

Leicester
City Council

PLEASE NOTE: this will be a 'virtual meeting', a link to which will be available on the Council's website at least 24hrs before the meeting.

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

DATE: WEDNESDAY, 13 MAY 2020
TIME: 5:30 pm
PLACE: Virtual Teams Meeting

Members of the Committee

Councillor Riyait (Chair)
Councillor Aldred (Vice-Chair)

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

One unallocated Labour group place

One unallocated Non group 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
e-mail: elaine.baker@leicester.gov.uk / aqil.sarang@leicester.gov.uk / ayleena.thomas@leicester.gov.uk
Democratic Support, Leicester City Council, City Hall, 115 Charles Street, Leicester, LE1 1FZ

Information for members of the public

PLEASE NOTE that any member of the press and public may listen in to proceedings at this 'virtual' meeting via a weblink which will be publicised on the Council website at least 24hrs before the meeting. Members of the press and public may tweet, blog etc. during the live broadcast as they would be able to during a regular Committee meeting at City Hall / Town Hall. It is important, however, that Councillors can discuss and take decisions without disruption. The only participants in this virtual meeting therefore will be the Committee members, the officers advising the Committee and any applicants, objectors and Ward Members relevant to the applications to be considered who have registered to participate in accordance with the Committee's rules on public speaking.

Attending meetings and access to information

You have the right to attend formal meetings such as full Council, committee meetings & Scrutiny Commissions and see copies of agendas and minutes. On occasion however, meetings may, for reasons set out in law, need to consider some items in private.

Dates of meetings and copies of public agendas and minutes are available on the Council's website at www.cabinet.leicester.gov.uk, from the Council's Customer Service Centre or by contacting us using the details below.

Making meetings accessible to all

Braille/audio tape/translation - If you require this please contact the Democratic Support Officer (production times will depend upon equipment/facility availability).

Further information

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

Elaine Baker, tel: 0116 454 6355 (email: elaine.baker@leicester.gov.uk)

Aqil Sarang, tel: 0116 454 5591 (email: aqil.sarang@leicester.gov.uk)

Ayleena Thomas, tel: 0116 454 6369 (email: Ayleena.thomas@leicester.gov.uk)

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

PUBLIC SESSION

AGENDA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

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

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

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

3. MINUTES OF THE PREVIOUS MEETING

Members are asked to confirm that the minutes of the meeting of the Planning and Development Control Committee held on 11 March 2020 are a correct record.

4. COVID 19 TEMPORARY MEASURES: REMOTE MEETING PROCEDURE RULES AND AMENDED SCHEME OF DELEGATION TO OFFICERS

Appendix A

The Director of Planning, Development and Transportation submits a report regarding new Remote Meeting Procedure Rules and temporary arrangements for amended delegated decision making needed to cover the current COVID 19 restrictions. The Committee is recommended to note and approve Remote Meeting Procedure Rules and associated revised Public Speaking Guidance, and to consider full delegation for householder applications (excluding those personal applications submitted by members or officers) to officers for a temporary period of 6 months.

5. ARRANGEMENTS FOR FORTHCOMING PLANNING AND DEVELOPMENT CONTROL COMMITTEE MEETINGS

Members are asked to note dates for the next three Planning and Development Control Committee meetings, as agreed with the Chair under Council Committees Procedure Rule 39(a)(ii).

It is proposed that the meetings be held at 5.30 pm on the following dates:

- Wednesday 3 June 2020
- Wednesday 24 June 2020
- Wednesday 15 July 2020

Consideration will be given as circumstances change as to whether a meeting will be in virtual or physical format.

6. THE LEICESTER (CONSOLIDATION) TRAFFIC REGULATION ORDER 2006 (AMENDMENT) (PUTNEY ROAD AND WELFORD ROAD) ORDER 2020 OBJECTORS REPORT [Appendix B](#)

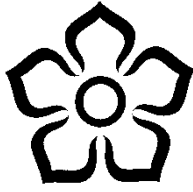
The Director of Planning, Development and Transportation submits a report setting out objections received to proposals to introduce a right turn prohibition from Welford Road into Putney Road. The Committee is recommended to consider the report and pass its views to the Director of Planning, Development and Transportation to take into account when considering whether or not to make the proposed traffic regulation order.

7. PLANNING APPLICATIONS AND CONTRAVENTIONS [Appendix C](#)

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) | 20192435 7A STANLEY ROAD | Appendix C1 |
| (ii) | 20192436 7A STANLEY ROAD | Appendix C2 |
| (iii) | 20200047 61-63 BARDOLPH STREET | Appendix C3 |
| (iv) | 20200115 41 DULVERTON ROAD | Appendix C4 |

8. ANY URGENT BUSINESS



Leicester
City Council

WARDS AFFECTED:
ALL

Planning and Development Control Committee

13th May 2020

COVID 19 Temporary Measures: Remote Meeting Procedure Rules and amended Scheme of Delegation to Officers

Report of the Director of Planning, Development and Transportation

1.0 PURPOSE OF REPORT

- 1.1 To note and approve Remote Meeting Procedure Rules and associated revised Public Speaking Guidance, and to consider full delegation for householder applications (excluding those personal applications submitted by members or officers) to officers for a temporary period of 6 months.

2.0 RECOMMENDATIONS

1. That Committee note the General Procedure Rules adopted by the Council (attached as Appendix A1) and agree the proposed additions to these and the revised Public Speaking Guide at Appendix A2 as set out in the report.
2. That, notwithstanding the current scheme of delegation, with immediate effect and for a period of 6 months, all householder applications decisions be delegated to officers (excluding those personal applications submitted by members or officers).

3.0 SUMMARY

- 3.1 The report covers new Remote Meeting Procedure Rules and temporary arrangements for amended delegated decision making needed to cover the current COVID 19 restrictions.

4.0 REPORT

- 4.1 In response to current COVID 19 circumstances, in March 2020 the Government's Chief Planner said:

'It is important that authorities continue to provide the best service possible in these stretching times and prioritise decision-making to ensure the planning

system continues to function, especially where this will support the local economy and we encourage you to explore every opportunity to use technology to ensure that discussions and consultations can go ahead. We also encourage you to consider delegating committee decisions where appropriate'

Experience of early remote meetings held by councils elsewhere has confirmed that arrangements to facilitate robust meetings and technology need to be carefully considered. In response to this, and to reduce the length of agendas and associated burden on remote meeting attendees and technology this report notes the adoption of new Remote Meeting Procedure Rules and recommends two additions to these and also recommends revised public speaking guidance and amendments to extend officer delegation to householder applications as set out below.

4.2 New Remote Meeting Procedure Rules

The Council can now undertake remote meetings as conferred by new Government legislation, and the Council has in response adopted new General Procedure Rules which supersede the existing PDCC rules and Guidance. **It is recommended** that PDCC adds to these rules by confirming arrangements for matters specifically relating to Planning and Development Control Committee to reflect the restraints imposed by the current COVID 19 circumstances, namely:

- That speaking participation by the public and elected non-committee members is by audio link only
- That there shall be no right for a Committee member to call for a site visit before the PDCC meeting or for an item being considered at PDCC to be deferred for a site visit

Appendix A2 sets out proposed amendments to the Public Speaking Guide **for approval** to confirm how these arrangements will operate.

4.3 New Delegated Powers

The City Council's Constitution sets out the Terms of Reference to Planning and Development Control Committee. All matters within the Terms of Reference of the Planning and Development Control Committee which are not reserved to Full Council or this Committee are delegated to the Director of Planning, Development and Transportation. The existing Scheme of Delegation was approved by the Committee in April 2019. This was to be reviewed after 12 months and I intend to bring a report on that once normal circumstances for PDCC return. I do not anticipate recommending any significant changes.

The current scheme of delegation is attached at Appendix B. The proposal is that exceptions in the scheme should not apply to householder applications (house extensions and alterations) for a temporary period of 6 months to reduce the pressure on the Committee given current restrictions on physical attendance at meetings. The temporary scheme will cease at the end of the 6 months, or earlier if the Committee decides that it is no longer required. This exclusion will

not apply to those personal applications submitted by members or officers, which for purposes of transparent decision taking will continue to be presented to PDCC for determination.

