



Leicester  
City Council

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

**DATE:** WEDNESDAY, 11 MARCH 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, Rae Bhatia, Thalukdar, Valand and Whittle  
(One Labour member vacancy)  
(One Unallocated Non-Grouped Place)

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

*Elaine Baker*

For Monitoring Officer

***Officer contact:***

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

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- ✓ where filming, to only focus on those people actively participating in the meeting;
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### Further information

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

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

Alternatively, email [elaine.baker@leicester.gov.uk](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.

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## **PUBLIC SESSION**

### **AGENDA**

#### **NOTE:**

**This meeting will be webcast live at the following link:-**

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**An archive copy of the webcast will normally be available on the Council's website within 48 hours of the meeting taking place at the following link:-**

**<http://www.leicester.public-i.tv/core/portal/webcasts>**

#### **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 18 February 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) 20191894 464- 474 UPPINGHAM ROAD, LAND AT REAR [Appendix A1](#)

(ii) 20192171 1 EXPLORATION DRIVE [Appendix A2](#)

(iii) 20192172 ASDA 1 EXPLORATION DRIVE [Appendix A3](#)

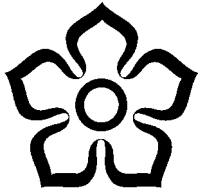
5. ANY URGENT BUSINESS

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:**

- Presentation and discussion on the Draft Local Plan



Leicester  
City Council

**Wards:**  
**See individual reports.**

Planning & Development Control Committee

Date: 11<sup>th</sup> March 2020

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## REPORTS ON APPLICATIONS AND 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

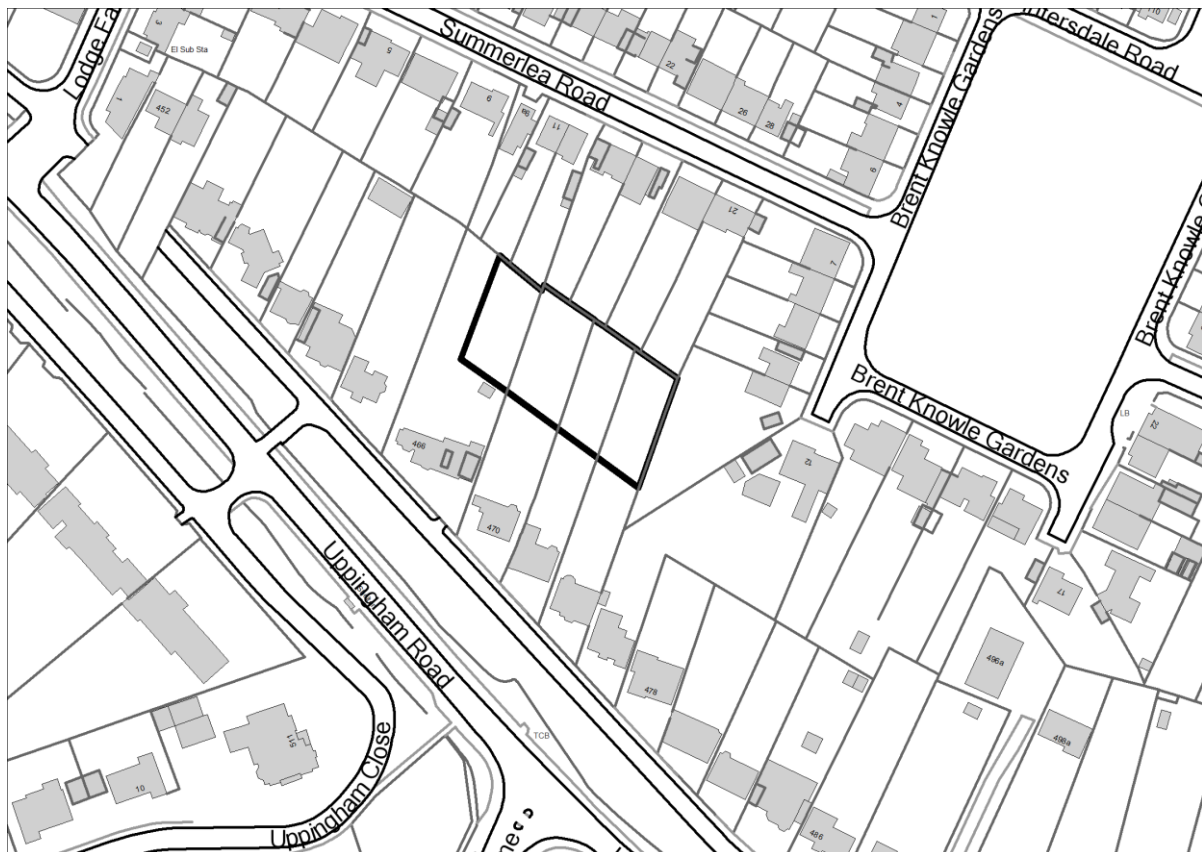
Grant Butterworth (0116) 454 5044 (internal 37 5044).

