPPF 2019, saved policies AM01, AM02 and AM11 of the Local Plan and Core Strategy policy CS15.

### Trees

Saved Local Plan Policy UD06 states that planning permission will not be granted for development that impinges on landscape features of amenity value unless (a) the removal would be in the interests of good landscape maintenance or (b) the desirability of the development outweighs the amenity value of the landscape feature.

The proposal does not include the removal of any trees on, or adjacent to the site and details have submitted showing the location of the trees and the root protection areas. However, Trees and Woodlands Officers recommend the submission of additional tree protection measures to outline how trees would be protected during demolition of the garage and construction. They also recommend that an Arboricultural Method Statement is submitted prior to commencement. Such a statement should include

details of foundation details, storage of materials, access points and construction storage should be included on an annotated plan.

Subject to conditions, the proposed development in terms of trees is acceptable and in compliance with saved policy UD06 of the Local Plan.

### Conclusion

The proposed development would have an acceptable impact on the local character, residential amenity and would be of an appropriate design. Suitable conditions would mitigate concerns regarding highway safety and tree protection.

The proposal is in accordance with national and local planning policies.

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

#### CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. Prior to commencement of development, all trees on and adjacent to the site subject to a Tree Preservation Order shall be protected from damage during building operations, in accordance with the Arboricultural Method Statement (AMS) to be first submitted to and approved in writing by the City Council as local planning authority. The details shall include ground protection details, foundation design within root protection areas and construction storage details. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
3. No part of the extension shall be used until the 2 metre by 2 metre sight lines on each side of each vehicular access on Elmsleigh Avenue have been provided, and they shall be retained thereafter. (In the interests of the safety of pedestrians and other road users, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)
4. No part of the extension shall be used until a footway crossing has been provided at the western vehicular access on Elmsleigh Avenue in accordance with the Council's standards contained in the "6Cs Design Guide" version published 2017. (To ensure a satisfactory means of access to the highway, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)
5. No part of the extension shall be used until the footway crossing at the eastern vehicle access on Elmsleigh Avenue has been altered in accordance with guidance in the "6Cs Design Guide" version published 2017. (To achieve

- 
- satisfactory means of access to the highway, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)
6. No part of the extensions shall be used until a minimum of 2 secure and covered cycle parking has been provided and retained thereafter, in accordance with written details previously approved by City Council as local planning authority. (In the interests of the satisfactory development of the site and in accordance with policy AM02 of the City of Leicester Local Plan).
  7. No part of the extension shall be used until a Travel Plan for the development has been submitted to and approved in writing by the City Council as local planning authority and shall be carried out in accordance with a timetable to be contained within the Travel Plan, unless otherwise agreed in writing by the Council. The Plan shall: (a) assess the site in terms of transport choice for staff, users of services, visitors and deliveries; (b) consider pre-trip mode choice, measures to promote more sustainable modes of transport such as walking, cycling, car share and public transport (including providing a personal journey planner, information for bus routes, bus discounts available, cycling routes, cycle discounts available and retailers, health benefits of walking, car sharing information, information on sustainable journey plans, notice boards) over choosing to drive to and from the site as single occupancy vehicle users, so that all users have awareness of sustainable travel options; (c) identify marketing, promotion and reward schemes to promote sustainable travel and look at a parking management scheme to discourage off-site parking; (d) include provision for monitoring travel modes (including travel surveys) of all users and patterns at regular intervals, for a minimum of 5 years from the first occupation of the development brought into use. The plan shall be maintained and operated thereafter. (To promote sustainable transport and in accordance with policies AM01, AM02, and AM11 of the City of Leicester Local Plan and policies CS14 and CS15 of the Core Strategy).
  8. Before first use of the extension, all parking areas shall be surfaced and marked out in accordance with details which shall first have been submitted to and approved by the City Council as local planning authority, and shall be retained for parking and not used for any other purpose. The submitted details shall include proposed surfacing, marking and signing at accesses to indicate entrance and exit and one-way operation of the car parking area. (To ensure that parking can take place in a satisfactory manner, in the interest of highway safety, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)
  9. The new walls and roof shall be constructed in materials to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03.)
  10. This consent shall relate to the plans ref. no. 9521-04 Rev 02, 9521-08 Rev 07 and 9521-09 Rev 07 received by the City Council as local planning authority on 27/08/2019 and plan ref. no. 9521-11 Rev 11 received by the City Council as local planning authority on 29/11/2019. (For the avoidance of doubt.)

**NOTES FOR APPLICANT**

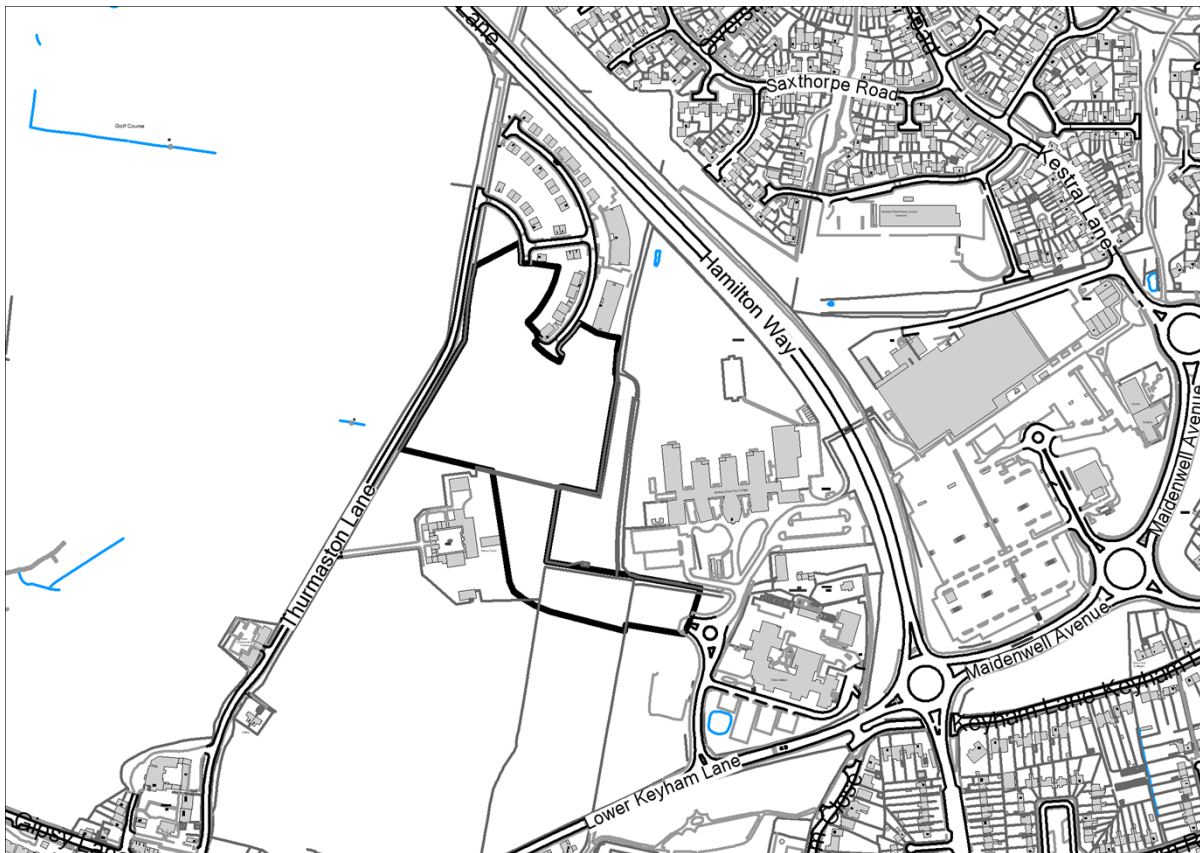
1. The Highway Authority's permission is required under the Highways Act 1980 and the New Roads and Street Works Act 1991 for all works on or in the highway.  
For new road construction or alterations to existing highway the developer must enter into an Agreement with the Highway Authority. For more information please contact [highwaysdc@leicester.gov.uk](mailto:highwaysdc@leicester.gov.uk).
  
2. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process.  
The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 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_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.   |
| 2006_UD06 | New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.  |
| 2014_CS03 | The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'. |
| 2014_CS08 | Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.  |
| 2014_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.  |



<b>Recommendation: Conditional approval</b>	
<b>20191832</b>	<b>Land East of Thurmaston Lane off Colin Grundy Drive</b>
Proposal:	Construction of a two and three storey school building and sports hall with associated access; parking; external recreation areas; sports facilities and landscaping (Class D1) (subject to s111 agreement)
Applicant:	Department for Education
View application and responses	<a href="https://planning.leicester.gov.uk/Planning/Display/20191832">https://planning.leicester.gov.uk/Planning/Display/20191832</a>
Expiry Date:	31 January 2020
LL	WARD: Humberstone & Hamilton



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## Summary

- This application is brought to committee as 6 objections have been received from separate addresses in the city.
- The key issues are the principle of development, impact on the highway network, and impact on heritage assets.
- The recommendation is for approval subject to conditions.

## The Site

The site is located to the immediate north and east of Manor Farm, and is to the east of Thurmaston Lane. The site has a western boundary of about 190m running along Thurmaston Lane, and the eastern boundary is mainly to an area of woodland. To the north are dwellings on Collis Crescent, and to the south is Manor Farm.

The main site access is proposed from the south-east corner of the site, and the site includes a reverse-L shaped element leading around the woodland to link up with the roundabout on Colin Grundy Drive.

The site is close to the northern boundary of the Old Humberstone Conservation Area, and there are several TPO trees on site. The wood to the east is a TPO group.

To the north of the existing housing is Hamilton Way, and although Thurmaston Lane connects with Hamilton Way it is not a through route for motor traffic. There is a footpath link and a pedestrian crossing over the main road.

Also accessed from Colin Grundy Drive are a police station, a place of worship (a Gurdwara) which is under construction, and Gateway College.

There is a footbridge over the ring road from the Hamilton centre, where there are bus links to other parts of the city. A footpath around Gateway College provides a link route.

## **Background**

There is a recognised need within the City for additional school places, to meet population growth.

Although the applicant is the Department for Education (DfE), and the application is for a new free school, the application has been submitted on the basis that the school will be occupied and operated by Avanti Fields School. Many of the public comments refer to this school, which already has a temporary site (a school building dating from the turn of the last century) on Narborough Road/Bruce Street. The temporary site is understood not to be available on a permanent basis, and not to be suitable for Avanti Fields School.

The proposal has been subject to pre-application discussions.

## **The Proposal**

The proposal is to construct a part two- and part three-storey school building towards the south-east corner of the site. Vehicular access would be by a new road from Colin Grundy Drive, leading to a car park and drop-off area in front of the school. There would be a separate staff car park, and a foot/cycle access from Thurmaston Lane.

The site would also accommodate outside facilities including two hard-surfaced play areas, recreation and biodiversity areas, bin and cycle stores.

The school would accommodate children from nursery to secondary ages, including 472 school places at nursery and primary, with 900 secondary (ages 11-16). It is anticipated that the primary will be at capacity by 2028 and the secondary by 2025.