4.4 Householder applications are most likely to have been made with early implementation in mind and longer than usual delays to determine these could be seen as unreasonable. Householder applications are subject to negotiable time limits for decision and also as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015/595 art. 2. These involve works within the curtilage (boundary/garden) of a house for purposes incidental to its use as a family house and includes by way of example only the following

- extensions
- conservatories
- loft conversions
- dormer windows
- alterations
- garages, car ports or outbuildings
- swimming pools
- walls
- fences
- vehicular access including footway crossovers
- porches
- satellite dishes

It does not include any of the following;

- any works relating to a flat
- applications to change the number of dwellings (flat conversions, building a separate house in the garden)
- changes of use to part or all of the property to uses which are not C3 residential uses or non-residential (including business) uses
- anything outside either the garden or curtilage of a dwelling-house (including outbuildings if in a separate area)

4.5 During the temporary delegation arrangements the Head of Planning will consult with the Chair and Vice-Chair of the Committee or nominated substitutes giving 3 days-notice before any delegated decision which previously would have been heard by PDCC is taken under these temporary arrangements. The delegated decision will then be taken by Planning Officers in accordance with the Officer scheme of delegation.

4.6 The above arrangements will ensure that when making such decisions representations from the public and members are fully taken into account.

5.0 FINANCIAL, LEGAL AND OTHER IMPLICATIONS

5.1 Financial Implications

There are no direct financial implications arising from this report. The use of delegated powers rather than requiring committee decisions saves staff time and money.

Paresh Radia
Finance Manager

5.2 Legal Implications

5.2.1 The Committee is entitled to delegate functions to officers. In light of the current circumstances, obligations on the authority and volume of work, it is in the Council’s best interests to delegate functions expressly in order to reduce the pressure on Committee and still allow for efficient and timely processing of all applications.

5.2.2 Planning functions relating to planning enforcement and development control are matters for the Council, any Executive delegations are not relevant to the report or affected by the amendments to the scheme of Delegation. The reservations and powers of full Council can also not be amended or by passed by the scheme of delegation, it therefore relates solely to those powers as covered in the Committee’s Terms of Reference.

5.2.3 The General Procedure Rules are made pursuant to The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) (Regulations) 2020 (The 2020 Regulations).

Jane Cotton, Solicitor (Commercial, Property & Planning)

6.0 Climate Change Implications

None

7.0 OTHER IMPLICATIONS

OTHER IMPLICATIONS	YES/NO	Paragraph references within the report
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	

Corporate Parenting	No	
Health Inequalities Impact	No	

8.0 BACKGROUND PAPERS – LOCAL GOVERNMENT ACT 1972

Planning and Development Control Committee report 3rd April 2019
Planning and Development Control Committee report 2nd October 2019
Letter to Chief Planning Officers March 2020

9.0 REPORT AUTHOR

Steve Brown, Group Manager (Development Management), tel: 0116 454 3023

REMOTE MEETINGS PROCEDURE RULES

These Procedure Rules shall govern the general conduct of remote meetings of the Council, its Committees and Scrutiny Commissions conducted pursuant to The Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Crime Panel Meetings)(England and Wales)(Regulations) 2020 (The 2020 Regulations).

These Rules have been drafted by the Monitoring Officer pursuant to the power vested in him under Article 16.02 of the Constitution and agreed by the Chairs of the Overview & Select Committee; the Licensing Committee and the Planning & Development Control Committee.

For the purposes of compliance with the law, and the efficient administration of business, these rules may be modified from time to time for particular meetings, as advised by Legal and/or Democratic Services Officers.

How will remote meetings be conducted?

Remote meetings will take place via electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers. Members may be able to participate by remote means (including, but not limited to video conferencing, live webcast, live interactive streaming) in accordance with arrangements agreed from time to time by the Council. Members should try to establish video conferencing capability however, by exception they may attend by audio only.

How will notice of remote meetings be provided?

The Monitoring Officer will give five clear days' notice of the meeting in accordance with Schedule 12 Local Government Act 1972. The notice will provide details of how the meeting shall be open to the public which shall be through remote means including (but not limited to) video conferencing, live webcast, and live interactive streaming.

Regulation 4(1) of the 2020 Regulations abolishes the need for "further" notice should we need to change that meeting time/place/venue, however the Council will use reasonable endeavours to provide notice of changes where practicable.

How will papers be provided?

Agendas and reports will be published five clear days before the meeting through the Council's website. Elected Members will be provided with paper copies of agendas and reports as a matter of course whilst meetings are held under the 2020 Regulations.

Notice of Remote Link

Democratic Support and other officers have worked with Members to establish their ability to connect to remote meetings. If, following the notice of a meeting being published, a Member is aware of an IT or other problem that would prevent them from engaging in the meeting, they must inform the relevant Democratic Support Officer as soon as possible.

The remote means must be established and tested before the commencement of the meeting

Record of Attendance

The Chair will confirm at the outset and at any reconvening of the meeting (or at the relevant Agenda item where a participant is joining for just part of a meeting), that they can see and/or hear all participating Members (to include Committee Members, and also those non-Committee Elected Members who are exercising a right to speak) as well as any members of the public who have a right to speak. Participating Committee Members must also confirm at the outset and at any reconvening of the meeting that he/she can see and/or hear the proceedings and the other attendees. Democratic Services will record attendance on behalf of Members.

Quorum

Any Member so authorised to participate by remote conferencing shall be regarded as present. In the event of any failure of the video conferencing link the Chair will immediately determine if the meeting is still quorate, if it is then the business of the meeting will continue, if there is no quorum then the meeting will, only in such circumstances, adjourn for a period specified by the Chair to allow the connection to be re-established.

Disruption to remote conferencing

Should the conference link fail for all Members, the Chair may call a short adjournment of up to five minutes to determine whether the link can quickly be re-established. If the link cannot be re-established the meeting shall be adjourned to a later agreed date.

Where the conference link that permits public access to the meeting fails, the meeting will no longer be “open to the public” and the Chair will call for an adjournment to re-establish the link, failing which the meeting will be adjourned to a later agreed date.

In the event of link failure for individual Members, Chair may use their discretion to call for a short adjournment to re-establish a connection. If the individual Member’s link is successfully re-established then the remote Member(s) will be deemed to have returned at the point of re-establishment. Where a remote Member loses contact with the meeting, if debate/presentation took place during that time, which cannot reasonably be revisited when the Member re-joins, the Member will be deemed to have not taken part in that item and will therefore not be able to continue further in that item or vote

Where reconnection is not established promptly, the remote Member(s) will be deemed to have left the meeting at the point of failure of the equipment and if the link cannot be re-established before the end of the meeting then the presumption will be that the meeting should continue to deal with the item providing the meeting remains quorate.

A similar approach will be applied to non-Committee Elected Members, and members of the public, who are exercising a right to speak.

Declaration of Interests

Any Member participating by remote link who declares an interest in any item of business in terms which requires them to leave the room must ensure that they cannot be seen or heard during the agenda item. This shall be confirmed by Democratic Services. This member of staff will thereafter confirm to the remote Member when they may re-join the meeting. Where possible, any declarations of interest should be established through discussion with the Monitoring Officer in advance of the

meeting and any intention to refrain from partaking in a particular item of business should be notified to Democratic Services on the working day before the scheduled meeting.

Notification of Right to Speak

The Chair shall determine at the commencement of the meeting how Committee Members should notify them that they wish to speak considering whether video or audio conferencing is being used.

Where the meeting includes participation from members of the public or non-Committee Elected Members who are exercising a right to speak, the Chair shall determine at the outset of the relevant agenda item how this right shall be exercised.

For Planning and Development Control Committee, this shall be exercised in accordance with the Guide for Public Speaking, which will be amended for virtual meetings, unless such rights have been suspended

Voting

A remote Member participating in a vote on a substantive resolution on an item of business on the Agenda will cast his/her vote as if participating in a recorded vote. Where a vote is required on a procedural matter arising within the meeting, or on approval of the Minutes, the vote will be undertaken by means which will be set out by the Chair.

Exclusion of Public

If a remote Member wishes to participate in discussion of a confidential/exempt item they must verify that the venue is secure, that no member of the public has access and that no recording of the proceedings is being made, by any person. The members of staff present will ensure that no recording is taking place. Democratic Services will ensure that members of the public and non-Committee Elected Members (where relevant) have left the meeting.

Attendance by the Public and Press

Members of the public and press entitled to attend a meeting will be provided with details on how to access the meeting through remote means

APPENDIX A2

Leicester City Council COVID 19 Amended Guidance for Public Speaking at Planning and Development Control Committee (Applicants, Objectors and Members)

Introduction

These are the ~~normal~~ amended rules for public speaking during the COVID 19 period for remote meetings of Planning and Development Control Committee (PDCC). They should be read in accordance with APPENDIX A1: Remote Meetings Procedure Rules for the Committee as approved by PDCC on 13th May 2020.