### INDEX APPLICATION ORDER

Page Main	Page Supp	Application Number	Address	Ward
5		20191894	464- 474 Uppingham Road, land at rear	TC
21		20192171	1 Exploration Drive	AB
25		20192172	ASDA 1 Exploration Drive	AB



<b>Recommendation: Conditional approval</b>	
<b>20191894</b>	<b>464- 474 Uppingham Road, land at rear</b>
Proposal:	Construction of eight dwellings (6 x 4 bed and 2 x 5 bed) (Class C3) (amended plans received 18/02/2020)
Applicant:	Mr Mohammed Patel
View application and responses	<a href="https://planning.leicester.gov.uk/Planning/Display/20191894">https://planning.leicester.gov.uk/Planning/Display/20191894</a>
Expiry Date:	19 February 2020
PK	WARD: Thurncourt



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## Summary

- Application is brought to committee as objections have been received from more than 5 City addresses.
- Twelve objections have been received on the grounds of overdevelopment, impact on character, overlooking, loss of landscaping, parking, highways safety, and disruption to residents.
- Main issues to consider are principle of development, level of accommodation, design, impact on amenity and parking.
- Application recommended for APPROVAL.

## **The Site**

The application relates to part of the rear gardens of 464 and 474 Uppingham Road. The site is accessed off a service road, off the northern side of Uppingham Road, a classified road. The site is surrounded by residential properties on all sides.

Although the rear gardens of 464 and 474 Uppingham Road have a number of trees and hedges, none of these are protected by a tree protection order. The site is within a critical drainage area.

## **Background**

20180588 – Construction of three 2 two storey dwellings (3x5 bed) (Class C3) (amended plans received 15/06/2018) – Conditional approval granted. One of these dwellings is almost complete.

The current application includes the application site of the approval under 20180588. Only two (out of the three) approved dwellings will be constructed as per the previous approval. The remaining dwelling would be incorporated in the current scheme and would differ from the previous plans.

## **The Proposal**

For the avoidance of doubt, this planning application seeks permission for the construction of eight houses on site. This includes the three dwellings approved under planning permission 20180588, albeit one of the dwellings previously approved is being altered to be a semi-detached dwelling.

Amended plans have been submitted during the course of the application to ensure the proposed dwellings would provide living standards in accordance with adopted policies and the Residential Amenity SPD. Amended site plans received on 18/02/2020 have labelled the plots A, B and 1-6.

### *Plot A*

The dwelling on Plot A has been largely completed. This dwelling would be located furthest to the west of the site and would share a common boundary with 464 and 462 Uppingham Road to the west and south-west and 9 Summerlea Road to the north. The plot would benefit from an integral garage and habitable accommodation across the ground and first floors, with the master bedroom above the garage. There are two parking spaces provided for this unit. The rear amenity area would measure 128m<sup>2</sup> in area.

### *Plot B*

Plot B would share a common boundary with the other two dwellings proposed as part of this development and 9, 9a and 11 Summerlea Road to the north. The plot would benefit from a single integral garage to the side and habitable accommodation on the ground and first floor as well as within the roof space. Part of the ground floor area is designed as a single storey side and rear wrap-around extension. The site

would benefit from three parking spaces. The rear amenity area would measure 126m<sup>2</sup> in area.

*Plot 1 and 2*

The first of the three pairs of semi-detached dwellings would share a common boundary with 11, 13 and 15 Summerlea Road. The dwellings would have a width of 15 metres and a two storey depth of 8.5 metres. The dwellings have been designed with single storey rear elements with a depth of 3.2 metres. These would have a mono-pitched roof. The dwelling would have accommodation across the ground and first floors as well as within the loft space. There would be two parking spaces to the front of the properties each. The rear amenity areas for the dwellings would be 138m<sup>2</sup> and 101m<sup>2</sup> respectively.

*Plots 3 and 4*

The next pair of semi-detached dwellings would share a common boundary with 15, 17 and 19 Summerlea Road. These dwellings would have a width of 14.6 metres and a two storey depth of approximately 8 metres. The dwelling would benefit from a single storey element at the rear which would span the full width of the dwellings with a mono-pitched roof. The dwelling would have accommodation across the ground and first floors as well as within the loft space. There would be two parking spaces to the front of the properties each. The rear amenity areas for the dwellings would be 100m<sup>2</sup> each.