## **Policy Considerations**

National Planning Policy Framework (NPPF)

Paragraphs 2 and 47 – Applications must be determined in accordance with the development plan, unless material considerations indicate otherwise

Paragraph 91 – pedestrian and cycle connections; safety and accessibility; health

Paragraph 92 – the provision of facilities and services for the community

Paragraph 94 – provision of school places

Paragraph 98 – public rights of way

Paragraphs 102 and 103 – transport issues and promoting sustainable travel

Paragraph 110 – priority to sustainable travel

Section 11 – Making effective use of land

Paragraph 120 – changes in the demand for land

Section 12 – Achieving well-designed places

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

Paragraph 170 – Provide net gains for biodiversity

Section 16 – Conserving and enhancing the historic environment

Development Plan policies

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

The most relevant Core strategy policies and Local Plan policies are H01, GE09, CS02, CS03, CS08, CS17 and CS18.

Other legal or policy context

Old Humberstone Conservation Area Character Appraisal (2015)

**Consultations**Local Highway Authority

No objection subject to conditions and a financial contribution.

Lead Local Flood Authority

No objection subject to conditions.

Pollution Control (Land)

No comments to make.

Better Buildings

Support proposals in respect of fabric and M&E efficiency.

Concerned that insufficient justification has been provided regarding the lack of renewable energy generation

**Representations**

Six objections have been received raising the following concerns.

- The infrastructure is not in place to support a school
- Substantial additional traffic both at construction stage and once opened
- Hope that traffic survey has been undertaken and solutions suggested
- Do not believe that the number of drop off spaces would be sufficient

- 
- Drop off area does not address the hold up as children get out of the car
  - Traffic queuing to drop children off will block access to police station
  - Parking issues related to place of worship – understand that they have withdrawn an extension application
  - Traffic problems which the council is aware of, have been meeting with the MP, councillors and the Mayor
  - How can this be considered before the impact of the [Gurdwara] is known
  - Village has been developed fast, new housing estates, [Gurdwara] and this school
  - Public transport is inadequate for the village
  - Area has been developed without consideration to width of roads or parking for schools
  - Lack of suitable crossing places on Lower Keyham Lane
  - School will increase traffic at one of the worst pinch points in Leicester (Humberstone Lane/Gipsy Lane/Main Street/ Lower Keyham Lane)
  - Ask that steps are taken to keep construction noise to a minimum particularly during May and June when students at Gateway College will be sitting exams
  - Concern re access for residents of sheltered housing scheme on Lower Keyham Lane, residents have to put up with cars being parked on footpath and stopping suddenly to pick up students from college
  - Head teacher [from Avanti] said that none of the students would travel by car they would be told to walk, so why is there drop-off area
  - Would be better to put main entrance on Thurmaston Lane which could be widened to accommodate additional traffic
  - Why consider building on a conservation site? Historic character of village already compromised
  - Area is important for wildlife, wild birds have been affected by existing development
  - The mature trees are crucial for biodiversity.

Thirty nine other comments, mainly of support, have been received as follows

- Limited secondary school choice in the area [Hamilton]
- Area is deprived of good schools
- Welcome development for local community, would benefit many families in the area
- Parents looking for good secondary school for their children
- Hamilton growing very fast, needs secondary school
- Fulfils the need of a secondary school with strong spiritual values
- Leicester needs some good schools for children's future
- Ethos of the school is very good
- Child attends school in its temporary location, sent him there partly because of the location of the permanent site
- Children attend the primary school and happy they will be able to attend for higher education
- Will save travel time
- Children will be able to walk to school

- Traffic will be restricted to pick up and drop off times which are not during rush hour
- Majority of morning traffic is because of people dropping children to other schools
- Some people mentioned the Gurdwara which has its own parking and majority of people would visit on Sunday

## Consideration

### Principle of development

The application relates to a site which is defined in the Local Plan as primarily a housing allocation, with a strip to the west, along Thurmaston Lane, defined as Green Space. This means that the proposal is a departure from the local plan, and it has been advertised as such.

Policy CS06 states that the city's housing need will be met through development of strategic sites. One of these defined allocations includes Hamilton. Policy H01 states that Hamilton (Manor Farm) will provide an estimated 140 dwellings. Phase 1 of Manor Farm was granted planning permission in 2010 for 32 units meaning the later phases of the development were expected to provide the balance of the housing allocation.

Leicester currently does not have a 5-year land supply and the NPPF is clear that opportunities to maximise housing development should be pursued. Paragraph 123 states that:

*“Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.”*

It goes on to state that in these circumstances:

*“local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework”.*

However this paragraph is part of section 11 of the Framework – *Making effective use of land* – which does not refer only to housing, but also encourages consideration of land for other uses. Paragraph 120 allows for applications for alternative uses to be considered on allocated land where the proposed use would contribute to meeting an unmet need for development in the area.

Paragraph 94 of the NPPF states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Great weight should be given to the need to create, expand or alter schools through the preparation of plans and decisions on applications.

Policy CS08 supports the provision of schools and states that, with the exception of schools serving new housing development, new schools will be rebuilt on existing sites. Since this policy was adopted however, in 2010, the need for school places has

increased due to various demographic changes. In addition the way that schools are provided has evolved, with the introduction of free schools being included in the Academies Act of 2010. The DfE uses local information on school places, collated and provided by the local authority, to establish that more school places are needed, and works with providers (Academy trusts and free schools) to make the school places available. This means that it is no longer possible for the local authority to insist that new schools are rebuilt on existing sites. Free schools are normally established first of all in temporary sites before having their permanent site established in the medium term as their intake expands.

The DfE has identified the requirement for Avanti Fields School to have a new teaching facility, and has reviewed available sites within the city. The application site was identified as suitable and available.

The temporary site on Narborough Road has no sports hall and limited outside space. A substantial amount of work would be required to the fabric to upgrade the building and make suitable for modern school use, even if the physical constraints could be overcome and if there was space for the number of pupils proposed. I therefore consider that it would not be appropriate to require that the school is rebuilt on this site. As stated earlier, part of the proposed development site is green space as defined by the adopted policy map – the area between the existing housing allocation and Thurmaston Lane. It is worth noting that this green space is currently private with no existing right of access. As part of the proposal the area will be generally retained (albeit still as private open space) with only a small part lost to car parking. In this case, the loss of allocated green space would not affect the open nature of this site and I consider that the limited loss would be acceptable.

This site is a housing allocation in the adopted Local Plan, which means that it should be retained for the provision of new housing. However the NPPF puts a very strong emphasis on ensuring provision of new schools and school places to meet local need of which there clearly is an identified need within the city.

Leicester does not have a 5-year housing land supply and as the application site is currently a defined housing allocation the proposal is contrary to local and national housing policy as it stands. It is also contrary to policy CS08. However, despite a planning application being submitted for residential use in 2000 (albeit not determined until 2007), and the allocation being first adopted in 2006, this area has not yet been developed for housing. Although the new local plan is at an early stage, and cannot be given any weight, it is anticipated that the allocation for this site will change from housing to education.

The proposal is not contrary to national policy which prioritises the provision of school places and I am satisfied that the development of the application site to provide school places will meet a planning need.

Leicester is a constrained area and demands on land within the city council's administrative area are intensive. Ongoing local plan work indicates that there is insufficient vacant or reusable land within the city boundary to meet all of the identified needs of the city as it develops. Keeping this land available for hypothetical future

housing while refusing a scheme for a school that is likely to be developed promptly would not be an efficient use of land.

I consider that, taking the policy requirements and the identified local needs on balance, the provision of a school on this site is acceptable.

### Design

The proposed new school building would consist of two wings designed in a 'T' shape, comprising a mostly two-storey wing orientated north-south along the eastern boundary of the site, and a linked three-storey wing positioned east-west and taking the top storey across the central part of the north-south block. The two-storey wing would accommodate the secondary school areas, with the three-storey wing containing primary teaching accommodation on ground and first floors and secondary teaching spaces on the second floor. The main halls and dedicated dining spaces for both primary and secondary pupils would be located at the intersection of the two wings forming the centre of the school at ground floor level.

The full height sports hall would form the southern part of the two storey block. The heights, taking into account the relationships with nearby uses and allocations, are considered acceptable (see also below for assessment of massing in context). Externally, the building would be of brick to the ground floor, with cladding used above on some elevations, and brick on others. Full and final details can be secured by condition.

The arrangement of windows would have a horizontal emphasis, with a regular pattern of recesses along the building containing a slightly varying layout of openings and panels. This would create a balanced but not overly-regimented appearance. Overall, I consider that the design is a relatively simple but well-detailed proposal, appropriate for the site and is a good response to the constraints of the site and the needs of the development.

Subject to conditions being satisfactorily addressed, I consider that the proposal would be in accordance with policy CS03.

### Heritage Assets

The site is visible from the Conservation Area, and contains historic ridge and furrow features. The Conservation Area is to the south and includes much of the old Humberstone village. The Conservation Area boundary extends north to enclose the Manor Farm buildings, and the northernmost tip of the Conservation Area is just a few metres away from the south boundary of the site. Part of the area proposed for the new entrance road is within the Conservation Area.

The open aspect of the site positively enhances the rural aspect of the northern part of the Conservation Area and there would be some harm to the setting of the Conservation Area from the development of the plot. However, the focus for the new buildings is set away from the Conservation Area boundary and landscaping would be provided to act as a buffer. The buildings are well designed and represent a broadly cohesive and compatible design response to the setting, with a materials palette that would help to ensure that the buildings would not be visually dominant.

The proposed development would be set well away from the various nationally listed buildings and would not have any meaningful impact on their setting or significance. The proximity to the inter-war complex of farm buildings is relatively tight and the proposed development would cause some harm to its setting. However, the buildings are at the lower end of heritage significance within the Conservation Area and the works would represent less than substantial harm in terms of the heritage impact. The site is of archaeological interest, and some of the investigative work has already been carried out. The work was monitored by the city archaeologist. Further investigation is required to the northern part of the site, but this would not delay the commencement of development on the other parts of the site. I recommend a condition to secure the outstanding works and deposition of the report.

I consider that the small amount of harm caused, considering the low level of significance of the heritage assets and the care taken in design to minimise harm, would be outweighed by the benefits of the scheme. I consider that the proposal would be in accordance with Policy CS18 and section 16 of the NPPF.

#### Residential amenity and impact on neighbours

The dwellings on Collis Crescent are most likely to be affected by the development. These dwellings are at some points directly adjacent the site, however they would be at least 40m from the building at the closest point. This would avoid any detrimental overlooking or overshadowing.

The dwellings closest to the site are bungalows, and the impact of noise from the site has to be balanced with the impact of the acoustic fence which would be needed to control the noise. The acoustic fence would be set slightly away from the boundary, and 2.4m high, with planting to screen it. This would meet the acoustic requirements, and details of the planting will be secured by condition. Although 2.4m is slightly higher than normal boundaries to gardens, this height is required to secure the school site, and as it would be offset from the official boundary it would be less noticeable to residents.

No lighting is proposed to the sports facilities and so there is unlikely to be any evening activity here that might disturb neighbours.

Gateway College is one of the neighbours and has raised a concern regarding construction noise during their exam periods. This is a matter that will have to be addressed, as it would be unreasonable for the construction of one school to harm the prospects of students at another school.

The applicant has included Noise Control in their Construction Method Statement and has explicitly included discussions with Gateway College to minimise noise disturbance at exam times. The applicant has also stated that the site would be operated under the Considerate Constructor scheme, and that a newsletter would be sent to neighbours.

The Construction Method Statement sets out working hours of 07:30 to 18:00hrs Monday to Friday, and 08:00hrs to 13:00hrs on Saturday. These hours are considered acceptable. As is usual there may be times when work outside these periods cannot be avoided but any noise causing a nuisance would be subject to control.