In exceptional cases the Chair can change these.

If you want to register as a speaker please contact Democratic Support on 0116 454 6355 / 454 6357 or email committees@leicester.gov.uk no later than noon on the day before the committee meeting.

Making Representations on Planning Applications

Public speaking is an opportunity to make your views known in person to the committee; however, letters and emails sent during the consultation period are still the best way for views to be properly considered and included in the officer's report. Objectors can only speak if they have previously made their views known in writing.

Only "material planning considerations" are relevant; more advice can be found at:

https://www.planningportal.co.uk/faqs/faq/4/what_are_material_considerations

Which reports are covered by the scheme?

The public speaking scheme only applies to planning applications which are being decided at the Planning and Development Control Committee.

Most planning applications are dealt with by officers under what are called delegated powers.

Generally, applications are only considered by the committee if they are recommended for approval and there are 6 or more objections or a councillor has asked for the application to go to committee.

We will write to objectors and applicant's agents in advance if and when an application is due to be considered by the Committee.

Other Committee reports

The Committee sometimes considers other matters eg planning enforcement action, Traffic Regulation Order consultations and confirmation of Tree Preservation Orders. Members of the public will not be invited to speak on these reports; however non-Committee councillors can speak with the permission of the Chair.

Who can speak?

The applicant or their representative, anyone who has made a written objection, or a lead petitioner, can speak at the committee using an audio link facilitated by Democratic Support officers.

An elected member may also speak on an application within their ward. The Chair will only allow another non-committee member to speak in exceptional circumstances.

What are the rules for speaking?

A **total of five minutes** is allowed for each category of speaker - applicants, objectors and non-committee Members.

If you wish to speak at the committee **you must let us** know before noon on the day ~~of~~before the committee meeting. Objectors must have already submitted a written objection.

By registering to speak you are accepting the conditions set out in this information.

You must also agree to abide by any decisions or advice given by the chair of the committee or council officers.

You must only speak about planning matters. Please do not make personal or derogatory remarks about anyone. Such matters are not relevant and could lead to legal action.

What if I cannot make the meeting or the Audio Link fails before or during the meeting?

Please let Democratic Support know. Your previously made representation will still be considered; however a decision on the application cannot be held back and at the Chair's Discretion the meeting will proceed to determine the application.

What if more than one person wants to speak?

The Democratic Support Officer will ask speakers to agree to one person speaking on behalf of the others. Alternatively the time might be shared between those wanting to speak (for the applicant, for objectors and as non-committee members) and this needs to be agreed and confirmed with the Democratic Support Officer in advance of the meeting. If an agreement cannot be reached, the five minutes allowed would be given to the first person to have registered their intention to speak.

Public Speaking for Applicants or Agents

A total of five minutes will be allowed for the applicant, agent -or someone else on their behalf- to speak to explain their proposal and/or to address objections. They will normally speak first; however they may, if requested by members, through the Chair, at any time before a decision is made, answer points of clarification raised by other speakers or members of the Committee.

When and where are the meetings held?

The planning committee normally meets remotely every three weeks at **City Hall, 115 Charles Street, Leicester LE1 1FZ** on a Wednesday at 5.30 pm although timings of meetings may be subject to change and this will be published on the Council's website at <http://www.cabinet.leicester.gov.uk:8071/ieListMeetings.aspx?CI=399&Year=0>.

Detailed arrangements and timings for speakers joining the meeting will be confirmed by Democratic Support with speakers who have registered to speak.

Who is on the Committee and who else will be there?

The planning committee is made up of elected councillors. Council staff attend to advise and to formally record the meeting. Any member of the public may ~~attend~~ remotely log on via the link provided on the council website and to listen to the debate. A recording of the proceedings will be made available after the meeting.

Publicity

The ~~press can attend and the~~ proceedings are broadcast through a “web cast” which can be viewed by anyone using the internet - live or later, subject to internet capability.

Anyone who chooses to take part in the committee meeting should understand that they will be ~~seen and~~ heard by the public.

What is the order of business at the Meeting?

The general order of business at the meeting is as indicated on the committee agenda; however individual applications, reports and other items of business are frequently taken out of order. This will be explained by the chair at the start of the meeting.

Can I see the officer's report?

The agenda and reports will be available ~~at the City Council offices~~ a week before the meeting ~~and~~ on the internet at <http://www.cabinet.leicester.gov.uk:8071/ieListMeetings.aspx?CId=399&Year=0>

An additional paper (the addendum report) containing information received after the reports have been written, will be available online at the meeting.

Can I speak to a Councillor before the meeting?

You may contact your local councillor about any planning matter:

<http://www.leicester.gov.uk/your-council/councillors-and-wards/>

Please note that if you wish to contact any members of the planning committee you **must copy correspondence to the planning service**: planning@leicester.gov.uk

You must not approach members of the committee at the meeting itself.

How do I present my comments?

The Planning Committee may only consider relevant planning issues. Please limit your comments to matters such as:

- Appearance of the proposal.
- Traffic generation, highway safety and parking
- Overshadowing, overlooking and privacy
- Noise, disturbance or other loss of amenities
- Layout and density of buildings

Please avoid matters that cannot be considered by the committee such as:

- Boundary disputes, covenants or other property rights
- Personal remarks (such as the applicant's motives)
- Reduction in property values
- Loss of private view over the land

Can I display photographs?

We may be able to show your own photos while you speak providing there are no more than four of these and they are capable of being shown within a Powerpoint format. They will have to be received by Democratic Support no later than two days before the Committee.

Can I ask any questions?

You can include reasonable questions relating to facts relevant to the planning consideration of the application within the time allocated for you to speak.

When making your speech please make it clear that you are asking for an answer to a specific question on a point of information.

What happens when an application is considered?

- The chair will announce the application
- A planning officer will give a short introduction
- applicants, objectors and non-committee councillors, may speak (if previously registered)
- the committee will then discuss the application.
- The chair may ask officers to respond to questions raised or to clarify certain points at any time.
- No one else can speak during the debate except the applicant (or agent) if specifically asked a question by the chair.

The Decision

The committee will make a decision on the application.

This decision may be different from that recommended by officers in the main report or addendum report.

What happens if an application is deferred?

All recorded objectors will again be invited to speak at a subsequent meeting when the application will be discussed.

~~**Can anyone speak at a committee site visit?**~~

~~If the Committee are making a site visit this will normally have been arranged before the scheduled committee. The committee site visit is for the members of the committee and advising officers only and its purpose is to observe the characteristics of a site and its relationship to the surroundings. Applicants, agents, objectors and other councillors should not take part.~~

What happens after the decision is made?

The decision notice is sent to the applicant or their agent. This will normally be the day after the Committee but sometimes there are additional procedures which can delay the final decision. For example the decision may be subject to a legal agreement or to additional decisions which may have delegated to officers to conclude on.

The decision will be available for anyone to view on our website within a few days of the notice being issued.

When an application has been refused, the applicant may appeal to the Planning Inspectorate. Any representations made on the application will be forwarded to the Inspectorate.

Where an application has been granted, there is no opportunity for objectors to appeal.

The details of the Committee's decision making are given in the published minutes of the meeting available a week or two after the meeting.

| [January 2019](#)
[May 2020](#)

Appendix B

Scheme of Delegation April 2019

(To apply to applications publicised after 28th April 2019)

The Constitution sets out that the following matters are reserved to Planning and Development Control Committee:

1. Matters of strategic significance relating to the Committee's Terms of Reference.
2. To recommend to Council the making of bye-laws.
3. Making opposed regulations, order, plans and schemes within the Committee's terms of reference.
4. Such other matters as the Committee may from time to time reserve to itself for decision.

Subject to the above, all regulatory decisions covered by planning legislation are delegated to officers except:

A. Decisions on applications that are subject to negotiable time limits for decision* where:

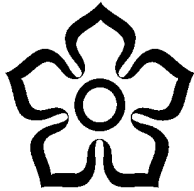
- There have been written objections from six or more different addresses within the city and the officer recommendation is for approval. For the avoidance of doubt, a petition will count as one such submission regardless of the number of signatories
- There has been a request from a Member before the end of the publicity period giving a clear planning reason why an application needs considering by the Committee
- It is a Member's or City Council officer's own planning application or any application in which a Member has a disclosable pecuniary interest or other disclosable interest
- The Head of Planning considers that the application should be considered by the Committee

*Some types of applications result in deemed approval if not determined within a specified time limit

B. Decisions to serve or not serve a formal enforcement notice where:

- There has been a written request from a Member before a formal decision has been made giving a clear planning reason why the matter needs considering by the Committee and taking the matter to a Committee would not cause a delay which would hinder a notice being served
- The Head of Planning considers that the matter should be considered by the Committee
- Decision not to take enforcement action where there have been recorded complaints from six or more addresses within the city

- As corrected September 2019



Leicester
City Council

WARDS AFFECTED:
Castle

Report for consideration by the
Planning and Development Control Committee

13th May 2020

**THE LEICESTER (CONSOLIDATION) TRAFFIC REGULATION ORDER 2006
(AMENDMENT) (Putney Road and Welford Road) ORDER 2020
OBJECTORS REPORT**

1 Purpose of Report

- 1.1 To enable the Committee to give their views to the Director of Planning, Development and Transportation who will take them into account when considering whether or not to make the proposed traffic regulation order.