The plans indicate that within the rear garden of these plots there would be stormwater attenuation for the 6 semi-detached dwellings.

*Plots 5 and 6*

The final pair of dwellings would share a common boundary with 19 and 21 Summerlea Road to the north-east and 11 Brent Knowle Gardens to the east. The dwellings would have a width of 15 metres and two storey depth of 8.5 metres. The properties would also benefit from a single storey elevation. On plot 5 the rear element would be similar to the design and size of plots 1 and 2 with a depth of 3.2 metres. On plot 6 the rear element would span the width of the dwelling with a staggered footprint. The dwelling would have accommodation across the ground and first floors as well as within the loft space. There would be two parking spaces to the front of the properties each. The rear amenity areas for the dwellings would be 105m<sup>2</sup> and 165 m<sup>2</sup> respectively.

To the front of all the dwellings would be the access road and parking which is indicated to be permeable surfacing.

During the course of the application the design and siting of the proposed dwellings has been altered to provide only semi-detached dwellings (to one side of the site) and the properties have been moved forward to provide sufficient private amenity areas.

## **Policy Considerations**

National Planning Policy Framework (NPPF) 2019

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

Where the development plan is absent, silent or relevant policies are out of date, this means granting planning permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the NPPF taken as a whole. Leicester city Council does not currently have a 5 year housing land supply therefore the policies relating to housing are out of date. In making an assessment Paragraph 108 of the NPPF states that development proposals should take up appropriate opportunities to promote sustainable transport modes; ensure safe and suitable access can be achieved for all users and; any significant impact (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 117 requires planning policies and decisions to promote the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 122 places an emphasis on local planning authorities to support development that makes efficient use of land. It requires decision makers to take into account issues such as the need for different types of housing, including the availability of land suitable for accommodating; local market conditions and viability; the availability and capacity of infrastructure and services, including the potential for further improvement; the desirability of maintaining an area's prevailing character and setting (including residential gardens) and; the importance of securing well-designed, attractive and healthy places.

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

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

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

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

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>46</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

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 (SPD)

*Residential Amenity* supplementary planning document (2008)

*Local Plan Appendix 1 – Vehicle Parking Standards*

### **Consultations**

Trees and Woodlands: No objection following the submission of the Tree Report and Tree Constraints Plan. T1 Oak on the South-East corner of the plot should be protected by fencing in accordance with the details submitted. Any proposed foundations, hard or soft landscaping should be first approved.

Highways: No objection to the details submitted subject to conditions for sight lines to access, parking spaces to be retained and surfacing

Lead Local Flood Authority: No objection subject to conditions for submission of Drainage details and SuDS measures

Severn Trent Water: No comments received

### **Representations**

Eleven letters of objection received from seven City addresses raising the following concerns:

- Impact on residential amenity in terms of privacy, daylight into properties on Summerlea Road, security of adjacent gardens, noise from construction and from the use of the houses

- Impact on parking, access and traffic into the site
- Visual amenity of the area
- No consultation from the developer before application submitted, unreasonable and unnecessary form of development. Too many houses proposed on site
- Impact on property values

A letter of objection has been received from outside the city advising the development provides no turning space and will result in large vehicles reversing which will cause traffic and highway safety concerns.

Two letters of support for the development have been received.

## **Consideration**

### Principle of development

The site is located in an area characterised as residential with the properties either side being in residential use. Policy CS06 of the Core Strategy states that in the established residential areas there is limited scope for growth, however, housing infill developments do support the development of sustainable communities and provide a small gain in terms of housing supply. It goes on to require new housing developments to provide an appropriate mix of housing and in particular larger family housing. I therefore consider the proposal is in accordance with Policy CS06 and will assist in providing a small contribution to the City's five year housing land supply. I therefore consider the proposal is acceptable in principle subject to amenity, design, parking, archaeology and surface water criteria.

### Design

Policy CS3 of the Core Strategy talks about designing quality places. It requires developments to be designed well and to contribute positively to the character and appearance of the local natural and built environment. Development should also respond positively to the surroundings and be appropriate to the local setting and context and take into account Leicester's history and heritage.

The local area comprises detached two storey residential dwellings set in a linear pattern with their respective principle elevations facing Uppingham Road. The size, scale, design and building line is not identical between properties along the street scene. The proposed dwellings would be set-back from the main street frontage of Uppingham Road by virtue of the service road and their location within the rear gardens of no.'s 464 and 474; however the dwellings' principle elevation would face Uppingham Road (to the south-west) and they would be designed as two storey detached and semi-detached dwellings. I therefore consider that the proposed development would broadly reflect the size and scale of residential properties in the local area.