Taking the above into account, I consider that the impact on nearby residents would be acceptable and in accordance with policy PS10.

#### Waste storage and collection

The plans show a refuse bin storage area, and a refuse collection vehicle could be accommodated in the front car park. I consider that this matter would be satisfactorily dealt with.

#### Highways and Parking

##### Access

Access to the school for pedestrians and cyclists would be via Thurmaston Lane, or by using the footbridge over Hamilton Way and taking the adopted footway route alongside Gateway College. All users would be able to use the new access road.

The main access road, from Colin Grundy Drive, would be about 190m long running west from the roundabout on Colin Grundy Drive, then north to the site. Alongside this to the north/east would be a 4m wide foot/cycle way and an attenuation pond. To the south/west of the road would be a small landscaped bund, with trees. It is intended that this road be adopted.

The width and layout of the main access road and the foot/cycleway is considered acceptable subject to some minor alterations. Conditions are recommended to secure provision of the access to suitable standards prior to the site being brought into use. There would be a foot/cycle access from Thurmaston Lane, which would allow connection via the pedestrian crossing over Hamilton Way to parts of Hamilton, and also allow for safer non-car access for those coming from the Gipsy Lane direction. This access point would have to be managed to discourage vehicular drop-off on this side as Thurmaston Lane is not suitable for use by school motor traffic. This will be included in the travel plan/car park management condition.

Having the main access from Thurmaston Lane was considered at early design stages, but it was concluded that this is not a practical proposition. Thurmaston Lane is very narrow, and along both sides are hedgerows which are of biodiversity value. The golf course, which is on the west side of the Lane, is a Biodiversity Enhancement Site. There is limited footway provision, nowhere to turn unless driving into the housing development, and the Lane is not a through route for motor vehicles. There would be congestion and danger to people cycling and using the footway.

It is intended that vehicular access into the site during the early phase of construction, prior to the new road being put into place, would be from Thurmaston Lane. I recommend a condition to secure provision of a suitable temporary access, and its later conversion to foot/cycle access. The applicant has set out that deliveries would be timed and managed to avoid congestion. Thurmaston Lane is not suitable for heavy use, but would be able to accommodate a limited amount of well-managed traffic while the new access road is put in place.

The main access from Colin Grundy Lane is considered acceptable. Conditions are recommended to secure provision of the access to suitable standards prior to the site being brought into use.

Comments have been received regarding traffic congestion on Colin Grundy Drive, and the possibility of this affecting access to the police station, however there are double yellow lines along this road and if access to the police station becomes obstructed by a vehicle then it is likely that somebody within the police station will have the authority to do something about it. The police were consulted but have not raised an objection to the proposal.

The impact of traffic from the place of worship has been taken into account. It is likely that peak hours for the two sites will be different.

A turning head is proposed towards the north of the access road, so that vehicles travelling up the road when the school is closed can turn round safely. I recommend a condition to secure the finer details of this feature, and its provision before occupation.

I consider that the physical access arrangements within the site, and entry/exit points, are acceptable, subject to implementation and management conditions, and would facilitate travel by foot and cycle.

#### Parking

Cycle parking would be provided alongside the main building, in a secure, sheltered and lit area, for pupils. Eighty spaces would be provided with scope to increase to 180. There would be six visitor spaces close to the main entrance, and 10 spaces for staff cycle parking set within the pupil area. Policy requires one space per 5 students and 1 space per 10 staff, to accommodate a minimum of 15% of all journeys. As the pupil roll would be 1,372 at capacity, and the staff complement 134, the cycle parking provided would not meet the policy requirement of 314 student spaces and 14 staff spaces.

There would be space within the site to accommodate more cycle parking, and the Travel Plan Officer has raised no objection to the proposed level of cycle parking. I consider that it would be reasonable to leave the increase in cycle parking provision to be managed by the Travel Plan process.

The outer car park would accommodate 53 parking spaces of which six would be accessible, a drop off bay sufficient for about 20 cars to pull over, and parent/child spaces for nursery drop-off. This area would serve visitors, and also accommodate deliveries, refuse collection and so on. Objectors have said that the drop-off area is not sufficient, but a balance has to be struck between allowing for people to drop children off at school by car, while also encouraging non-car travel. Constructing a drop-off facility to accommodate the maximum number of drivers likely to use it would be an inefficient use of land.

The inner, staff, car park would have 107 spaces for cars as well as parking for mini buses and motorcycles.

The amount of parking is considered acceptable subject to a management plan which can be secured by condition.

### Local road network

The additional traffic impact on the local network has been assessed, and three nearby junctions would be adversely affected as follows:

- A47 Uppingham Road/Humberstone Drive
- Lower Keyham Lane/ Hamilton Way/ Maidenwell Avenue/ Hungarton Boulevard Roundabout
- Thurmaston Lane/Gipsy Lane.

As there are other projects taking place that would also affect junction capacity and arrangement (a recent planning application submitted for development at Scraftoft, and a local project to secure improvements in Humberstone village) it would not be sensible to carry out improvements purely to meet the need of the school development. The ongoing work in this area, supported by works and contributions relating to this development, should help to address concerns raised by objectors.

An agreement is being put in place to secure a substantial contribution from the applicant to mitigate the highway impacts. As the school roll will gradually increase over time, reaching capacity after several years, the mitigation does not all need to be put in place at the point of first occupation.

Some neighbours have objected to the proposal on the grounds of local traffic impact, both volume and timing, impact on pedestrians, and the likelihood of congestion.

While it is possible that there would be congestion on the access road at pick-up and drop-off times, designing a school access that would not be congested at this time would take a disproportionate amount of land and would encourage car travel, and congestion on the access road would not affect the rest of the network. It is understood that this site is reasonably close to the school's catchment population, and there are safe walking routes from most surrounding residential areas.

### Public transport

There are bus routes near to the site, and the links from the school to the bus stops have been assessed.

There are bus stops within the District Centre car park (near Tesco) which can be reached using the footbridge over Hamilton Way. These stops currently serve routes 40, 58 and 58A, and the Hospital Hopper.

Other bus stops are located on Hungarton Boulevard and Maidenwell Avenue. These are reached by using Colin Grundy Drive and Lower Keyham Lane, then crossing at the roundabout, or by using the footbridge and going through the District Centre car park. These stops serve some of the same services, so although routes to these stops are less than ideal there is a safe route to the stops within the District Centre, which have the added advantage of shelters

There are stops in Humberstone village centre, on Main Street, which serve the additional routes 38 and 38A. To get to these stops requires crossing Lower Keyham Lane, and moving through the village using footpaths and roads. Some of these roads

are narrow with restricted footways, but some are also not through routes and so would offer a less-trafficked route.

It is not considered necessary to secure any improvements to these routes. Overall, in respect of traffic, travel and transport, I consider that the proposal is in accordance with policies AM01, AM02, AM11 and CS03.

#### Sustainable Energy

Policy CS02 requires that best practice energy efficiency and sustainable construction methods are used. Development should enable renewable energy generation schemes and should be adapted to climate change. The policy requires that development includes decentralised energy production wherever feasible, or connection to CHP or district heating.

The design of the proposed building allows for all classrooms to be on the outside of the building so that natural light to the rooms can be maximised. Some classrooms will be north facing, but the constraints of the site limit the layout options, and I consider that in this respect the proposal is acceptable.

The design is to increased standards of building efficiency using U-values and permeability standards which significantly improve on those required by the Building Regulations.

Heating, lighting and cooling have been considered together taking into account the varying orientations of rooms within the building and the need to balance, for example, the ingress of natural light with controlling overheating. The ventilation system would allow for overnight cooling in summer, and ensure that incoming fresh air and retaining internal heat are optimally balanced in winter. Lighting and ventilation would be controlled to maximise efficiency. Selection of glazing materials would help to reduce solar gain.

Taking into account the requirements that are imposed on school building under other regulatory regimes such as the DfE Generic Design brief, and the use of standards and assessment methods such as overheating analysis to inform design and material choices, I consider that the approach to the design and fabric of the building is acceptable.

The proposal does not specifically include any renewable energy element. The applicant has explained that solar panels (and/or a green roof) have been considered but were considered unviable due to the proximity of trees, and the need to locate other plant on the roof. The applicant has confirmed that the roof has not been designed to allow for PV loadings on the roof.

The applicant has not considered the use of heat pumps instead of a gas boiler for heating and hot water. Although in theory the building might be retro-fitted to accommodate alternatives in the future it is better if a building is designed from the early stages with an awareness of what changes might be required in future.

#### Drainage

The ground in this area is not highly permeable, and the drainage system has been designed to incorporate different features to accommodate surface water. The car

parking areas and most of the outside space would be permeable, with sub-surface storage; attenuation tanks, a swale and an attenuation feature (a mainly dry swale) would be used for storm water from impermeable areas such as the access road. Satisfactory details have been provided relating to drainage for the main part of the site, and I recommend conditions requiring that the scheme is implemented and maintained as proposed. More details are required regarding drainage to the access road, and I recommend a condition to secure those details prior to work beginning on this part of the site.

The temporary access to Thurmaston Lane, which is later to be reworked as a foot/cycle access, would be built over a drainage ditch along the side of the lane. Details have been provided showing pipes under the concrete, to ensure that the drainage function of the ditch is retained. These details are acceptable.

Subject to development being carried out, and maintained, in accordance with the approved details, the proposal will be in accordance with the relevant sections of policy CS02.

#### Nature Conservation/Trees/Landscaping

There are about 14 trees on the site that have been individually assessed, as well as an established hedgerow along the an sides. Most of the trees are subject to TPOs. To the east of the site is an established area of woodland also subject to TPO and to the west, along the boundary with Thurmaston Lane, is an established hedgerow including small trees.

The proposal includes the loss of a section of the hedgerow, to facilitate the temporary construction access from Thurmaston Lane. This is considered acceptable, and the area will later form a foot/cycle access when some planting can be reinstated. Some other sections of this hedgerow will be cut back to facilitate provision of surfacing.

Two sections of hedgerow would be removed to allow installation of the main access road.

The development would be very close to the woodland on the east, and the applicant has provided a tree survey demonstrating that works, although close, would be largely clear of roof protection areas. The closeness would potentially give rise, in the future, for pressure to cut the trees back, and I recommend a note to applicant advising that such permission may not be forthcoming. The applicant is aware of this as an issue. Trees and the hedgerow elsewhere on the site would be generally retained, although there would be surfacing works below some of the trees and several would be crown lifted.

It will be necessary to protect the trees and hedgerow during construction, and the applicant has provided satisfactory details for tree protection in an Arboricultural Method Statement. It is stated in the Construction Method Statement that hedgerow protection will be put up where required, and that this will be discussed with the relevant officer. Conditions are recommended to secure compliance with both of these documents.

Limited information has been provided about the impact of the proposed lighting on wildlife, so I recommend a condition to secure these details before the lighting is installed.

An objector has commented that the area is important for wildlife and has made specific comments in relation to particular species and features on the site. There has been an extensive suite of ecology surveys carried out on the site by independent ecologists to determine the impact of this development on protected species and biodiversity, and mitigation will include landscaping to provide native plants for food and shelter including native hedgerow, several trees, meadow grass and SuDS planting. Work has already been carried out on the golf course nearby to support wildlife, including the provision of Owl nest boxes; lighting will be considered carefully to avoid harm to bats.