2. Summary

- 2.1 The City Council is seeking authority to prohibit turning right from Welford Road into Putney Road.
- 2.2 On April 3rd, 2019 the Planning and Development Control Committee approved a planning application (20180450) by the University of Leicester and partners to develop the Welford Road/Freemens Common/Putney Road/Nixon Court site. The scheme considered by the committee included related highway proposals including prohibition of the right turn from Welford Road into Putney Road and the requirement to introduce a traffic regulation order in this regard. Planning permission was granted on this basis.
- 2.3 The Planning Committee heard officer concerns that without an appropriate intervention, traffic modelling demonstrated that the University of Leicester development would significantly increase traffic delay at the Welford Road / Putney Road / Victoria Park Road junction, particularly in the AM peak on Welford Road (inbound). The right-turn prohibition was proposed by the developer as a mitigation measure, highlighting the low right-turn flow and availability of a suitable alternative route via Counting House Road / Freemans Common Road / Putney Road.
- 2.4 The Committee debated the application and its traffic implications extensively and resolved to approve the scheme which required that the developer approach the Highway Authority, to process a traffic regulation order to prohibit the right turn from Welford Road into Putney Road in order to alleviate delays and facilitate delivery of the wider benefits of the development as consented.

- 2.5 When the TRO proposals were formally advertised, six objections were received. Officers explained to the objectors the reasons for proposing the scheme and asked the objectors to reconsider their objections in light of the information given. None of the objections have been withdrawn.

3. Recommendations

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

4. Background

- 4.1 The University of Leicester and partners applied for permission (Planning application 20180450) to construct eight blocks to house 1200 students, a five storey academic building, a nine storey car park and alterations to the highway designed to improve pedestrian access between the site and the main campus on the opposite (east) side of Welford Road. Walking and cycling improvements associated with the development also complement City Council proposals on Putney Road and enhance the overall network.

The application was approved at the Planning and Development Control Committee on 3rd April 2019. The Particulars of the Decision notice issued by the Council noted that a Traffic Regulation Order was required of the applicant. The committee heard extensive discussion on the traffic implications of the development, (Minutes of the Meeting of the Planning and Development Control Committee 3rd April 2019), including the justification for a traffic regulation order to prohibit the right turn from Welford Road into Putney Road.

- 4.2 In summary, traffic modelling demonstrated that, without an appropriate intervention, the University of Leicester development would significantly increase traffic delay at the Welford Road / Putney Road / Victoria Park Road junction, particularly on Welford Road (AM peak inbound).

The right-turn prohibition was proposed by the developer as an appropriate and reasonable mitigation measure, highlighting the current low levels of right-turn flow and the availability of a suitable alternative route via Counting House Road / Freemans Common Road / Putney Road. (Note - the proposed right-turn prohibition mitigates the impact of the development by removing the existing right-turn stage from the traffic signal sequence. This simplifies the operation of the junction and saves a significant amount of time in the traffic signal cycle which can then be shared more effectively between the other approaches.) Considering the small numbers of right turning traffic affected and the availability of a comparable alternative route, officers considered this to be a proportionate and appropriate solution.

When considering the application, the Committee heard the Highway Authority's views which included an extensive section on the modelling of the Welford Rd/Putney Road junction. This modelling also took full account of both the development and a previously approved scheme to construct a new junction with Putney Road at Aylestone Road, directly linking Aylestone Road and Welford Road. Detailed discussion on these issues took place during the

Committee meeting before the application was resolved to be approved subject to a s106 Agreement.

- 4.3 Anticipated traffic redistributed from the proposed right turn prohibition was noted by officers as not likely to be significant and the similar distances and timing of using the alternative route are comparable to the existing route.
- 4.4 Subsequent to the approval of the planning application, the developer has approached the Highway Authority to process the proposed order.
- 4.5 The TRO was advertised on the 6th February 2020 and six objections were received against the proposals. The objections included concerns about the proposed alternative route. Issues were also raised around data, modelling and the interpretation of results when considered in conjunction with the previously approved Putney Road scheme.
- 4.6 The City Council has tried to resolve the issues raised by the objectors. This includes written communication and a meeting with objectors D, E and F. None of the objections have been withdrawn and therefore six unresolved objections remain. The objections are discussed below and presented in full in Appendix C.

In the meeting with Objectors D, E and F, concerns were expressed that the alternative route to Putney Road via Counting House Road had not been modelled as part of the planning process. At the time, highway officers felt this to be unnecessary because the displaced right-turn traffic flows were relatively low. In addition, officers noted that the Counting House Road traffic signal junctions would accommodate the displaced traffic more efficiently across multiple ahead or left turn lanes when compared to the relatively inefficient, single lane right-turn at Welford Rd / Putney Rd. However, following the objectors meeting, officers modelled the Counting House Road/Welford Road and Counting House Road/Freemens Common Road junctions. This confirmed there is sufficient capacity in these junctions to accommodate the displaced traffic without any significant impact. Appendix D includes a summary of results and a sketch plan showing the alternative route.

- 4.7 The proposal showing the No Right Turn restriction from Welford Road into Putney Road can be seen on the attached OBJECTORS REPORT PLAN APPENDIX A – LCC-Enige-03-090-PR002 (Rev C).

The proposed TRO is to amend the existing Consolidation Order 2006 and to introduce a No Right Turn, from Welford Road to Putney Road. The relevant Part Number and description is shown in APPENDIX B.

- 4.8 The formal purpose of the proposed TRO is to facilitate the passage of any class of traffic (including pedestrians), for avoiding danger to persons or other traffic using the road or any other road.

5. Consideration of Objections

- 5.1 Each objection is summarised below and is presented in full in Appendix C, along with the detailed reply sent.

- 5.2 Objector A felt that the proposal was contrary to the Road Traffic Act 1984 in that it unduly prevented access to businesses. It was explained to the objector that access is maintained by an alternative route and that the Act was therefore not contravened.
- 5.3 Objector B felt that banning the right turn would will cause traffic wishing to enter Putney Road from Welford Road to travel further down Welford Road and perform a dangerous U-turn. It was explained to the objector that an alternative route exists into Putney Road of similar length to the existing route.
- 5.4 Objector C queried how the alternative route via Counting House Road would be affected by traffic flow data and the impact of parked vehicles on Islington Street. Traffic data was provided and it was confirmed that the Council is pursuing separately measures to improve traffic flow on Islington Street.
- 5.5 Objector D stated concerns about traffic congestion in relation to the combined effects of the University's scheme, the Putney Road scheme to create a new junction at Aylestone Road and the proposed right turn ban as a solution to potential congestion and also made detailed comments about the modelling of the schemes. Objector D is concerned that traffic may divert into Victoria Park Road and into Clarendon Park.

It was explained to the objector that the Highway Authority had reviewed the traffic data and agreed that a TRO should be required with regards to the implementation of a right turn ban, that modelling also took full account of the Putney Road improvements and that detailed discussion on these issues also took place during the committee meeting before the scheme was approved. It was explained that the right turn prohibition is intended to alleviate delay on morning inbound traffic flow. Traffic redistributed from the proposed right turn prohibition was noted as not likely to be significant with comparable journey distances and timings on the alternative route.

- 5.6 Objector E was concerned about: the proposed right turn ban as a solution to potential congestion; the redistribution of traffic resulting from it; the comprehensiveness of the modelling of the Welford Road/Putney Road junction; and the fact that the alternative route was not modelled and that unknown negative consequences such as pollution and congestion could result.

It was explained that the Highway Authority had reviewed the traffic data and agreed that a TRO is required to support the implementation of a right turn prohibition and that the committee report covered the right turn ban and included an extensive section on the modelling of the Welford Rd/Putney Road junction. This modelling also took full account of the Putney Road improvements. Detailed discussion on these issues also took place during the committee meeting before the scheme was approved.