The proposed development is a backland development; however this is a common form of development along Uppingham Road whereby original plots are exceptionally deep. Over recent years backland developments have been approved (at no.s 418 – 422; 410 – 414 and; 505 Uppingham Road) which do not have any street frontage

other than an access road. The proposed development is the same form of development and is further screened due to the main properties being located on a private road. It is noted that there have been no backland developments along this short stretch of Uppingham Road (no.s 456-486) and there will be an intensification of residential dwellings in this location; however this change does not result automatically in harm in respect of character.

The proposed dwellings have been designed as a mix of detached and semi-detached dwellings to replicate the form of buildings in the immediate local area. The ridge and eaves height are comparable to those of the dwellings immediately forward of the application site which I consider appropriate. The semi-detached dwellings have been designed to appear as large detached dwellings so the visual impact of the scheme would not appear at odds with the dominating detached dwellings in the area front of Uppingham Road. The elevations of the dwellings would have brick and cill details as well as two storey bays at the front which I consider would break up the mass of the proposed dwellings. I consider it reasonable for a condition requiring the submission of external finishes to be attached to the planning permission.

I consider the proposal is in accordance with Policy CS03 and paragraph 64 of the NPPF in terms of design quality. The proposal is well-designed and would not harm the character and appearance of the site, street scene and wider area.

#### Living conditions

Saved Policy PS10 of The Local Plan and the Residential Amenity SPD identifies factors concerning the amenity of existing and future occupants for new residential development. these relate to outlook, character, nature of development and nearby uses and the provision of parking and bin storage.

The proposed dwellings, including the access into the properties have been designed to Part M4(2) of the Building Regulations to ensure that the properties are designed to be accessible housing which can be reasonably adapted to the changing needs of residents over the course of their lifetime. A condition to secure the optional accessibility standard is also recommended.

The site is currently residential garden and the predominant character of the area is residential, therefore the proposed use of the site would be compatible with the area, albeit creating a more intensive layout of residential dwellings. In terms of creating a satisfactory living environment, all of the dwellings would be provided with an outlook to the front and rear serving principal rooms on the ground and first floors. Only the master bedroom of plot A would have a front and side view due to its siting above the garage; however this is considered satisfactory. The habitable rooms within the loft spaces would have roof light's on either the front or rear (or for plots 106 on both) roof slope. Although this is not ideal, this is similar to what could be carried out in existing dwellings under permitted development and it is not considered that the outlook for those rooms would be significantly harmful to warrant refusal on this basis alone. The roof lights would provide adequate light and limited outlook into the bedrooms which could also be used as a guest room and the remainder of the principal rooms have satisfactory light and outlook. Therefore it is considered that in this instance there would be no significant harm to the amenity of future occupiers.

The vehicular parking has been designed to the front and side of the proposed dwellings and the front areas to the dwellings appear to be of open plan design. This is considered appropriate and would not harm the amenity of future occupants. Each of the dwellings would have independent access to the rear of their respective properties which would be able to accommodate secure cycle parking and bin storage within each dwelling.

Each property would benefit from private amenity area to the rear. Appendix E of the Residential Amenity SPD advises that detached dwellings with 3+ bedrooms in the inner/outer areas of the city should provide a minimum of 100m<sup>2</sup> of amenity space. All of the dwellings would either meet this requirement or provide in excess and therefore the proposal is in accordance with the SPD. Under permitted development, existing detached dwellings could carry out single storey rear extensions up to 4 metres in depth without planning permission, and under Class A there is a provision for prior approval extensions up to a depth of 8 metres for detached dwellings. All of the properties include some form of single storey elements as part of the original design. In this instance and in light of the same condition being attached to the previous application 20180588, I consider it appropriate to restrict permitted development rights in respect of Class A extensions to protect the amenity of future occupiers.

It is proposed to construct fences between each unit. I consider this to be acceptable and would maintain a sense of privacy between the proposed dwellings. I consider the layout of the dwellings would not result in issues such as overbearing, overshadowing or overlooking between them.

I therefore consider that the proposed development would provide eight residential units available for occupation by families with an acceptable living environmental. The site has the ability to assimilate a development comprising a mix of detached and semi-detached dwellings and hence does not conflict with Policy PS10 of the City of Leicester Local Plan and the NPPF.

Residential amenity (*neighbouring properties*)

Policy PS10 of the Local Plan states that in terms of residential amenity any new development proposals should have regard to existing neighbours and proposed residents in terms of noise, light, vibrations, smell and air pollution, visual quality of the area, additional parking and vehicle manoeuvring, privacy and overshadowing, safety and security, the ability of the area to assimilate development and access to key facilities by walking, cycling or public transport. The Residential Amenity SPD supports policy and provides specific guidelines for development, it advises that a minimum of 21 metres distance is required between principal room windows which face one another.