Landscaping details have been provided; however while broadly acceptable these are not complete, and more attention could be paid to the selection of locally appropriate species. I therefore recommend a landscaping condition, and a note to applicant setting out what is required. The proposal includes a pond and some small nature areas. This is welcomed, and the details of planting can be agreed under the pre-occupation condition.

In order to secure the protection of ecological features and wildlife during construction, I recommend a condition to require compliance with the recommendations within the ecology survey documents.

Green infrastructure is required by CS02 in order to help adapt and mitigate climate change. Although this proposal is to develop what is currently a green field, the proposal includes nature areas, additional variations of habitat, trees, SuDS and a small food growing area. Although the food growing area will not meet the school's food requirements it will encourage education and understanding, which is a valuable contribution.

Taking the above into account, and subject to the conditions being satisfactorily addressed, I consider that the proposal is in accordance with the relevant sections of policies CS02 and CS17, and that it will provide gains for biodiversity as required by the NPPF.

#### Other matters

The applicant has submitted a Land Contamination Assessment which concludes that the land need not be considered as being affected by contamination. This conclusion is accepted.

#### Conclusion

Although in most respects this application complies with relevant policies, the proposal is not fully in compliance with Policy CS02 on energy sustainability.

This recommendation takes into account that the provision of the school places is in the public interest and that the school will provide much needed secondary school places for the City of Leicester in accordance with paragraph 94 of the NPPF.

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I recommend that this application is APPROVED subject to conditions and the PRIOR COMPLETION OF A S111 AGREEMENT TO SECURE A S106 OBLIGATION TO MEET HIGHWAY REQUIREMENTS.

#### 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 any other development, the temporary construction access to Thurmaston Lane shall be installed in accordance with details shown on the drawing  
Below ground drainage layout sheet 2 FS0612-BMD-ZZ-XX-DR-D-50002 revision P06 received 3/2/2020.  
Prior to occupation of the development the access shall be converted to a foot/cycle access in accordance with details that have previously been submitted to and approved in writing by the city council as local planning authority. The foot/cycle access shall be retained thereafter for use in connection with the occupation of the approved development. (To ensure that parking can take place in a satisfactory manner, and in accordance with policy AM01 of the City of Leicester Local Plan and policy CS03 of the Core Strategy).
3. Development shall be carried out in accordance with the approved Construction Method Statement Project No. HMD.0315 Revision 03 dated 28/01/2020. (In the interests of the amenity of neighbouring occupiers and highway safety, and in accordance with policies AM01 and UD06 of the City of Leicester local plan, and Core Strategy policy CS03.)
4. Prior to the commencement of development the trees on site shall be protected, and development shall be carried out thereafter, in accordance with the details shown in the approved Arboricultural Method Statement reference RT-MME-129469-02 dated 28/01/2020. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03.)
5. Prior to any development taking place above ground level, and notwithstanding the approved plans, details of the following materials 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 approved details.
  - (i) External walling and roof materials including bricks, cladding and panels, rainscreen cladding
  - (ii) external windows and doors
  - (iii) canopies
  - (iv) vents, flues and louvres.The details shall include a one square metre sample panel to be constructed on site showing the bricks, window framing and cladding panels including the mortar and pointing, and expansion joint (if proposed in the development). (In the interests of visual amenity, and in accordance with Core Strategy policy CS03).

6. Prior to the commencement of any development on the access road, and notwithstanding the details shown on drawing no AFS-LE-HAD-OF-DR-CE-101 attached to the Technical Note dated 17th December 2019, details of the turning head on the access road to the school car park shall be submitted to and agreed in writing by the city council as local planning authority. The turning head shall thereafter be constructed in accordance with the approved details prior to the development being brought into use. (To ensure the satisfactory development of the site, and in accordance with policy AM01 of the City of Leicester Local Plan and policy CS03 of the Core Strategy).
7. Prior to the commencement of any development related to the access road details of the Sustainable Drainage System (SuDS) as it applies to the access road shall be submitted to and approved in writing by the local planning authority. The approved development shall not be occupied until the system has been implemented in accordance with the approved details. It shall be retained and maintained thereafter. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy.)
8. (A) No development shall take place in the "agreed area of archaeological mitigation" as shown in Figure 6 of the Archaeological Evaluation and Earthwork Survey January 2020 version 4 until a programme of archaeological work following an amended Written Scheme of Investigation has been submitted to and approved in writing by the City Council as the local planning authority. The scheme shall include an assessment of significance and research questions; and:
  - (1) the programme and methodology of site investigation and recording;
  - (2) the programme for post-investigation assessment;
  - (3) provision to be made for analysis of the site investigation and recording;
  - (4) provision to be made for publication and dissemination of the analysis and records of the site investigation;
  - (5) provision to be made for archive deposition of the analysis and records of the site investigation;
  - (6) nomination of a competent person or persons or organization to undertake the works set out within the Written Scheme of Investigation.

(B) No development in the agreed area of archaeological mitigation shall take place other than in accordance with the Written Scheme of Investigation approved under (A) above.

(C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under (A) above, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured, unless agreed in writing with City Council as local planning authority.



(In the interests of the protection of heritage assets, and in accordance with Core Strategy policy CS18.)

9. Prior to the development being brought into use, and notwithstanding the approved plans, a scheme of landscaping shall be implemented in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The details shall include:
- (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed;
  - (ii) new tree, shrub and other planting including grasses and including plant type, size, quantities and locations;
  - (iii) means of planting, staking, and tying of trees, including tree guards;
  - (iv) other surface treatments;
  - (v) fencing and boundary treatments including the main gates (the gates must not open outwards over the highway);
  - (vi) any changes in levels;
  - (vii) the position and depth of service and/or drainage runs (which may affect tree roots);
  - (viii) the position, depth and planting of the ponds;
  - (ix) sections of the landscaping bund;
  - (x) a landscaping and ecological management plan.

The approved landscaping scheme shall be carried out prior to the development being brought into use for hard landscaping, and within one year of the date the development is brought into use for soft landscaping, and shall be maintained thereafter in accordance with the approved management plan. For a period of not less than five years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03.)

10. No part of the development shall be brought into use until secure, lit, covered and weatherproof cycle parking spaces have been provided in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The cycle parking spaces shall thereafter be retained for use in connection with the approved development. (In the interests of the satisfactory development of the site and in accordance with policy AM02 of the City of Leicester Local Plan).
11. No part of the development shall be brought into use until a Travel and Car Parking Management Plan for the development has been submitted to and approved in writing by the city council as local planning authority. The Plan shall be implemented in accordance with a timetable to be contained within the Plan. The Travel and Car Parking Management Plan shall:
- (i) assess the site in terms of transport choice for staff, pupils, visitors and deliveries;

- (ii) consider pre-trip mode choice, and include measures to promote more sustainable modes of transport such as walking, cycling, car share and public transport;
- (iii) identify marketing, promotion and reward schemes to promote sustainable travel;
- (iv) include provision for monitoring travel modes of all users including car and cycle parking demands (including travel surveys) at regular intervals the dates of which shall be identified in the Plan, from the first occupation of the development being brought into use until one full year after the school reaches capacity at the earliest;
- (v) include management details for the foot/cycle access to Thurmaston Lane, to discourage use of this access by people travelling by motor vehicle;
- (vi) include provision for an Annual Performance Plan setting out how the plan has performed against targets, the measures in the approved Travel Plan and the outcomes from the monitoring referred to above and to provide an updated Travel Plan which shall address the negative impacts or failure to achieve targets identified in the Annual Performance Plan;
- (vii) include monitoring of the use of and demand for cycle parking, including provision for additional cycle parking should the approved cycle parking reach capacity, which shall be submitted to the city council yearly on or before the anniversary of approval of the Plan, until at least one full year after the school reaches capacity.

(To promote sustainable transport and in accordance with policies AM01, AM02, and AM11 of the City of Leicester Local Plan and Core Strategy policies CS14 and CS15).

12. Development shall be carried out in accordance with the following details:
  - Precautionary methods of working set out in section 6 of the Badger Survey ref RT-MME-129469-03 dated August 2019
  - Precautionary methods of working set out in section 6 of the great Crested Newt Suitability Index Assessment ref RT-MME-128246-01.
  - The details within section 5 of the Dusk Emergence and Dawn Re-entry Bat Surveys document ref RT-MME-130819 dated July 2019.(In the interests of biodiversity and in accordance with Core Strategy policy CS17.)
  
13. Prior to the installation of any external lighting, a detailed design plan of the lighting to be installed showing the locations of lights, their type of light emittance and wavelength, together with a lux contour map showing the variation in light, and including the proposed hours of operation of the lighting, shall be submitted to and approved in writing by the local planning authority. The lighting shall be designed to cause minimum disturbance to protected species that may inhabit the site with appropriate areas remaining dark and a maximum of 1 lux on vegetated/water areas where considered necessary. The approved scheme shall be implemented and retained as approved thereafter. No additional lighting shall be installed without prior agreement from the Local Planning Authority. (In the interests of protecting wildlife habitats and in accordance with policy BE22 of the City of Leicester Local Plan and Core Strategy policy CS17.)

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14. No part of the development shall be brought into use until the link road, drop-off area and car parking spaces have been surfaced and laid out in accordance with the approved plans. The car parking areas shall be retained for the parking of vehicles in connection with the use of the site as approved unless the Travel Plan process has identified that they are no longer required. (To ensure that parking can take place in a satisfactory manner, and in accordance with policies AM01 and AM11 of the City of Leicester Local Plan and policy CS03 of the Core Strategy).
15. Development shall be carried out in accordance with the following approved plans.
- GA Ground Floor Plan FS0612-MA-00-GF-DR-A-00102 revision P01 received 24/9/2019
  - GA First Floor Plan FS0612-MA-00-01-DR-00103 revision P01 received 24/9/2019
  - GA Second Floor Plan FS0612-MA-00-02-DE-A-00104 revision P01 received 24/9/2019
  - GA Roof Plan FS0612-MA-00-RF-DR-A-00105 revision P01 received 24/9/2019
  - GA Elevations FS0612-MA-00-00-DR-A-00106 revision P01 received 24/9/2019
  - GA Sections FS0612-MAB-00-ZZ-DR-A-00107 revision P01 received 24/9/2019
  - Detailed sections FS0612-MAB-00-ZZ-DR-A-00108 revision P01 received 24/9/2019
  - Detailed sections FS0612-MAB-00-ZZ-DR-A-00109 revision P01 received 24/9/2019
  - Landscape General Arrangement AFS-DHL-Z0-Z0-DR-L-0103 revision P06 received 28/1/2020
  - Paving materials and external furniture AFS-DHL-Z0-Z0-DR-L-0107 revision P05 received 24/9/2019 (for the avoidance of doubt, the cycle shelters are not approved)
  - Levels Strategy AFS-DHL-Z0-Z0-DR-L-0109 revision P08 received 20/12/2020
  - Below ground drainage layout sheet 1 FS0312-BMD-ZZ-XX-DR-D-50001 revision P05 received 28/1/2020
  - Below ground drainage layout Sheet 2 FS0612-BMD-ZZ-XX-DR-D-50002 revision P06 received 3/2/2020
  - Storm water drainage dry swale FS0612-BMD-ZZ-XX-DR-D-50010 revision P03 received 28/1/2020
  - Drainage details sheet 1 FS0612-BMD-ZZ-XX-DR-D-58001 revision P02 received 20/12/2019
  - Drainage details sheet 2 FS0612-BMD-ZZ-XX-DR-D-58002 revision P02 received 20/12/2019
  - Drainage details sheet 3 FS0612-BMD-ZZ-XX-DR-D-58003 revision P02 received 20/12/2019
  - Drainage details sheet 4 FS0612-BMD-ZZ-XX-DR-D-58004 revision P02 received 20/12/2019
  - Drainage details sheet 5 FS0612-BMD-ZZ-XX-DR-D-58005 revision P02 received 20/12/2019
- (For the avoidance of doubt.)