Further modelling as suggested by the objector was carried out by officers and no adverse results were found.

- 5.7 Objector "F" is concerned the proposed right turn ban is being considered in isolation without considering the scheme to construct a new junction with Putney Road and Aylestone Road, linking this junction to Welford Road. It was

explained to the objector that the modelling provided did include the scheme referred to and that this had been covered in the Planning Committee reports.

- 5.8 Objections A, B and C have been addressed through written responses. A meeting was held with objectors D E and F to discuss their detailed questions on the 8th April, 2020. A significant aspect of the discussion centred upon modelling of the alternative route via Counting House Road and the potential for redistribution of traffic on Victoria Park Road. Following the meeting further junction modelling was carried out at the Counting House Road/Welford Road/Almond Road junction, at Counting House Road/Freemens Park which are on the alternative route and found to have no adverse results. Expected flows along Victoria Park Road were re-examined and not found to be significant.

6. Conclusion

- 6.1 The proposed order has been processed as a result of the approval of the development and the conditions issued to the applicant. The order is proposed to manage the traffic impact of the development and provide additional facilities for pedestrians and cyclists. Six objections have been received and officers have engaged with the objectors to explain the purposes of the order and to resolve their concerns. Further modelling of junctions on the alternative route has since been carried out to support the Highway Authority's earlier view that they could accommodate the displaced traffic.
- 6.2 Members of the committee are requested give their views for the Director of Planning, Development and Transportation to take into account when considering whether or not to make the proposed traffic regulation order. Committee members should note the right turn prohibition is intended to mitigate the impact of the development and alleviate excessive delay on Welford Road inbound which is the most important movement in traffic network terms. Traffic redistributed from the proposed right turn prohibition is noted as not likely to be significant. The alternative route offers similar journey times and distances and further traffic modelling indicated no adverse traffic consequences on this route. The proposed right-turn prohibition is a key mitigation measure in the wider University of Leicester development which also provides improved pedestrian and cycle facilities benefitting both the University and the wider walking and cycling network, as well as the wider economic and social benefits of the academic and residential development, which is one of the most significant investments by the University in many years.

7. Financial Implications

- 7.1 The estimated cost of the Traffic Order is £5,000 and will be funded by the University of Leicester's development partner, Engie.

Finance implications are confirmed by Paresh Radia, Finance Manager, tel: 0116 454 4082

8. Legal Implications

- 8.1 Traffic Regulation Orders are introduced under the 1984 Road Traffic Regulation Act and the Local Authorities' Traffic Orders (Procedures) (England and Wales) Regulations 1996. All aspects of that legislation will be complied

with in the making of the Order. The legislation requires that all objections made and not withdrawn are taken into consideration before an Order is made. All objections received have been taken into consideration in preparation of this report. The requirement for the making of the TRO arises from a planning condition contained in a valid planning permission. If the objection has not been withdrawn or fully acceded to then the objector should be notified in writing of the making of the order within 14 days of making the order and the reasons for the decision.

The legal implications are written and confirmed by John McIvor, Solicitor, Legal Services, tel: 0116 454 1409

9. Powers of the Director

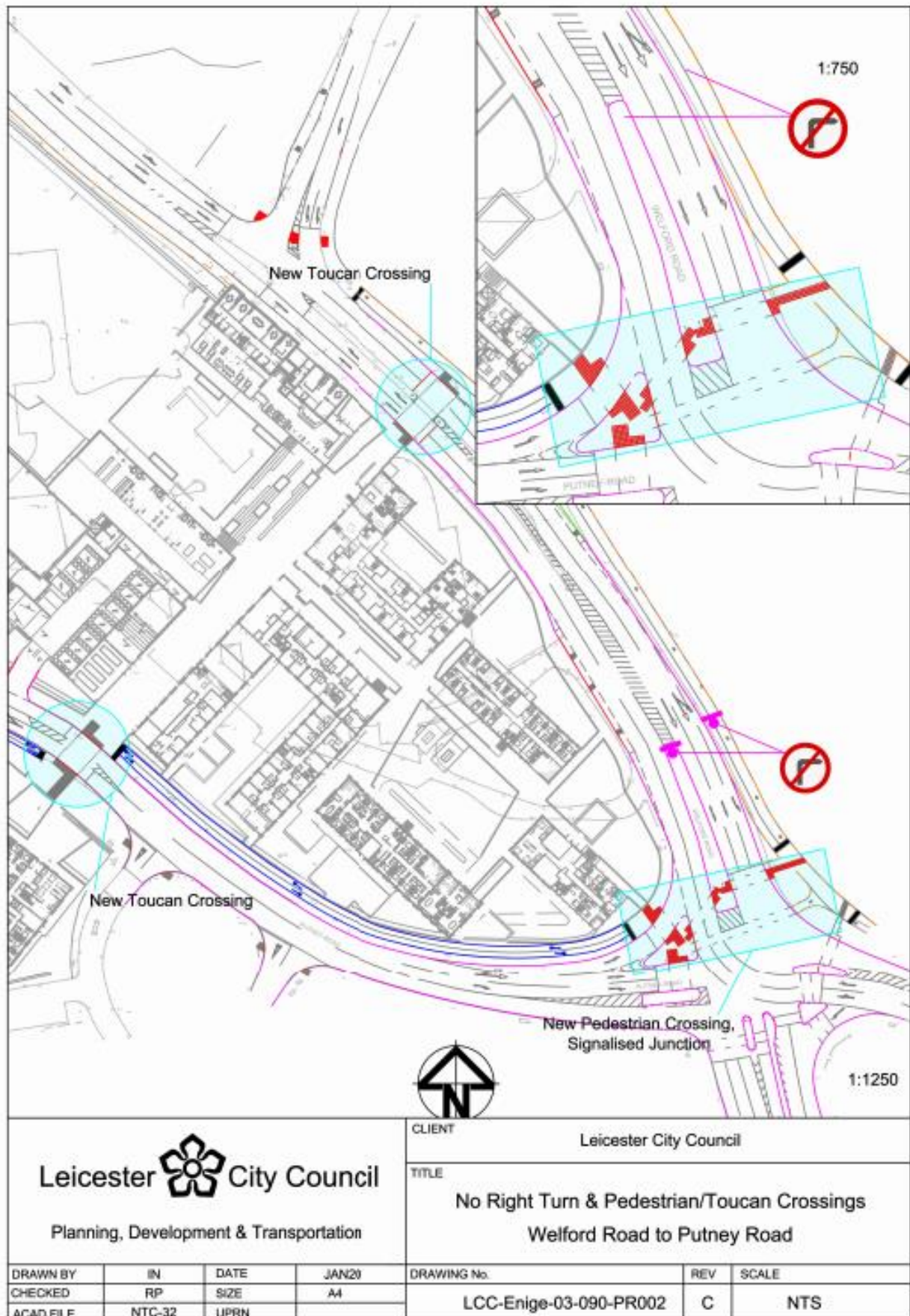
- 9.1 Under the constitution of Leicester City Council, delegated powers have been given to the Director of Planning, Development and Transportation to approve Traffic Orders having considered any objections that have been received and taken due regard of comments made by the Planning and Development Control Committee. The legislation that confers authority on Leicester City Council to make these amendments is covered by the 1984 Road Traffic Regulation Act and the Local Authorities' Traffic Orders (Procedures) (England and Wales) Regulations 1996.

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APPENDIX A - DRAWINGS

Welford Road/Putney Road – Drawing Nr: **LCC-Enige-03-090-PR002 (Rev C)**



Leicester City Council
 Planning, Development & Transportation

CLIENT: Leicester City Council
 TITLE: No Right Turn & Pedestrian/Toucan Crossings
 Welford Road to Putney Road

DRAWN BY	IN	DATE	JAN20	DRAWING No.	REV	SCALE
CHECKED	RP	SIZE	A4	LCC-Enige-03-090-PR002	C	NTS
ACAD FILE	NTC-32	UPRN				

APPENDIX B – SCHEDULE OF STREET RESTRICTION

Items of the schedule marked in **bold** are to be amended from the existing Order.

WELFORD ROAD

Part No. 102 (No Right Turn) From Welford Road into Putney Road

APPENDIX C – UNRESOLVED OBJECTIONS

Objections Received by Email or Letter

OBJECTOR 'A' 1.1
Officers Response 1.2

OBJECTOR 'B' 2.1
Officers Response 2.2

OBJECTOR 'C' 3.1
Officer Response 3.2

OBJECTOR 'D' 4.1
Officer Response 4.2

OBJECTOR 'E' 5.1
Officer Response 5.2

OBJECTOR 'F' 6.1
Officers Response 6.2

The unresolved objection received by email and officer's response are as follows: -

OBJECTION FROM OBJECTOR 'A' – DATED 08/02/20

1.1 Objector 'A' sent in these comments:

I write in relation to the above proposed traffic regulation order stipulated above, and hereby object to the proposed order.