In the case of plots A and B, they benefit from an extant permission 20180588. The two dwellings would have garden depth of 11 metres from the two storey rear elevation of the proposed dwellings and a further distance of between 23 and 25 metres from no.s 11-15 Summerlea Road. I consider the proposed dwellings would retain an adequate separation distance to avoid any significant harm in terms of privacy, overshadowing, light and outlook from adjacent properties.



In respect of plots 1-6, the dwellings would maintain a separation distance of 10.5 metres from the rear boundaries of the dwellings facing Uppingham Road and a further 19-29 metres from the rear elevations of no.s 466-472. I consider this distances to be adequate to sufficiently avoid any significant harm in terms of privacy, overshadowing, daylight and outlook.

Turning to the properties at the rear (north) of the site, the Residential Amenity SPD advises that *'the minimum distance between any principal room windows in an extension and the boundary with undeveloped land, including gardens, should be 11 metres'*. The reason for this is to ensure that development does not prejudice any future development in respect of amenity and privacy. It is noted that the garden depths of the proposed dwellings vary due to the shape of the plot, and in some places the distance from the ground floor rear elevation to the rear boundary is 8.2 metres; however a distance of between 11.5 - 10 metres is maintained between the first floor rear elevation and rear boundary of each plot and this is considered to be adequate in this instance.

In respect of the existing situation, the rear gardens of no.s 11-21 Summerlea Road have a depth ranging between 23 and 39 metres. I consider this distance is sufficient to avoid any significant harm to the privacy of the occupier of 11 – 21 Summerlea Road. Furthermore I consider this distance would result in minimal impacts in terms of overbearing, overshadowing, daylight and outlook.

Plot 6 also has a common boundary with 11 Brent Knowle Gardens. The rear garden of this property has a depth of 24 metres and I consider this would sufficiently minimise any significant harm in terms of daylight, outlook, privacy and overbearing.

It is proposed to construct a close boarded boundary fence around the sides of the boundary of each plot. Although there are some ground floor side facing windows, these are secondary windows to the kitchen or utility room window. I consider that these windows would not significantly harm the amenities of adjacent neighbours in respect of loss of privacy.

The proposed development is located to the rear of 464 and 474 Uppingham Road and would be visible from adjacent gardens. A number of objections have been received stating that the outlook from adjacent properties would be harmed by virtue of the proposed development. It is recognised that the proposed development would introduce built form in a location which is currently largely private garden. A change in outlook does not amount in harm. The form of the proposed development combined with the size and scale of buildings and the proposed residential use is considered to be acceptable and compliant with policies and guidance. It would not significantly harm the outlook for adjoining properties.

A number of concerns have been raised in respect of additional noise and disturbance from the introduction of eight dwellings in this location. The proposed use and expected level of noise is not considered to significantly increase noise level in the local area. The proposed residential use is compatible with the adjacent uses and it is expected that the comings and goings to and from the application site would be the same as neighbouring properties. As such, no adverse impact is considered to occur in respect of noise and disruption. Similarly additional properties would provide

a greater level of surveillance in the area and I consider the proposal would not result in significantly reduced amount of security for adjacent properties.

I consider whilst the proposal would result in a change to the local area with the introduction of built form to the rear of the dwellings directly facing Uppingham Road, the proposal would not have an adverse impact on neighbouring properties in terms of noise, loss of light and outlook. I therefore consider the proposal is not contrary to Policy PS10 of the Local Plan.

#### Waste storage and collection

The plans do not indicate details of where bins are to be located and collected from. I consider a condition requiring the submission of such details prior to first occupation of the dwelling is reasonable and necessary.

#### Highways and Parking

The proposed development is for eight detached dwellings with 3+ bedrooms, as such the parking requirements for each dwelling would be a minimum of 2 vehicle parking spaces as required within Appendix 1 of the City Council Local Plan. The proposed development provides two parking spaces for the dwelling currently under construction, and two or more parking spaces for each of the other dwellings. As such, the proposal is considered to provide an acceptable number of off-street parking spaces for a development of this. It is acknowledged that the amended plans has reduced the width of the private lane at the front of plot 1 is slightly narrower than the other plots, which will mean that passing cars will have to wait; however this would not result in harm in respect of highways safety. There is a small turning area to the eastern end of the plot which would be sufficient for the proposed eight dwellings.

The access road to the development would measure 4.5 metres in width and provides visibility splays for both pedestrians and vehicles. Generally a width of 5 metres is required for access roads; however in this instance the access road would serve only 8 properties and therefore would not generate a significant amount of traffic to require a wider access.