## NOTES FOR APPLICANT

1. The City Council as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process (and/or pre-application).

The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019 is considered to be a positive outcome of these discussions.

2. Further to condition 9, while the submitted landscaping information is broadly acceptable the following points should be considered when addressing the condition.
  - More information will be needed regarding planting methods and topsoil depths
  - The selection of species for planting should be checked against information available on the Leicestershire and Rutland Wildlife Trust website: <https://www.lrwt.org.uk/wildlife/species-information/>
  - Species of fruit trees chosen should be local
  - The Management Strategy does not refer to management of existing hedgerows
  - New hedging: *Carpinus betulus* may be a better choice on local heavy soils than the beech
  - The Management plan excludes the access road and the low bunds planted with woodland species.
3. The applicant has committed within the Construction Method Statement to liaising with council officers in respect of tree and hedgeway protection. The applicant is reminded that works to Tree 7, which has been identified as a bat roost, cannot be carried out without a licence from Natural England, and the tree works contractor must be advised of this.
4. The applicant is advised that permission is unlikely to be granted in the future to cut back trees that encroach on the site boundary. The trees in the woodland to the east, and many of the trees on the site, are protected and consent would be needed for any proposed works to the trees.
5. The applicant is reminded that bats use the site for roosting and foraging, and lighting and planting must be considered accordingly.

### **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\_H01 Sites shown as Housing Development Proposals on the Proposals Map will be safeguarded for housing and will not be given planning permission for alternative uses.
- 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\_GE09 Planning permission will not be granted for development which would endanger or encroach upon Green Space as shown on the Proposals Map unless it meets the criteria set out.
- 2006\_UD06 New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
- 2006\_BE22 Planning permission for development that consists of, or includes, external lighting will be permitted where the City Council is satisfied that it meets certain criteria.
- 2014\_CS01 The overall objective of the Core Strategy is to ensure that Leicester develops as a sustainable city, with an improved quality of life for all its citizens. The policy includes guidelines for the location of housing and other development.
- 2014\_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2014\_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014\_CS06 The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
- 2014\_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
- 2014\_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
- 2014\_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.
- 2014\_CS17 The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.
- 2014\_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.



<b>Recommendation: Conditional approval</b>	
<b>20192113</b>	<b>166-166A Evington Road</b>
Proposal:	Change of use from betting shop (Sui Generis) to two A3 units (Class A3); alterations to shop front; part demolition of existing rear outbuilding; construction of single and two storey extension at rear; alterations (amended plans received 29/01/2020)
Applicant:	Mr Yaseen Patel
View application and responses	<a href="https://planning.leicester.gov.uk/Planning/Display/20192113">https://planning.leicester.gov.uk/Planning/Display/20192113</a>
Expiry Date:	19 February 2020
PK	WARD: Stoneygate



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## Summary

- Reported because more than 5 objections have been received;
- A total of 7 objections received raising concerns about number of hot food take-aways on Evington Road, impact character of area, waste, parking, noise, smells and public health concerns;
- The main issues are the principle of development, impact on residential amenity, highways, character and design, waste;
- Recommended for approval.

## **The Site**

The application site is a mid-terrace property located within the Evington Road shopping centre. The site adjoins retail and commercial uses to either side and residential to the rear. The site is in a critical drainage area.

## **Background**

The previous use of the site was offices in the 1990s. It is unclear when the current betting shop use on the ground floor commenced.

## **The Proposal**

The proposal is for the change of use from a betting shop use to two restaurants. No opening hours are given in the application. It is proposed to demolish part of an outbuilding at rear, alter the shop front to accommodate the two restaurants and construct a single storey extension and a two storey extension, the latter would provide a staircase to the upper floor which would remain in office use as existing.

Two ventilation flues are proposed, which would be internal and would exit the building from the rear roof slope. They would terminate 1 metre above the ridge.

Amended plans were submitted to ensure the flue terminated 1 metres above the ridge and also to internalise the flue. A further amended plan was received to enclose the staircase at the rear.

## **Policy Considerations**

### National Planning Policy Framework (NPPF)

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

Paragraph 85 of the NPPF states that planning policies and decision 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 109 advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 127 sets out criteria for assessing planning applications which includes issues such as the long term functionality of development proposals; visual impacts; the ability of development to relate to local character; creation of a sense of place using various design tools such as building types and materials; optimising the potential of development sites; and, designing safe, secure and inclusive developments with a high standard of amenity for existing and future users.



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.

When determining planning applications for development within flood risk areas paragraph 163 requires local planning authorities to ensure that flood risk is not increased elsewhere.

### Development Plan Policies

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

### Supplementary Planning Documents

Appendix 1 of the City of Leicester Local Plan (Parking standards)

## **Consultations**

Noise and Pollution Control – No objection to the amended plans

## **Representations**

7 letters of objection have been received by 6 City addresses raising the following concerns:

- Concentration of hot food takeaways;
- Waste, odour and noise from late night opening hours;
- Inconsiderate parking from people visiting the food outlets in the area and limited parking availability;
- 
- Precedent for future loss of more retail stores;

## **Consideration**

### Principle of development

The site is located within the existing Evington Road local centre as listed at Appendix 5 of the Leicester Core Strategy (2014) and as defined on the proposals map. As such, it constitutes a 'town centre'. The National Planning Policy Framework ("the NPPF") definition of main town centre uses includes offices and restaurants and the proposal would be located in a town centre.

Policy CS11 of the Leicester Core Strategy (2014) states that the Council will safeguard the retail character and function of centres by resisting development that would detract from their vitality and viability. It also states that food and drink uses will be supported in centres to meet demand and to add to vitality and diversity (subject to considerations of residential amenity, the effect on the retail function of the centre and the cumulative impact of these uses).

Saved Policy R03 states that retail development outside of the central shopping core will be confined to the shopping centres shown on the proposals map. Saved Policy R05 states that food and drink uses within the shopping centres shown on the proposals map will be permitted except where a further change from Class A1 use would seriously affect the retail function of the shopping centre (amongst other criteria).

The majority of the non-residential ground floor uses in the local centre of Evington Road fall within Class A1 and A2, and I consider that the overall mix of uses in the local centre as a whole is good. It is recognised that of recent there has been an increase in the number of A3/A5 uses within the local centre; however I am satisfied the introduction of the proposed cafe use at the site, would not detract from the vitality and viability of the local centre.

As a food and drink use the proposal would add to the vitality and diversity of the centre. I acknowledge that objectors have raised concern about the existing extent of such uses in the centre and, as noted above, the potential cumulative impact of such uses is one of the relevant considerations set out in Policy CS11. I do not consider there is a significant over concentration of food and drink uses within the local centre as a whole. Moreover, it is recognised that the site has been empty for some time and bring the site into use would be beneficial for the local centre.

I conclude that the retail character and function of the Evington Road local centre would not be compromised by the proposed use, and that the proposed use would comply with Policy CS11 of the Leicester Core Strategy (2014) and with the relevant provisions of Policy R03 and R05 of the Local Plan (2006). The principle of the proposed use within this local centre is, therefore, acceptable

#### Residential Amenity

Policy CS03 of the Leicester Core Strategy (2014) states that development must respond positively to the surroundings and be appropriate to the local setting and context. Saved Policy PS10 of the Local Plan (2006) includes noise, smell, air pollution, the visual quality of the area including potential litter problems as amenity factors that will be taken into account when determining planning applications.

Saved Policy PS11 states that proposals with potential to pollute by reason of noise, dust, vibration and smell will not be permitted unless the health and amenity of neighbours and the wider environment can be assured. Saved Policy R03 states that retail development within existing centres will be required to demonstrate that the development would not inhibit the use of the upper floors for residential and that arrangements for loading and servicing would not be harmful (amongst other criteria). Saved Policy R05 states that food and drink uses within the shopping centres shown on the proposals map will be permitted except where there would be harm (individually or cumulatively with other Class A3, A4 and A5 uses) to amenity, the applicant has failed to demonstrate that a satisfactory ventilation flue could be provided, or where it involves the use of the upper floors for Class A3, A4 or A5 uses (amongst other criteria).

The property and the adjoining properties are in commercial use at the ground floor. There are residential properties to the rear of the application site on Sawley Street and

Rowsley Street. As the proposal is for a restaurant a ventilation flue is required. The proposed development includes the provision of an internal flue which would exit the building from the roof of the building in the form of two flue's. The flues would be one metre above the ridge of the property and therefore Pollution Officers are satisfied that the ventilation flue proposed would allow odours from cooking to disperse sufficiently.

No hours of use have been indicated by the applicant; however as the site is in a local centre I consider a standard condition can be attached.

The proposed single storey rear extension would be located wholly within the rear yard and the proposed staircase has now been enclosed to minimise any concerns for the amenity of the occupiers at the rear. Subject to the amended plans and conditions I consider the proposed development would not result in detriment to the amenity of nearby residents. I conclude that proposal would comply with Policy CS03 of the Leicester Core Strategy (2014) and saved Policies PS10, PS11, R03 and R05 of the Local Plan (2006), and is acceptable in terms of residential amenity.

### Highways

Policy CS14 of the Leicester Core Strategy (2014) states that development should be accessible to all future users, including those with limited mobility, and should be accessible by alternative means of travel to the car.

The site offers no off-street car parking for the customers or staff which is similar to other premises on Evington Road. The site location is in an existing shopping centre which is served by good public transport links. I consider that the amount of traffic generated will be small and that levels of late night traffic noise, associated activity noise and traffic levels would not be significant.

Deliveries and servicing would also need to take place from the public highway to the front or from adjacent roads, as is the case for most other businesses in this local centre. I consider that the continuation of this arrangement in respect of the proposed restaurant, having regard to its relatively modest scale, is acceptable. I appreciate that a number of residents have raised concerns regarding parking and traffic; however the site is in a local and centre and this is the prevailing situation.

I conclude that proposal would comply with Policy CS14 of the Leicester Core Strategy (2014) and saved Policies AM01, AM02, AM11, R03 and R05 of the Local Plan (2006), and is acceptable in terms of access, parking and highway safety.

### Character and Design

Policy CS03 of the Leicester Core Strategy (2014) states that good quality design is central to the creation of attractive, successful and sustainable places, and that high quality, well designed developments that contribute positively to the character and appearance of the built environment are expected. It goes on to require new development to meet the highest standards of accessibility and inclusion.

The proposed ventilation flue would be located within the roof and would not be prominent. The extensions would be situated within the rear yard which cannot be seen

from the public realm. The application form indicates this would be brick built to match the existing chimney on site. I consider this to be an appropriate response which can be adequately conditioned.

The proposal would bring the site back into use and therefore I consider this would have a positive impact on the appearance of the site and wider street scene. I consider it reasonable and necessary to advise that this permission does not include advertisement consent for which separate permission is required.