Firstly, this is not in the public interest. I do not support the proposed order, and neither do my family, not the public as a whole. Secondly, s3(1) of the Road Traffic Regulation Act 1984 ought to apply and I feel that the order breaches that provision without reasonable excuse or foundation.

Moreover, the order is likely to cause grave inconvenience to the public and is vastly disproportionate to the perceived ill that it wishes to remedy.

Accordingly, I firmly object to the order owing to the fact that s3(1) ought to apply in this instance, that it is unnecessary, has a disproportionately adverse impact on businesses and the wider public and that the public do not wish for the order to be made. The proposed order is so unreasonable that it appears to me that the officers of the local authority have failed to apply their minds to the case and that Wednesbury unreasonableness is likely to be a factor in this case.

I trust that this objection will be considered and that the proposed order be shelved.

1.2 Officer's Response

Thank you for your email, I can confirm that you have raised an objection to the proposed Traffic Regulation Order (TRO) for a 'No Right Turn' on Welford Road into Putney Road. I would like to take this opportunity to clarify a few points, to see if I can resolve your concerns.

As part of a development within the area, there are proposals to improve both pedestrian and cycling facilities. This looks at the introduction of new Toucan crossing and improvements of cycle lanes from the carriageway onto a shared footway. The junction of Welford Road and Putney Road is also to have the crossing facilities improved and the signal upgraded. With the removal of the right turn lane, a new pedestrian island will be created for greater capacity and a shorter walking distance, when crossing the carriageway. Vehicular traffic movements will be simplified by the removal of the right turn and changes to the phasing of the signals. This can help with safety for all users at this junction.

Within the consultation letter, it referred to an alternative route. Therefore, access to Homebase, Halfords and the industrial estate, driver traveling from the City centre south bound on A594 Welford Road, the road splits. Instead of staying on Welford Road, drivers would take the centre right-hand lanes and proceed onto Counting House Road. From there, they would then turn left onto Freemans Common Road. It is this road that access the industrial estate and lead back onto Putney Road. Once on Putney Road drivers can access Halfords and Homebase. It should be noted that the distance travelled using Counting House Road to Halfords is approximately 1000 metres. Whereas, the distance travelled by staying on Welford Road to Halfords is approximately 920 meters. So, there is approximately 80 metres

difference between the two routes. This distance travelled is not deemed unreasonable and access is still maintained 24/7.

You have pointed out the Section 3 (1) of The Road Traffic Regulation Act 1984 (As amended) (RTRA84) should apply. I would like to confirm that you are saying, 3 (1) a Traffic Regulation Order shall not be made with respect to any road which would have the affect – (b) of preventing for more than 8 hours in any period of 24 hours access for vehicles of any class, to any premises situated on or adjacent to the road.

However, under Section 3 (2) it states, Subsection (1) above, so far as it relates to vehicles, shall not have effect in so far as the authority making the order are satisfied, and it is stated in the order that they are satisfied that – (a) for avoiding danger to persons or other traffic using the road to which the order relates or any other road, or (b) for preventing the likelihood of any such danger arising, or (d) for facilitating the passage of vehicular traffic on the road. Please see attachment public advert Notice, that has appeared both on site and in the local newspaper. Section 3 (1) & (2) of the RTRA 84 were include within the Notice and draft TRO.

All roads within the industrial area including Putney Road will be accessible 24/7 via the alternative route for the south bound traffic, traveling from the City centre. For traffic traveling north bound of Welford Road, there is no change. In addition, there if no change traveling from Victoria Park Road.

I hope that this has answered your concerns. If you would wish to withdraw your objection, could you respond to this email within 14 days. If I do not hear from you, I will assume that you want your objection to stand. At that point, your comments will be added to an objection report that will go in front of the Planning Committee and then to the Director for the final decision.

OBJECTION FROM OBJECTOR 'B' – DATED 09/02/20

2.1 Objector 'B' sent in these comments:

I am lodging my objection to the proposed changes on the grounds that it will cause traffic wishing to enter Putney Road from Welford road to travel further down Welford Road and perform a dangerous U-turn.

This suggested change is yet another example of ill thought out traffic measures.

2.2 Officers Response

Thank you for your email, stating that you wish to log and objection to the proposed Traffic Regulation Order (TRO) for the 'No Right Turn' from Welford Road into Putney Road. You have pointed out that drivers would have to continue traveling down Welford Road, to then make a 'U Turn', in order to come back to Putney Road. I would just like to take this opportunity to clarify a few points.

As part of the consultation letter, it was mentioned that there is an existing alternative route into the industrial estate and access onto Putney Road. For access to Homebase, Halfords and the industrial estate, driver traveling from the City centre south bound on A594 Welford Road the road splits. Instead of staying on Welford Road, drivers would take the centre right-hand lanes to access Counting House

Road. From there, they would then turn left onto Freemans Common Road. It is this road that accesses the industrial estate and lead back onto Putney Road. Once on Putney Road, drivers can access Halfords and Homebase. It should be noted that the distance travelled using Counting House Road to Halfords is approximately 1000 metres. Whereas, the distance travelled by staying on Welford Road to Halfords is approximately 920 meters. So, there is approximately 80 metres difference between the two routes.

As you can see drivers would not have to stay on Welford Road and then make a 'U' Turn to get back to Putney Road. The Council would need to make it clear, through the installation of Advanced Direction Signing (ADS) to direct drivers to the alternative route.

I hope that this clears up any concerns you may have had. If you would like to withdraw your objection to the proposed TRO. Could you please get back to me within 14 days of this email. If you do not get back to me, I will take it that you wish for your objection to stand. As such, it will be added to an objection report and be presented before the Planning Committee and then sent to the Director for a final decision.

OBJECTION FROM OBJECTOR 'C' – DATED 21/02/20

3.1 Objector 'C' sent in these comments:

I write in relation to the above road changes being recommended. I would like the following objections to be noted:

Alternative Route via Counting House Road

In the letter you indicate that there would not be "an increase in journey time or be deemed unreasonable distance to travel". Can the council please provide explanations on the following: -

- To make the above comments there would need to be data to support your statement. Please can we have visibility of your traffic flow study - the traffic flow numbers and the potential impact of the traffic which would be directed via the new route.
- Have the council reviewed the stationary traffic issue which is caused by the Household and Recycling waste site at the end of Islington Street? During peak times (even more so in the summer) due to the parked cars on this street the road goes down to one lane. The result of which means traffic can queue down Islington Street and go round the corner back onto Counting House Road. With the increase in traffic from the changes being recommended, this could potentially turn this very busy junction near Morrison's supermarket into a dangerous area and cause traffic stand still on the one way system. Would the council look at making this road a non-parking street which might resolve the issue?
- Have the council also taken into account the volume of traffic from the new Lock and Storage Facility being built on the corner of the Freemans Common/Counting House Road?

3.2 Officer's Response

Thank you for your email dated 21 February 2020. Could I just apologise for the delay in responding to the questions and points you have raised? I have spoken to other colleagues within the Authority, who are working on other projects in and around the Putney Road area. Therefore, I would like to take this opportunity to respond to your questions.

Regarding Islington Street, the issue of parked cars on one side of that road, reducing the width of the road down to one lane. This restricts the free flow of traffic to both local business and the home waste recycling centre. Drivers waiting to gain access to the recycle centre, can then lead to traffic build up on Freemans Common Road. This in turn impacts vehicles on Counting House Road, who could be looking to access the industrial area of Putney Road and Commercial Square. Having spoken to the Traffic Order Team, they have confirmed that the Authority is in the process of amending the parking restrictions on Islington Street. Please see attached plan, showing the proposed Traffic Regulation Order (TRO). The Authority is proposing to remove the spaces where vehicles currently park. If this TRO is implemented, then general parking would be prohibited on all days and all hours, on both side of the road. It is hoped, that this would improve traffic movements and access to amenities along this road. In addition, this should improve access into the industrial estate.