The Highways Authority raises no objections to the amended plans submitted and consider that the proposed development would not result in a severe impact in terms of highways safety, parking and turning. I therefore conclude that the proposed development would not conflict with Appendix 1 (Vehicle Parking Standards) of the Local plan in terms of highways.

#### Drainage

The site is located in a Critical Drainage Area. The submitted plans advise that the driveways would have permeable block paving to ensure that there is minimal impact in respect of surface water. The plans also include details of water butts to be located within the rear garden and the use of soakaways within the site. The Lead Local Flood Authority has raised no objection subject to the conditions for drainage and SuDS details to be submitted. The proposal is considered to be in accordance with Policy CS02 of the Core Strategy.

### Nature conservation/Trees/landscaping

The existing application site relates to the rear private gardens of no.s 464 to 474 Uppingham Road which are laid with lawn, shrubs and a mixed age of trees. The site is bounded with a mixture of landscaping along all boundaries.

The proposal removes the natural landscaping to facilitate the proposed development and erect close boarded fence as boundary treatment within the application site. The proposal would not result in the loss of landscaping on land adjacent to the application site.

Originally a hedge was proposed to be retained along the access road; however the City Council's Trees Officer has advised that the hedge would be damaged during the construction of the access road and therefore it has been recommended that this is removed, and the plans identify the removal of the hedge.

Since the previous planning approval under reference 20180588, the NPPF has been updated and a greater emphasis of protection of biodiversity and enhancements has been placed. The applicant has submitted a preliminary ecological assessment which includes a number of recommendations for the construction on site. I consider a condition securing these details to be reasonable.

The enhancements recommended in the report include the provision of bat and bird bricks, native landscaping and provision of insect hotels and/or log piles. I consider it reasonable and necessary to attach a condition requiring a landscaping and ecological management plan which includes the provision of these enhancements within the development. As construction has almost been completed for one house, I consider it reasonable and necessary to require the measures to be provided across the additional 7 dwellings proposed.

Subject to conditions, the development would not result in significant harm in respect of natural landscaping and would not conflict with the aims of the NPPF and Core Strategy Policies CS03 and CS17.

### Other matters

Turning to matters raised by objectors which have not been assessed above:

- Local residents have raised concerns on the impact on property values. This is not a material planning consideration.
- Lack of consultation from developer. The applicant was not required to consult with local residents prior to this application being submitted.

### **Conclusion**

The proposal would make a small contribution to the City's five year housing land supply. The proposal represents an acceptable size and standard of family sized residential units in an existing residential area which would not significantly harm neighbouring amenity or the amenity of future occupiers. The proposal would provide adequate amenity space for future occupiers and would not have a severe impact in highways terms.

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The proposal is in accordance with the aims of the NPPF, development plan policies and guidelines – Supplementary Planning Document “Residential Amenity”.

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 the construction of Plots B and 1-6, the materials to be used on all external elevations and roofs shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be carried out in accordance with the approved details. (In the interests of visual amenity, and in accordance with Core Strategy policy CS03).
3. Prior to the construction of Plots B and 1-6, details of drainage shall be submitted to and approved in writing by the City Council as local planning authority. No property shall be occupied until the drainage has been installed in accordance with the approved details. It shall be retained and maintained thereafter. (To ensure appropriate drainage is installed in accordance with policy CS02 of the Core Strategy).
4. Prior to the construction of Plots B and 1-6, full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system shall be submitted to and approved in writing by the City Council as local planning authority. No property shall be occupied until the system has been implemented. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall include: (i) full design details, (ii) a timetable for its implementation, and (iii) a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy).
5. Prior to the construction of Plots B and 1-6, details of all street works, including alterations to the footway crossing, shall be submitted to and approved in writing by the City Council as local planning authority. Prior to the occupation of the development all streetworks must be implemented in full accordance with the approved details and retained thereafter. (To achieve a satisfactory form of development, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03)
6. Prior to the construction of Plots B and 1-6, a detailed landscape and ecological management plan (LEMP) showing the treatment of all parts of the site which will remain unbuilt upon shall be submitted to and agreed in writing by the City Council as local planning authority. This scheme shall include

details of: (i) new tree and shrub planting, including plant type, size, quantities and locations; (ii) means of planting, staking, and tying of trees, including tree guards; (iii) other surface treatments; (iv) fencing and boundary treatments, including details of the entrance gates; (v) any changes in levels; (vi) the position and depth of service and/or drainage runs (which may affect tree roots); (vii) details of planting design and maintenance of rain garden; (viii) details of 6 x bird nest boxes to be erected under the guidance and supervision of a qualified ecologist, and; (ix) details of 6 x bat bricks to be erected under the guidance and supervision of a qualified ecologist. The approved LEMP shall be carried out within one year of completion of the development. For a period of not less than ten 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 (To ensure that the finished development contributes positively to the character and appearance of the area and that appropriate provision for biodiversity in accordance with the submitted ecology report is made within the site, and in accordance with saved Policy UD06 of the Local Plan (2006) and Policies CS03 and CS17 of the Leicester Core Strategy (2014)).