I consider the proposal would accord with Core Strategy policy CS03 and policies R05 and PS10 of the City of Leicester Local Plan.

#### Waste storage and collection

Bin storage has been provided to the rear of the property within the application site with access to the road via a side passageway. This is similar to other units within the local centre and I consider this to be a suitable arrangement.

#### Conclusion

The proposal is acceptable in principle as it would not detract from the vitality and viability of the local centre. There would be no unreasonable impacts upon residential amenity, the character and appearance of the area, nor in terms of access, parking and sustainable drainage. I 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. No noise or vibration from the operation of the local exhaust ventilation system detrimental to amenity shall be perceptible in any adjoining property. (In the interests of the amenities of nearby occupiers, and in accordance with policies PS10 and PS11 of the City of Leicester Local Plan.)
3. The new walls and roof shall be constructed in materials to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03.)
4. The use shall not be carried on outside the hours of 07:30 to 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.)
5. There shall be no live or amplified music or voice played which would be detrimental to the amenities of occupiers of nearby properties. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)

6. No machinery shall be installed or operated nor shall any processes be undertaken which are detrimental to the amenity of the area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
7. This consent shall relate solely to the amended plans received by the City Council as local planning authority on 29/01/2020. (For the avoidance of doubt.)

#### NOTES FOR APPLICANT

1. No consent is granted or implied for the advertisement shown on the submitted plans, for which a separate application may be necessary.
2. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process.  
The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019 is considered to be a positive outcome of these discussions.

#### **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\_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 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.
- 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\_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.
- 2006\_R03 Retail development outside the Central Shopping Core will be confined to the existing and proposed shopping centres.



<b>Recommendation: Conditional approval</b>	
<b>20192150</b>	<b>25 Brackenthwaite</b>
Proposal:	Construction of single storey detached residential annexe at rear of house (Class C3); alterations
Applicant:	Mr & Mrs Garry England
View application and responses	<a href="https://planning.leicester.gov.uk/Planning/Display/20192150">https://planning.leicester.gov.uk/Planning/Display/20192150</a>
Expiry Date:	6 January 2020
AVB	WARD: Rushey Mead



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## Summary

- The application is before committee as more than five objections have been received.
- 8 objections regarding parking and traffic on Jessons Close, use of rear access would block driveways, impact on light, noise and disturbance to the residents of Jessons Close.
- The main issues are the amenity of neighbouring properties, character and appearance, parking and highways impacts, and drainage.
- The recommendation is for approval.

## **The Site**

The site is a semi-detached house located within the cul-de-sac. The ground level drops from the house towards the rear garden.

The site is surrounded by residential properties to the east, west and south and to the north is Jessons Close which is another cul-de-sac.

The site is within 250m landfill buffer. Rear part of site is within Surface Flood 1 in 1000 years.

## **Background**

19950752 – Single storey kitchen extension to rear of house was approved and implemented.

20060400 – Two storey extension at side and rear; single storey extension at rear of house was approved and implemented.

## **The Proposal**

The proposal as submitted is for a single storey detached residential annexe at the rear of the site and alterations to existing conservatory.

The applicant has amended the proposal and changed the internal layout of the proposed annexe (removes kitchen) and it also removes the timber poles which were proposed at the front of the proposed annexe. The applicant has confirmed materials of the proposed annexe would be to match the existing dwelling.

The proposed alterations would be to an existing conservatory. It consists of bricking up some windows to the rear and replacing the existing roof with a flat roof including glazed lantern rooflight. The overall height of the roof would be 3.4m high. The proposed windows and a door to the side elevation would be obscured glazed.

The proposed single storey residential annexe would be 9.6m deep and 5.6m wide with a flat roof measures 2.6m high. As revised the proposed annexe would have consist of lounge, bedroom and a bathroom. The proposed materials would be to match the existing house.

## **Policy Considerations**

### National Planning Policy Framework (NPPF) 2019

Paragraphs 2 and 11 (Presumption in favour of sustainable development) Paragraphs 108 and 109 (Highways)

Paragraphs 127 and 130 (Good Design)

Paragraph 163 (Sustainable Drainage)



### Development Plan policies

Development plan policies relevant to this application are listed at the end of this report. *Appendix 1 of the Local Plan – Vehicle Parking Standards*

### Supplementary Planning Documents (SPD)

#### Residential Amenity

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

### **Representations**

I have received 8 letters of objections from the properties on Jessons Close and the concerns are as follows:

- The applicant is a builder by trade and uses the rear gate for loading and unloading the building materials. The rear gate was installed illegally without any consent from the residents on Jessons Close;
- The proposed development would take a long time to construct and the builders would use large vehicles and machinery through Jessons Close which would cause visual impact and noise and disturbance to the residents of Jessons Close;
- The proposed development will have impact on the light on properties on Nos. 7 and 8 Jessons Close;
- The proposal would result in dirt from construction and will pollute the driveways on Jessons Close;
- Jessons close is a small close and there are already parking problems. The applicant may construct a driveway to the proposed annexe from Jessons Close resulting in further parking problems in the street and blocking the access to the driveways especially for No. 7 and 8 Jessons Close;
- The proposal would result in safety of the children playing in the close.

### **Consideration**

#### Principle of development

The site is in a residential area therefore the proposed development is acceptable in principle subject to the residential amenity, character and appearance and parking.

#### Residential Amenity

Policy CS03 of the Leicester Core Strategy (2014) states that development must respond positively to the surroundings and be appropriate to the local setting and context. Saved Policy PS10 of the Local Plan (2006) sets out a number of amenity factors to be taken into account when determining planning applications, including: noise and air pollution; the visual quality of the area; additional parking and vehicle manoeuvring; privacy and overshadowing; safety and security; and the ability of the area to assimilate development.

The application site is a semi-detached house located in a cul-de-sac. There is an existing two storey extension at side and single storey extension at the rear. The rear extension takes up the full width of the house. The ground level drops from the house towards the rear garden.

The proposed alterations would consist of bricking up some of the windows to the rear of the existing conservatory and replacing the flat roof with a flat roof including glazed lantern rooflight. The windows and a door to the side elevation facing the neighbouring property 23 Brackenthwaite would be obscure glazed. I therefore consider that the proposed alterations will not have significant detrimental impact on the residential amenity of No. 23 in terms of loss of light, outlook and privacy.

The proposed annexe would be set back by approximately 10.8m (closest) increasing to 15.1m from the common boundary with No. 23. There is an existing high boundary fence on the common boundary with No. 23. The proposed annexe would have principal room windows i.e. lounge and bedroom at the side elevation facing No. 23. However, I consider that the proposed annexe due to its size, design, separation and boundary treatment will not have significant detrimental impact on the residential amenity of the neighbouring properties in terms of light, outlook and privacy.

The proposed single storey residential annexe would be set back by approximately 0.3m from the common boundary with the neighbouring property No. 27 Brackenthwaite. The proposed annexe would be approximately 2.6m high. 27 Brackenthwaite has existing single storey and two storey extensions at side and rear and has an existing single storey detached outbuilding on the common boundary with the site. There is an existing 2m high boundary fence on the common boundary with No. 27. I consider that the proposed annexe due to its design, size, height and boundary treatment will not have significant detrimental impact on the residential amenity of No. 27 in terms of light and outlook. There are no windows proposed to the rear of the annexe facing No. 27. Therefore the proposed annexe will have minimum impact on the privacy of No. 27.

The applicant has confirmed that the annexe would be ancillary to the existing house. The proposed annexe as revised would remove the kitchen facility as it would then be dependent on the host dwelling for this facility. Hence it would not constitute as a separate residential unit due to its dependency on the existing host dwelling. The concerns were raised by the objectors that the proposed annexe would be used as a separate unit and would have separate driveway which would be accessed off Jessons Close. The applicant has not proposed any separate driveway which has access off Jessons Close as part of this application. The proposed annexe is ancillary to the host dwelling and it would not be used as separate dwelling. I have recommended a condition to secure this.

The objectors raised concerns that the proposed annexe will have impact on light on the properties Nos 7 and 8 Jessons Close. The proposed annexe is approximately 12.3m from the rear boundary. The proposed annexe would have one window to the rear elevation which would serve the bathroom. There is an existing high boundary fence to the rear of the site. I therefore consider that the proposed annexe due to its size, height, location and separation distance will not have significant impact on the residential amenity of the neighbouring properties Nos 7 and 8 Jessons Close.

I conclude that the proposal would comply with Core Strategy Policy CS03 and would not conflict with saved Local Plan Policy PS10 and, having regard to the SPD, is acceptable in terms of the privacy and amenity of the neighbouring occupiers.

#### Amenity area, Character and Design

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 urban form and high quality architecture.

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

The adopted Residential Amenity SPD states that extensions should leave sufficient garden space for general use and penetration of light and sun and recommends that a 3 or more bedroom house should have 100sqm garden area and in any event no more than 50% of the existing garden area should be covered by extensions. The application site would retain more than 100sqm of garden area which is in accordance with SPD.

The proposed single storey rear extension and residential annexe would be located to the rear of the site. The proposed single storey rear extension would be replacing the existing conservatory with similar dimensions. The proposed annexe would also be located at the rear which is at the lower level than the existing house. The proposed annexe would have flat roof and would have materials to match the existing house. I consider that the proposed development due to its design, size and location will have minimum impact on the visual amenity of the surrounding area.

The proposed development would be partly visible from Jessons Close. However the proposed annexe would be set back by approximately 12.3m from the rear boundary which is at the back of the footpath on Jessons Close. In addition there is an existing high boundary fence to the rear of the site. I therefore consider that the proposed extensions due to its size, design, location and separation distance will not have significant detrimental impact on character and appearance of the surrounding residential area.

The application form and plans indicates that the external finish materials of the proposed extension and proposed annexe would match those of the existing house which would be visually suitable. This can be conditioned.

I consider the proposed development to be well designed which would be compatible with the pattern of development in the local area. I consider the proposal would not harm the street scene nor detract from the scale of development in the local area. The proposal is therefore acceptable in terms of its design and impact on local character in accordance with the NPPF and Core Strategy policy CS03.

I conclude that the proposal would comply with Policy CS03 of the Core Strategy (2014) and would not conflict with saved Policy PS10 of the Local Plan (2006) and is acceptable in terms of the character and appearance of the area.

#### Waste storage and collection

The proposal would not alter the existing bin storage arrangement on the site. The proposed residential annexe would not be a separate residential unit but it will be used in conjunction with the main dwelling. The host dwelling has sufficient bin storage area to the front and to the rear of the site which can be used by the occupiers of the residential annexe.

#### Highways and Parking

The proposal would not have impact on the existing car parking arrangement on the site. The front driveway can easily accommodate one car parking space without any harm to highway safety. The residential annexe would be used in conjunction with the host dwelling. Hence, it would not require separate parking.

Concerns were raised regarding the noise and traffic due to the building works, loading/unloading of the construction materials, dirt from the proposed construction and vehicles and access to the application site from the rear gate would block the driveways on Jessons Road. I do not consider this to be a significant material consideration for this scale of development.

The applicant has not proposed any vehicular access from Jessons Road. There is an existing pedestrian gate to the rear.

#### Drainage

The property is located within Surface Flood 1 in 1000 years area. I consider that a requirement for a scheme of sustainable drainage would be onerous and that the impact of the proposal in terms of increased surface water run-off is unlikely to be significant.