The Authority is also looking to improve access and egress to this area, by opening up the junction of Putney Road West with Aylestone Road. The TRO proposals for this new junction are currently drafted. It is expected that this will go out to public consultation and advertisement within the next month or two. With this new junction, drivers will have greater access and egress opportunities. Reducing the need for drivers on the west side of the city, having to travel up Aylestone Road onto Almond Rd, Counting House Road and then onto Freemans Common Road. This new junction again should help with reducing congestion into the industrial estate where you are located. Not forgetting, increasing the number of access and exit point. Having this additional access will help traffic traveling to access the new storage centre.

You have asked to see traffic movement data for the right turning at the junction of Welford Road/Putney Road: -

The survey is taken over 12 hours from 7am to 7pm. The total number of right turners was recorded at 609 vehicles. There is a table showing the time of day, the number of vehicles within a time period and the type of vehicle recorded. In addition, there is a second table looking at the number of vehicles during rush hour times (Peak Period).

As part of the consultation letter, it referred to journey time and distance travelled, as not being deem unreasonable. This is looking at a driver, who would have normally turn right from Welford Road onto Putney Road in order to access the entrance for Home Base. If that same driver was to take the alternative route via Freemans Common Road, then they would only have had to travel an additional distance of approximately 80 metres. This shows that the existing route and the alternative

route does not have a great deal between them and that is why it is deemed not unreasonable.

It is appreciated that in your email, you have asked for the following objections to be noted. Have read through your email, I have classed you your comments as either questions or observations rather than an objections. You have asked questions and if the council has taken into consideration other potential issues. I hope the responses I have provided answered any concerns you may have had. The overall goal is to improve pedestrian and cycle safety along with greater accessibility to your area by drivers, in addition to remove parking problems that affect traffic movement. Some of these issues you have raised, will be tackled by other colleagues within the Authority. If you are happy with my response and you no longer have concerns, could you please let me know. Or, if you are not satisfied, could you please let me know confirming your objection. This would then be added to an objection report, that will be put to the Planning Committee, before being submitted to the Director for his final decision.

OBJECTION FROM OBJECTOR 'D' – DATED 28/02/20

4.1 Objector 'D' sent in these comments:

wish to **object** to the proposal to introduce a No Right Turn from Welford Road to Putney Road.

This prohibition was proposed by Leicester City Council (LCC) as a solution to the problem of traffic congestion at the Welford Road / Putney Road / Victoria Park Road generated by the combined effects of two development schemes:

1. University of Leicester (UoL)'s scheme to develop a new student village at Freeman's Common / Putney Road / Nixon Court
2. LCC's scheme to open up access to Putney Road West from the junction of Saffron Lane and Aylestone Road such that Putney Road could act as a Link Road / Local Access Road

LCC's own traffic modelling suggested that the junction could cope with the implementation of either one scheme or the other without modification, but that the implementation of both schemes would create unacceptable congestion problems with an associated increase in journey times and pollution levels. As a last ditch attempt to solve the congestion problem, LCC suggested that removing this right turn would provide the solution to this problem, and supported this proposal with traffic modelling. However, the traffic modelling that had been carried out prior to the proposal of this solution was described by UoL's consultants as counter-intuitive and difficult to explain', and the modelling to support the removal of the right turn merely removed the right-turn traffic from the model altogether, so ignoring the impact of this displaced traffic on other nearby junctions.

UoL's Student Village Scheme

Traffic that would otherwise have used this right turn to access UoL's new Multi Storey Car Park (MSCP) would have approached this junction either outbound on Welford Road from its junction with Almond Road or joining Welford Road from

University Road. Traffic approaching the Welford Road / Almond Road junction would be able to take the alternative but longer route to the MSCP via Counting House Road the Freeman's Common Road to Putney Road, but traffic previously approaching via University Road will be displaced either via this route or via Victoria Park Road. The LCC modelling supporting the removal of the right turn underestimated the volume of traffic using the right turn in the morning peak by a factor of 5, but still claimed that it was not necessary to model the impact of the displaced traffic on nearby junctions. Morning Peak traffic approaching the Welford Road junction along Victoria Park Road already queues most of the way back to Mayfield Roundabout, resulting in rat running through the residential streets of Clarendon Park as drivers try to find ways to avoid the queues. The increase in the volume of traffic along Victoria Park Road caused by the removal of this right turn is likely to congest Mayfield Roundabout and have an adverse impact on the flow of inbound (and outbound) traffic on London Road.

LCC's Putney Road Link Scheme

Again, LCC's own modelling showed that the Putney Road Link only delivered benefits when providing local access to the businesses on Freeman's Common Industrial Estate and that its use as a link road actually made journeys slower rather than quicker. The rationale for the Putney Road Link scheme has always been unclear, only making any sense if and when the long discussed Evesham Road Link scheme went ahead. However, in the 'Leicester Local Plan 2020-2036 reference documents' on LCC's Consultation Hub, the 'Summary of responses to 2018 emerging options consultation' contains the following statement:

Evesham Road - The local plan is only required to include specified infrastructure proposals which can be confirmed as deliverable within the plan period, i.e. either with funding committed or with a demonstrable likelihood of approval of funds. At present there is no such funding commitment in place.

This statement acknowledges that the Evesham Road scheme cannot be confirmed as deliverable within the plan period (2020-2036), removing any rationale for the Putney Road Scheme to go ahead. Even if the Putney Road scheme were to go ahead without the possibility of the Evesham Road scheme being built, the right turn should not be removed until the LCC's traffic modelling is revised to take into account the wider impact of the traffic displaced by the removal of the right turn.

No Right Turn Plan

The Statement of Reasons for this TRO says that sections of the footway on both sides of Putney Road are to be widened, allowing the advisory cycle lane located on the carriageway to be removed and a new two-way segregated cycle lane to be introduced on the footway. In the plan for this TRO, the cycleway on the footway to the north side of Putney Road is shown on the inside of the footway whereas the cycleway on the footway to the south side of Putney Road is shown (as is usual) on the outside of the footway. While there may be reason for the existing cycleway on the east side of Welford Road between Victoria Park Road and University Road to have been built on the inside of the footway, this is very much the exception and the new section on the north side of Putney Road should be built the right way round to avoid visually impaired pedestrians inadvertently ending up in the cycle lane. A much better solution for the cycle lanes would be to have proper kerb-segregated one-way cycle lanes on each side of Putney Road between the footway and the carriageway

as have recently been implemented on London Road. If this cannot be achieved, any cycle lanes implemented on the footway should be physically segregated from the footway (not just by a painted line) and be on the carriageway side of the footway.

Temporary TRO

I appreciate that there is no right of objection to a Temporary TRO, but I do have a couple of comments on the Temporary TRO prohibiting the same right turn coming into effect on 9th March:

1. It is unlikely that anyone other than large HGVs will actually use the suggested diversion route all the way along Victoria Road to Mayfield Roundabout and back. Most vehicles will either perform a possibly dangerous U-turn somewhere along Victoria Park Road, or use residential roads in Clarendon Park to loop back on themselves.
2. The Temporary TRO says it is necessary due to kerbing works taking place but doesn't give any detail of these kerbing works. If the kerbing works referred to are those being carried out as part of the S278 works on Putney Road, there is no apparent need to close the right turn for these works as only a minority of the traffic currently using Putney Road comes via this right turn. If instead the kerbing works relate to the removal of the right turn lane itself, surely these works should not proceed until the permanent TRO process has been completed. In their Explanatory Letter relating to Planning Application 20192047, UoL say it would be inappropriate to start any section 278 works linked to the TRO before the permanent TRO process is completed, suggesting that the Temporary TRO is unnecessary and should be withdrawn

4.2 Officer's comments:

Thank you for your email dated 28th February 2020. You have raised an objection to the proposed Traffic Regulation Order (TRO) that looks to introduce a right turn prohibition from Welford Road into Putney Road. Having read through your comments and after speaking with colleagues, I understand that you have previously had discussions with officers over the planning applications and highway matters for this area. I would like to take this opportunity to try and resolve your concerns.

In summary, you state that your concerns are about traffic congestion in relation to the combined effects of the University's scheme, the Putney Road scheme to create a new junction at Aylestone Road and the proposed right turn ban as a solution to potential congestion. You also make comments about the modelling of the schemes.

The Highway Authority had reviewed the traffic data and agreed that a TRO should be required with regards to the implementation of a right turn prohibition. When reviewing objections, consideration can only be given to the proposed restriction as advertised.

You will be aware that The University of Leicester scheme was approved at the Planning and Development Control Committee on 3rd April 2019. The committee report covered the right turn ban and included an extensive section on the modelling of the Welford Rd/Putney Road junction. This modelling also took full account of the

Putney Road improvements. Detailed discussion on these issues also took place during the committee meeting before the scheme was approved.