7. Before any equipment, machinery or materials are brought on to the site for the construction of Plots B and 1-6, T1 Oak (as shown on the approved plans) shall be protected by fencing in accordance with British Standard BS 5837:2012 and in full accordance with the approved Tree Survey (dated: 10th December 2019). The location of the protective fencing shall not be within the root protection area of all retained trees. The fencing shall be maintained until all equipment, machinery and any surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and no alteration to the ground level shall be made without the prior written approval of the City Council unless this is clearly indicated on the approved plans. (To minimise the risk of damage to trees and other vegetation in the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS03.
8. No part of the development shall be occupied until the 2 metre by 2 metre sight lines on each side of each vehicular access have been provided, and they shall be retained thereafter. (In the interests of the safety of pedestrians and other road users, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)
9. No part of the development shall be occupied until the following works have been carried out in accordance with details shown on the approved plans: (a) surfacing and marking out of all parking areas; (b) provision of turning space. The parking and turning space shall not be used for any other purpose. (In the interests in highway safety, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)
10. Before the occupation of the development the garages and parking spaces shown on the approved plans shall be provided and shall be retained for

vehicle parking. (To secure adequate off-street parking provision, and in accordance with policy AM12 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS15.)

11. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the City Council as local planning authority. These arrangements shall be maintained thereafter. (In the interests of the amenities of the surrounding area, and in accordance with policies UD06 and PS10 of the City of Leicester Local Plan and Core Strategy policy CS03.)
12. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to any dwelling house of types specified in Part 1, Classes A of Schedule 2 to that Order shall be carried out without express planning permission having previously been obtained. (Given the nature of the site, this type of development would lead to an unacceptable loss of private rear gardens for future occupiers; and in accordance with policy PS10 of the City of Leicester Local Plan, Policy CS3 of the Core Strategy and the Residential Amenity SPD.)
13. The dwellings and its associated parking and approach shall be constructed in accordance with 'Category 2: Accessible and adaptable dwellings M4 (2) Optional Requirement. On completion of the scheme and prior to the occupation of the dwelling a completion certificate signed by the relevant inspecting Building Control Body shall be submitted to the City Council as local planning authority certifying compliance with the above standard. (To ensure the dwelling is adaptable enough to match lifetime's changing needs in accordance with Core Strategy policy CS6)
14. This consent shall relate solely to the submitted plans Plots A & B Floor Plans & Elevations received by the City Council as local planning authority on 03/12/2019; Tree Survey & Constraints Plan received by the City Council as local planning authority on 10/12/2019; Preliminary Ecological Appraisal received by the City Council as local planning authority on 12/12/2019 and amended plans ref. no. 1249.UR.19.002 Rev H (Proposed Ground Floor Site Plan); 1249.UR.19.003 Rev H (Proposed First Floor Site Plan); 1249.UR.19.002 Rev K (Proposed Ground Floor Site Plan); 1249.UR.19.004 Rev H (Proposed Second Floor Site Plan); 1249.UR.19.010 Rev D (Plots 1 and 2); 1249.UR.19.011 Rev D (Plots 3 and 4) and; 1249.UR.19.012 Rev D (Plots 5 and 6) received by the City Council as local planning authority on 18/02/2020. (For the avoidance of doubt.)

#### NOTES FOR APPLICANT

1. With regard to condition 5, works within the highway will be involved. Prior to the commencement of such works, the applicant and/or developer will need to contact the City Council (telephone (0116) 454 1000) for written approval of construction and contractor details.

2. In respect of condition 6 above, the biodiversity enhancements are identified within the approved Preliminary Ecological Appraisal (05/12/2019).
3. The effect of condition 12 of this planning permission is that all future alterations and extensions to the dwelling within the curtilage of the dwelling, will require planning permission from the City Council as the local planning authority. (Permitted development rights for this dwelling have been restricted).
4. To meet condition 13, all those delivering the scheme (including agents and contractors) should be alerted to this condition, and understand the detailed provisions of Category 2, M4(2). The Building Control Body for this scheme must be informed at the earliest opportunity that the units stated are to be to Category 2 M4(2) requirements.
5. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process and pre-application.  
The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019 is considered to be a positive outcome of these discussions.