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

#### Other matters

The site is located within the 250m of landfill site. I have attached a note to applicant regarding appropriate measures shall be taken to protect the development from hazards associated with landfill gas.

#### Conclusion

The proposal would have an acceptable relationship with the neighbouring dwellings and would preserve the character and appearance of the area. It is also acceptable in terms of parking.

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The proposal is in line with the policies and guidelines contained within the Local Plan, Core Strategy and the aims of National Planning Policy Framework.

I recommend APPROVAL subject to the following conditions:

#### CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. The new walls and roof shall be constructed in materials to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
3. The annexe shall only be used in conjunction with the main house and shall not be occupied, let, sold or otherwise disposed of as a separate dwelling. (In the interests of residential amenity in accordance with Policy PS10 of the City of Leicester Local Plan and because the facility could not operate satisfactorily as a separate unit.)
4. This consent shall relate solely to the amended plans reference nos B001a Rev A and B002a Rev A received by the City Council as local planning authority on 13/01/2020 and the site location plan received 11/11/2019 . (For the avoidance of doubt.)

#### NOTES FOR APPLICANT

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

<b>Recommendation: Conditional approval</b>	
<b>20192171</b>	<b>1 Exploration Drive</b>
Proposal:	Change of use of part of car park to car wash; construction of single storey detached building; construction of canopy; installation of security camera; installation of floodlights; alterations (Sui Generis)
Applicant:	Waves Valeting Services Ltd
View application and responses	<a href="https://planning.leicester.gov.uk/Planning/Display/20192171">https://planning.leicester.gov.uk/Planning/Display/20192171</a>
Expiry Date:	7 January 2020
CH	WARD: Abbey



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## Summary

- Brought to Committee due to number of objections.
- 14 objections from city addresses were received concerning noise pollution, air pollution, congestion and standing traffic and the number of car washes in the local area
- The main considerations are residential amenity, design, highways and drainage.
- The application is recommended for approval.

## **The Site**

The application relates to the carpark of a supermarket.

The site is within a 250m buffer of a known air pollutant Renault Leicester and is within a GDO Landfill 250m Buffer. Parts of the site are at risk of Surface Flood (1 in 1000). The site is located close to Abbey Lane which is a Classified Road.

## **Background**

There is a corresponding application (ref 20192172) for the installation of seven non-illuminated fascia signs and four freestanding signs to the car wash. This application is currently under consideration.

20111711 – Foodstore (Class A1) with petrol filling station, parking and landscaping and technology/innovation building (class B1b) with parking and landscaping (Conditional approval was granted 27/09/2011 – implemented).

## **The Proposal**

The proposal is for the change of use of part of the car park to provide a hand carwash. The proposal also includes the construction of a single storey cabin to provide a reception and storage, the construction of a canopy, the installation of hardstanding and associated drainage to serve the car wash and the installation of a security camera and floodlights.

The application states that the car wash will provide employment for four full-time and four part-time members of staff. The proposed hours of use are 08:30-17:30 Monday to Saturday and 10:00-16:00 on Sundays and Bank Holidays. These hours of use are within the hours of use of the supermarket.

## **Policy Considerations**

### National Planning Policy Framework (NPPF) 2019

Paragraphs 2 and 11 (Presumption in favour of sustainable development)

Paragraphs 108 and 109 (Highways)

Paragraphs 127 and 130 (Good Design)

Paragraph 163 (Sustainable Drainage)

### Development Plan policies

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

### Supplementary Planning Documents (SPD)

Appendix 01 – City of Leicester Local Plan

## **Consultations**

Pollution (Noise) – Recommends the following condition should be attached: ‘No machinery shall be installed or operated nor shall any processes be undertaken which are detrimental to the amenity of the area by reason of noise, in the interests of the amenities of nearby occupiers’

Pollution (Contamination) – Recommends the following conditions: ‘Petrol/Oil Interceptor be Provided’ and ‘tanks to be bunded’



Local Highways Authority – No objections  
Air Quality – No objections

## **Representations**

Objections have been received from 14 separate City addresses, the concerns are:

- The area is already heavily polluted and congested.
- There are already 3 car washes in the nearby area.
- The car park is crowded at peak times and slow moving traffic causes air pollution and is a health risk.
- The car wash will increase the amount of standing traffic while people wait to have their cars washed.
- The products used in the car wash will pollute nearby gardens.
- The hours of the supermarket mean there is no respite from pollution during the day time.
- Litter as a result of the supermarket.
- Light and noise pollution caused by the store and the illuminated ASDA advertisement.
- The store attracts cars late at night as the barriers are not put down, we do not want anymore vehicles to be attracted to the site for illicit purposes.

## **Consideration**

### Principle of development

The proposed development is considered to be acceptable in principle, as it is located within an existing shopping area on the ground of an ASDA supermarket.

The main issues in this case are: the impact on residential amenity; the character and design; highways; and drainage.

### Residential amenity

Residential properties are within close proximity to the site, along Ariana Place and Swithland Avenue. An acoustic report was submitted, including typical noise levels of car washing facilities, based on other sites. The location of the wet area is furthest away from the residential properties and the office and screens are considered to act as acoustic barriers. The noise level of the proposal is considered to be below the existing noise levels of the traffic in and around the site. I therefore consider there to be minimal impact in relation to noise to the adjacent residential properties. It is unlikely that the proposed car wash facilities would have a detrimental impact on the light, outlook and privacy to these properties.

I conclude that the proposal would comply with Policy CS03 of the Core Strategy (2014) and would not conflict with saved Policy PS10 of the Local Plan (2006), and is acceptable in terms of the privacy and amenity of the neighbouring occupiers.

### Character & Design

The size of the proposal is considered to be appropriate in relation to the neighbouring ASDA supermarket and would not appear dominating in the street scene. The proposed cabin would measure 2.4m in width by 4.8m in length with a height of 2.5m.

The materials proposed are suitable for the use of the development. On balance the proposal is considered to be acceptable in design and would be unlikely to cause significant visual harm within the local area.

I conclude that the proposal would comply with Policy CS03 of the Core Strategy (2014) and would not conflict with saved Policy PS10 of the Local Plan (2006), and is acceptable in terms of the character and appearance of the area.

#### Highways and Parking

The proposed development takes up 14 existing parking spaces of the ASDA car park, reducing the parking capacity from 225 to 211 spaces. The proposed use is unlikely of itself to generate trips in numbers that will have a noticeable impact on the local highway network. The number of lost spaces is relatively small and unlikely to create problems.

I conclude that the proposal would comply with Policy CS15 of the Core Strategy (2014) and with saved Policy AM12 of the Local Plan (2006), and is acceptable in terms of parking.

#### Drainage

The use of the site as a car wash could result in contaminated water from the washing of cars needing to be discharged from the site. The site is served by a surface water sewer and a public foul sewer. A drainage plan has been submitted in the application, including the foul and surface water systems, the connections to the public sewer system and flow control devices. The details provided are considered to be sufficient and the proposal is considered to be acceptable in relation to drainage considerations. I conclude that the proposal would not conflict with Policy CS02 of the Core Strategy (2014) and is acceptable in terms of sustainable drainage.

#### **Conclusion**

The proposed development is considered to have an acceptable relationship with the adjacent buildings and would be unlikely to cause detrimental visual harm on the character of the local area, complying with Core Strategy Policy CS03. There is considered to be minimal harm in relation to residential amenity, complying with saved policy PS10, and minimal harm to highway safety. Drainage details submitted are considered to be acceptable.

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. Provision shall be made at the time of development for surface water drainage from the car park to pass through a petrol/oil interceptor, details of which shall

have been agreed in writing with the City Council as local planning authority. (To minimise the risk of pollution of drains and watercourses.)

3. Any above-ground chemical tanks shall be bunded, in accordance with details to be agreed in writing with the City Council as local planning authority, before they are brought into use. (To prevent pollution through loss or spillage of contents.)
4. No machinery shall be installed or operated nor shall any processes be undertaken which are detrimental to the amenity of the area by reason of noise, in the interests of the amenities of nearby occupiers
5. This consent shall relate solely to the submitted plans ref. no. ## received by the City Council as local planning authority on ##. (For the avoidance of doubt.)

#### NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material planning considerations, including planning policies and representations that may have been received and subsequently determining to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019.

#### **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.
- 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\_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\_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.



<b>Recommendation: Conditional approval</b>	
<b>20192172</b>	<b>ASDA 1 Exploration Drive</b>
Proposal:	Installation of seven non-illuminated fascia signs to car wash; Installation of four freestanding signs (Sui Generis)
Applicant:	Waves Valeting Services Ltd
View application and responses	<a href="https://planning.leicester.gov.uk/Planning/Display/20192172">https://planning.leicester.gov.uk/Planning/Display/20192172</a>
Expiry Date:	7 January 2020
CH	WARD: Abbey



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## Summary

- Reported to committee as it relates to application 20192171
- No objections
- The only issue is visual amenity

## The Site

The application relates to a proposed car wash within the car park of a supermarket.

## Background

There is a corresponding application (ref. 20192171) for the proposed change of use of part of the car park to a car wash, the construction of a single storey detached building, construction of a canopy, installation of a security camera, installation of flood lights and alterations. The application is currently under consideration.

20141564 – One non-illuminated lattix pole sign; two non-illuminated vinyl wall signs to shop; two non-illuminated vinyl signs to petrol filling station canopy (Express Consent was granted on 10/02/2015)

20140467 – Forty nine signs including one five metre led totem sign, two internally illuminated wall mounted signs, one externally illuminated wall mounted sign, non illuminated fascia and wall mounted signs, post mounted and banner signs (A mixed decision was issued on 24/06/2014. This consent did not allow for two directional signs due to their design and location being a distraction to drivers on the adjacent highways).

20111711 – Foodstore (Class A1) with petrol filling station, parking and landscaping and technology/innovation building (class B1b) with parking and landscaping (Conditional approval was granted 27/09/2011 – implemented).

## The Proposal

The proposal is for the installation of a total of 11 advertisements to the proposed car wash within the carpark of the supermarket. The signs are as follows:

- Signs 1 and 2 are non-illuminated fascia sign. They are proposed to measure 2.2m in width by 1.8m in height.
- Sign 3 is a non-illuminated fascia sign. It is proposed to measure 1.95m in width by 1.8m in height.
- Signs 4 and 5 are non-illuminated fascia sign. They are proposed to measure 1.5m in width by 0.25m in height
- Sign 6 is a non-illuminated fascia sign. It is proposed to measure 0.65m in width by 1m in height.
- Sign 7 is a non-illuminated fascia sign. It is proposed to measure 0.34m in width by 0.34m in height.

The above signs would all be located on the car wash cabin.

- Signs 8, 9, 10 and 11 are non-illuminated free-standing signs. They are proposed to measure 2.2m in width by 1.8m in height and would act as screens on either side of the carwash.

## Policy Considerations

National Planning Policy Framework (NPPF) 2019

Paragraphs 2 and 11 (Presumption in favour of sustainable development)

Paragraphs 127 and 130 (Good Design)

Paragraph 132 (Quality and character of places can suffer when adverts are poorly sited and designed)

#### Development Plan policies

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

### **Representations**

Four representations have been received for one city address concerning the proposed use of car wash and a sign already in place at the ASDA supermarket. As the issues raised do not relate to the proposed advertisements, I do not consider that these representations can be considered as part of this proposal.

### **Consideration**

The main issues in this case are visual amenity and public safety.

#### Visual Amenity

I consider the design and sizes of the signs are proportionate in relation to the car wash and would have a minimal impact in regards to visual clutter. I also consider the design fits in with the surrounding area, with the style and size of the signage being similar to those in the surrounding area.

#### Public Safety

The non-illuminated signs are appropriately designed so as not to cause a distraction to drivers on the adjacent highways and within the car park, nor will they cause an obstruction to highway visibility. The signs will be of an appropriate height and projection from the face of the building and the screen would be located so as not to cause safety concerns to pedestrians.

I therefore recommend EXPRESS CONSENT subject to the following conditions:

#### CONDITIONS

1. This consent shall relate solely to the submitted plans ref. no. LE4 5NU - PL-005 received by the City Council as local planning authority on 12/11/2019. (For the avoidance of doubt.)

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

- 2006\_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2014\_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban

form, connections and access, public spaces, the historic environment, and 'Building for Life'.



<b>Recommendation: Conditional approval</b>	
<b>20192220</b>	<b>130 Evington Road</b>
Proposal:	Change of use from bank (Class A2) to restaurant/ hot food take away (Class A3/A5); construction of chimney to facilitate internal ventilation flue
Applicant:	Mr SUMEET SINGH
View application and responses	<a href="https://planning.leicester.gov.uk/Planning/Display/20192220">https://planning.leicester.gov.uk/Planning/Display/20192220</a>
Expiry Date:	19 February 2020
PK	WARD: Stoneygate



## **The Site**

The application relates to a two storey terraced property within the Evington Road District shopping centre. The site adjoins retail and commercial uses to either side and residential to the rear. The site is in a critical drainage area.

## **Background**

20181465 – change of use of bank (Class A2) to restaurant/hot food takeaway (Classes A3/A5; ventilation flue at rear; alterations (amended plans received 13/11/2018) – Refused for the following reasons:

1. The proposed ventilation flue due to its design, location and inadequate height would not adequately disperse cooking fumes to the detriment of the occupiers of nearby properties. The proposal is therefore contrary to policies PS10, PS11 and R05 in the City of Leicester Local Plan.
2. The proposed ventilation flue due to its design and location on the external wall of the property to the rear would cause detriment to the visual amenity of the occupiers of nearby properties. The proposal is therefore contrary to policies PS10, PS11 and R05 in the City of Leicester Local Plan.

## **The Proposal**

The proposal is for the change of use from a bank (class A2) to a restaurant/hot food takeaway (classes A3/A5). The proposed opening hours are 11:00 to 23:00 Monday to Saturday and 11:00 to 22:00 on Sundays and Bank Holidays.

It is proposed to construct an additional chimney on site with a height 1 metre above the ridge of the building with a width of 1 metre to accommodate an internal ventilation flue.

## **Policy Considerations**

### National Planning Policy Framework (NPPF)

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

Paragraph 85 of the NPPF states that planning policies and decision 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 109 advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 127 sets out criteria for assessing planning applications which includes issues such as the long term functionality of development proposals; visual impacts;

the ability of development to relate to local character; creation of a sense of place using various design tools such as building types and materials; optimising the potential of development sites; and, designing safe, secure and inclusive developments with a high standard of amenity for existing and future users.

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.

When determining planning applications for development within flood risk areas paragraph 163 requires local planning authorities to ensure that flood risk is not increased elsewhere.

### Development Plan Policies

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

### Supplementary Planning Documents

Appendix 1 of the City of Leicester Local Plan (Parking standards)

## **Consultations**

Noise and Pollution Control – No objection

## **Representations**

13 letters of objection have been received from 11 City addresses raising the following concerns:

- Concentration of hot food takeaways;
- Waste, odour and noise from late night opening hours;
- Inconsiderate parking from people visiting the food outlets in the area and limited parking availability;
- People travelling from outside of Leicester to come to Evington Road;
- Loss of retail and lack of diversity in the types of stores on Evington Road;
- Health and obesity;
- Precedent for future loss of more retail stores;
- Surveys conducted by residents of the number of food takeaways on Evington Road shows 1 out of every 3 units.

One letter of support has been received stating that Evington Road is being known as the food area of Leicester.

## **Consideration**

### Principle of development

The site is located within the existing Evington Road local centre as listed at Appendix 5 of the Leicester Core Strategy (2014) and as defined on the proposals map. As such,

it constitutes a 'town centre'. The National Planning Policy Framework ("the NPPF") definition of main town centre uses includes restaurants.

Policy CS11 of the Leicester Core Strategy (2014) states that the Council will safeguard the retail character and function of centres by resisting development that would detract from their vitality and viability. It also states that food and drink uses will be supported in centres to meet demand and to add to vitality and diversity (subject to considerations of residential amenity, the effect on the retail function of the centre and the cumulative impact of these uses).

Saved Policy R03 states that retail development outside of the central shopping core will be confined to the shopping centres shown on the proposals map. Saved Policy R05 states that food and drink uses within the shopping centres shown on the proposals map will be permitted except where a further change from Class A1 use would seriously affect the retail function of the shopping centre (amongst other criteria).

The majority of the non-residential ground floor uses in the local centre of Evington Road fall within Class A1 and A2, and I consider that the overall mix of uses in the local centre as a whole is good. It is recognised that there has been an increase in the number of A3/A5 uses within the local centre over a number of years; however I am satisfied the introduction of the proposed cafe use at the site, would not detract from the vitality and viability of the local centre.

I acknowledge that objectors have raised concern about the existing extent of such uses in the centre and, as noted above, the potential cumulative impact of such uses is one of the relevant considerations set out in Policy CS11. I do not consider there is a significant over concentration of food and drink uses within the local centre as a whole. Moreover, it is recognised that the site has been empty for some time and bring the site into use would be beneficial for the local centre.

I conclude that the retail character and function of the Evington Road local centre would not be compromised by the proposed use, and that the proposed use would comply with Policy CS11 of the Leicester Core Strategy (2014) and with the relevant provisions of Policy R03 and R05 of the Local Plan (2006). The principle of the proposed use within this local centre is, therefore, acceptable

#### Residential Amenity

Policy CS03 of the Leicester Core Strategy (2014) states that development must respond positively to the surroundings and be appropriate to the local setting and context. Saved Policy PS10 of the Local Plan (2006) includes noise, smell, air pollution, the visual quality of the area including potential litter problems as amenity factors that will be taken into account when determining planning applications.

Saved Policy PS11 states that proposals with potential to pollute by reason of noise, dust, vibration and smell will not be permitted unless the health and amenity of neighbours and the wider environment can be assured. Saved Policy R03 states that retail development within existing centres will be required to demonstrate that the development would not inhibit the use of the upper floors for residential and that arrangements for loading and servicing would not be harmful (amongst other criteria).

Saved Policy R05 states that food and drink uses within the shopping centres shown on the proposals map will be permitted except where there would be harm (individually or cumulatively with other Class A3, A4 and A5 uses) to amenity, the applicant has failed to demonstrate that a satisfactory ventilation flue could be provided, or where it involves the use of the upper floors for Class A3, A4 or A5 uses (amongst other criteria).

The property and the adjoining properties are in commercial use on the ground floor. There are residential properties to the rear of the application site on Glossop Street and East Park Road. As the proposal is for a restaurant/hot food takeaway a ventilation flue is required. The proposed development includes the provision of an internal flue which would exit the building from a new chimney to be constructed on the roof of the building. The flue would be one metre above the ridge of the property and therefore Pollution Officers are satisfied that the ventilation flue proposed would allow odours from cooking to disperse sufficiently.

The hours of use given by the applicant are 1100 till 2300 Monday to Saturday and 11:00 to 22:00 on Sundays and Bank Holidays. Given the location hours of use until 2300 hours are acceptable.

There are no other alterations or extensions to the building that could result in detriment to the residential amenity of residents to the rear. As such I consider the proposed development, subject to conditions, would not result in detriment to the amenity of nearby residents. I conclude that proposal would comply with Policy CS03 of the Leicester Core Strategy (2014) and saved Policies PS10, PS11, R03 and R05 of the Local Plan (2006), and is acceptable in terms of residential amenity.

#### Highways

Policy CS14 of the Leicester Core Strategy (2014) states that development should be accessible to all future users, including those with limited mobility, and should be accessible by alternative means of travel to the car.

The site offers no off-street car parking for the customers or staff which is similar to other premises on Evington Road. The site location is in an existing shopping centre close which is served by good public transport links. I consider that the amount of additional traffic generated will be relatively small and as the site is located within existing shopping centre on a main road, levels of late night traffic noise, associated activity noise are not significant.

Deliveries and servicing would also need to take place from the public highway to the front or from adjacent roads, as is the case for most other businesses in this local centre. I do not consider that the continuation of this arrangement in respect of the proposed restaurant/hot food takeaway use, having regard to its relatively modest scale, would be unacceptable. I appreciate that a number of residents have raised concerns regarding parking and traffic; however the site is in a local and centre and no matter what the use the site would operate with no parking availability.

I conclude that proposal would comply with Policy CS14 of the Leicester Core Strategy (2014) and saved Policies AM01, AM02, AM11, R03 and R05 of the Local Plan (2006), and is acceptable in terms of access, parking and highway safety.

### Character and Design

Policy CS03 of the Leicester Core Strategy (2014) states that good quality design is central to the creation of attractive, successful and sustainable places, and that high quality, well designed developments that contribute positively to the character and appearance of the built environment are expected. It goes on to require new development to meet the highest standards of accessibility and inclusion.

The proposed ventilation flue would be located within a new chimney. The application form indicates this would be brick built to match the existing chimney on site. I consider this to be an appropriate response which can be adequately conditioned.

The proposal would bring the site back into use and therefore I consider this would have a positive impact on the appearance of the site and wider street scene. I consider it reasonable and necessary to advise that this permission does not include advertisement consent for which separate permission is required.

I consider the proposal would accord with Core Strategy policy CS03 and policies R05 and PS10 of the City of Leicester Local Plan.

### Waste storage and collection

Bin storage has been provided to the rear of the property within the application site with access to the road via a side passageway. This is similar to other units within the local centre and I consider this to be a suitable arrangement.

### Other Matters

Turning to other comments raised from objectors not otherwise dealt with in the above report:

- The current application does not set a precedent for future changes of use, each application is assessed on its own merits
- This application is for a change of use of the site and planning legislation does not require details of what type of food would be served. It is noted that there are health implications from particular types of hot food takeaways but the type of food served at any food outlet is not a material planning consideration.

### Conclusion

The proposal is acceptable in principle as it would not detract from the vitality and viability of the local centre. There would be no unreasonable impacts upon residential amenity, the character and appearance of the area, nor in terms of access, parking and sustainable drainage.

I 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. The external elevations shall be constructed in facing bricks to match those existing. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03.)
3. There shall be no live or amplified music or voice played which would be detrimental to the amenities of occupiers of nearby properties. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
4. No machinery shall be installed or operated nor shall any processes be undertaken which are detrimental to the amenity of the area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
5. The use shall not be carried on outside the hours of 07:30 to 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.)
6. This consent shall relate solely to the submitted plans received by the City Council as local planning authority on 04/12/2019, unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

**NOTES FOR APPLICANT**

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material planning considerations, including planning policies and representations that may have been received and subsequently determining to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019.
2. No consent is granted or implied for the advertisement, for which a separate application may be necessary.

**Policies relating to this recommendation**

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

- 2006\_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.
- 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'.