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

- |           |  |
|-----------|--|
| 2006_AM02 | Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.  |
| 2006_AM12 | Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.  |
| 2006_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'. |
| 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.



<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 as more than 5 objections from city addresses have been received.
- Deferred from the committee on 18<sup>th</sup> February to further consider impacts
- 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 a section of the car park 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. The proposal would result in the loss of 14 car parking spaces.

## **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) – No objections. 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) – No objections. 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 which raises concerns about anti-social behaviour.

## **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. Objections have raised concerns over the number of car washes within close proximity of the site. The closest car wash is located on the junction between Abbey Lane and Chale Road, approximately 350m away from the site. I consider the use of part of the car park is an appropriate associated use for the supermarket.

The main issues in this case are the impact on residential amenity, the appearance, 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 is unlikely to be unacceptable impact in relation to noise for nearby residential properties.

It is also unlikely that the proposed car wash facilities would have an unreasonably detrimental impact on the light, outlook and privacy for these properties. I consider the condition recommended by Pollution Control in respect of ensuring no detrimental processes is appropriate.

Concerns were raised during the Planning Committee meeting in February regarding the impact of the proposal on the residential amenity of nearby properties.

The car wash is proposed to operate from 8:30am – 17:30pm Monday to Saturday, and between 10:00am-16:00pm on Sundays.

If it was considered that there was a threat to residential amenity from the operation, a condition could be imposed to prevent use in the early morning eg before 0730 and in the evening eg after 18.00; however I consider that the impact of the use would be less likely to be above that of the site as a whole during the busier times for the supermarket and the store would not want the car wash to operate when the store was not open.

Some concern was expressed about possible impact of lighting of the car wash. Notwithstanding the intended daytime only operation the car park as a whole is lit and therefore any lighting of the car park would not add to any impact.

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 be visually dominant.

Concerns were raised at the Planning Committee meeting on 18/02/2020 regarding the design of the proposal.

I acknowledge that the proposed building would not be intrinsically attractive; however the proposed design of this practical building is reasonably neat and should be seen in the context of the overall site. The siting and backdrop to the proposed facility is a large car park, the rear of a supermarket and a petrol filling station.

I consider the design and siting is acceptable and that it is unlikely to cause significant visual harm within the local area or provide an unacceptable outlook from adjacent houses

I conclude that the proposal would comply with Policy CS03 of the Core Strategy (2014) and would not conflict with saved Policies PS10 and PS11 of the Local Plan (2006).

### Highways and Parking

The proposed development would remove 14 existing parking spaces from the ASDA car park, reducing the parking capacity from 333 to 319 spaces.

My assessment is that the proposed use is unlikely of itself to generate trips in numbers that will have a noticeable impact on the local highway network or generate significant levels of air pollution to warrant a refusal. The number of lost spaces is relatively small and unlikely to create problems.

Concerns were raised about highways and parking during the Planning Committee Meeting in February and concerns were raised about the impact when the car park was busiest.

The car park management plan submitted to discharge condition 15 of the original permission for the store states that there are 333 car parking spaces provided on site and that the maximum estimated usage would be 316 spaces.

I consider that at times where the car park is busy this is most likely to be a problem for the supermarket operator rather than a threat to the function or safety of the highway. Exploration Drive has double yellow lines down either side. I consider that vehicles searching for a parking space within the site would be able to do this without impacting on roads or junctions outside the site.

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

Concerns were raised regarding pollution at the Planning Committee in February.

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 consider the condition recommended by Pollution Control in respect of surface water drainage is appropriate.

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

As advised by colleagues I do not consider that the proposal properly controlled and managed is a significant pollution risk. Notwithstanding the recommended planning conditions pollution events can be tackled through environmental protection legislation.

### **Conclusion**

I appreciate the concerns expressed about visual and other potential impacts; however I consider that the proposal is acceptable with recommended conditions.

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 before the development is brought into use for surface water drainage from the car park to pass through a petrol/oil interceptor and shall be retained as such, details of which shall be agreed in writing with the City Council as local planning authority. (To minimise the risk of pollution of drains and watercourses and in accordance with Policy CS02 of Core Strategy)
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 in accordance with Policy CS02 of the Core Strategy )
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 or pollution (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 and PS11 of the City of Leicester Local Plan.)
5. This consent shall relate solely to the submitted plans ref. no. LE4 5NU - PL-003, LE4 5NU - PL-004, LE4 5NU - PL-005a, LE4 5NU - PL-006 and LE4 5NU - PL-006a received by the City Council as local planning authority on 12/11/2019. (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 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.
- 2006\_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.

- 2006\_PS11 Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
- 2014\_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2014\_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014\_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>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 to this sign application
- The issue is visual amenity

## The Site

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

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## 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 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'.