The right turn prohibition is intended to alleviate delay on morning inbound traffic flow. Traffic redistributed from the proposed right turn prohibition was noted as not likely to be significant and the similar distances and timing of using the alternative routes are comparable.

I hope that this has answered your concerns. If you are satisfied and you would like to withdraw your objection, could you please let me know, either at the email address listed at the top of the letter or the Council's postal address shown at the bottom of the letter. If you would like to meet relevant officers to discuss this matter further prior to the committee meeting noted below, please contact the City Highways Director, Martin Fletcher on 0116 454 4965 or by email: martin.fletcher@leicester.gov.uk

If I do not hear from you by the 20th March 2020, I will assume that you would like your objection to stand. Should this be the case, it is our intention to present an Objectors Report to the Planning and Development Control Committee on 8th April 2020, before being sent to the Director of Planning, Development and Transportation for his final decision.

OBJECTION FROM OBJECTOR 'E' – DATED 28/02/20

5.1 Objector 'E' sent in these comments:

There are three main grounds to this objection:

- a) The proposed removal of the right turn is not a solution to the problem of excessive congestion and delay at this road junction. It eases inbound congestion on Welford Road in the morning peak, but makes congestion and delay in the evening peak worse. It also has a negative impact on Victoria Park Road, and is very likely to increase rat-running through Clarendon Park to avoid the increased congestion.
- b) The removal of the right turn will displace the problem of congestion to adjacent junctions used by the same traffic creating further delays and congestion. It will increase delays on the inner ring road (part of the Air Quality Management Area (AQMA)), which the Link Road scheme claimed it would reduce.
- c) The consequences of the proposed change have not been modelled. Some modelling has been done for the main junction, but this is flawed. No modelling has been done of the wider consequences. The authority does not know what the consequences of this change will be and should not proceed without a clear and informed understanding of how this change will impact on the local road network.

Background to the objection

The publicly stated reasons given for making the order to remove the right turn are misleading. The removal of the right turn was introduced as a fourth and final attempt to avoid traffic saturation and greatly extended delays at the main Welford Road/Victoria Park Road junction. This saturation is created by the combined traffic

impact of two different schemes – the Putney Road Link Road Scheme, and the University Development at Freeman’s Common.

The first scheduled planning meeting for the Freeman’s Common development was cancelled at short notice. Objectors had studied carefully the traffic modelling and had identified greatly increased and unacceptable delays to traffic particularly in the morning peak, but also in the evening peak. Objectors said that this junction could not accommodate the additional traffic from both schemes, which later actions by the Council confirmed.

Following this cancellation, a later planning meeting was held at which the Council then agreed with this view and the removal of the right turn was proposed to remove traffic from the junction. This was the only way of diverting some of the additional traffic away from this junction in order that some of these additional delays could be reduced, although not eliminated. It is important to acknowledge that the removal of the right turn does reduce some of the delays which otherwise would have resulted from these two schemes, but that the overall congestion at the main junction will still be greater than it is now before either scheme has been implemented. Once both schemes are completed and the right turn removed, congestion and delays at this junction will be much worse than the current situation.

All of the claims about traffic flows and congestion rely primarily on the traffic modelling, ideally combined with an understanding of how the local road system works. Unfortunately, it is difficult for anyone to speak with authority about the traffic impacts of the removal of the right turn because of significant shortcomings in parts of the modelling, especially that carried out for the Putney Road scheme which fell far below the normal professional standards required to have confidence in the results.

Even for the wider modelling major errors were made at different stages and the final modelling for the removal of the right turn was restricted in scope to the one junction with no examination of the impact on the wider local road network. It also simply removed from the analysis some of the significant traffic flows created by the two schemes with no examination of what then happened to this traffic.

Implications for Welford Road/Victoria Park Road Junction and Victoria Park Road

According to the modelling the removal of the right turn does reduce delays for Welford Road inbound traffic in the morning peak compared with what they would have been with the right turn in place. This is because it removes 291 right turns which intersect the main inbound radial traffic flow. However, in the evening peak delays and congestion increase substantially as a consequence of the removal of the right turn. Similarly, Eastbound traffic on Victoria Park Road increases in the evening peak above the already significant increases created by the two developments. Additional traffic and delays on Victoria Park Road will increase rat-running through Clarendon Park, which the Putney Road scheme controversially claimed it would reduce.

The removal of the right turn is not a solution to the problems of congestion and delay at this junction, neither is it an outcome of longer term planning of traffic flows in this area. It is, in effect, an unplanned reaction by the authority to the combined impact of the two schemes which, for some reason, it had not anticipated, although objectors had.

The wider implications of removing the right turn

Traffic removed from this junction by the removal of the right turn doesn't disappear from the road network, it goes somewhere else, but none of this has been modelled. The right turns removed from the Welford Road/Putney Road junction become right turns at the junction of Welford Road, Counting House Road, and the inner ring road at Almond Road. The congestion and delays are not eliminated, they are moved along a few hundred metres to cause more delays to the same traffic at a different place. Moreover, in making this change there will also be additional delays and congestion on the inner ring road (part of the AQMA) which already has high levels of pollution and which, paradoxically, the link road scheme claimed it would reduce. The traffic diverted to Counting House Road will include traffic going to the business area and also traffic for the new link road (which together make up 42% of the right turns), all of which will be subject to increased delays. Traffic from University Road which turned left and then right to access the old car park on the university site will need to take a different and longer route, but what it will be isn't known. What is known is that the modelling assumes none of it will go via Victoria Park Road, which appears to be an unfounded assumption given that this route is unchanged and already used to access the existing university car park.

The diverted traffic will face a longer slower journey as it negotiates Counting House Road, Freeman's Common Road, and the junctions with the new Putney Road link road to reach its destination. Overall delays across the network will in all likelihood increase as a consequence of the proposed change. That cannot be said with any certainty as it hasn't been modelled, but neither can it be said with any certainty that it will not happen, for the same reason. The failure to model the consequences of this change is the major weakness in the proposal and a central part of this objection.

Deficiencies in the modelling and the failure to model the wider consequences

Serious deficiencies in the overall traffic modelling have been referred to above. They make the modelling which has been done unreliable. This has been argued at various stages of these developments, and was also noted by the university consultants who said it produced results which were 'counter-intuitive and difficult to explain'. The problems don't end there. In modelling the removal of the right turn all the right turning traffic was simply removed from the model so it is no longer a model of the university development, the Putney Road link, or the base traffic. Additionally, this latest modelling also removed the Freeman's Common traffic which used to travel straight across from Victoria Park Road to Putney Road, which is completely unaffected by the removal of the right turn. There is no valid reason from removing this traffic and it is not clear why this has been done. It does, however, make the junction appear less congested.

These are all very significant problems but the major one for this proposal is the failure to model the wider impact of the change. In the officer's report to the planning committee the Highways Authority states that, *'The wide area impacts are considered not likely to be significant in respect of background traffic flows and the existing and future conditions on the network. Further modelling is not considered necessary.'*(p24). It is not clear what evidence, if any, was used to arrive at this claim. Additionally, this was written based on the incorrect figures for the volume of right-turning traffic. The Highway Authority initially informed the Planning Committee that there were 60 pcu right turns in the morning peak. The correct figure, identified by objectors, is 291 and the authority was required to amend their figures at the planning hearing. But even with a five-fold increase in traffic turning right their original view that further modelling was not necessary remain unchanged.

Conclusions

Two major developments will both feed significant levels of additional traffic into a critical point in an already congested section of the network. Objectors have argued from the outset that the local road system could not accommodate the additional traffic generated by the two schemes combined. An argument which has proved to be compelling. And even if the right turn is removed, the wider situation will not improve. Although strictly beyond the scope of the TRO process, it would make more sense to re-consider the underlying factors which are creating the problems to which this TRO is the reaction. There was little logic to the Link Road scheme from the outset, and the evidence from the traffic modelling itself did not support it. All the claimed benefits were created by improving access to the business area from Aylestone Road, but when the scheme operated as a link road the benefits were reduced. Additionally, whatever the authority claimed publicly, the Link Road scheme was inextricably linked to the further creation of the Evesham Road link – which the funding bid and early claims about the scheme made clear. This latter link does not appear in the draft Local Plan, and there is now little if any prospect of it being built. In this context the Putney Road link now makes no sense at all, and would be best reconsidered as a scheme simply to improve local access from Aylestone Road. This would be timely because although this link road should have been finished by now, work has not yet started. The need to close the right turn off Welford Road could then be re-assessed, and fully modelled.

As it stands, the fact of the matter is that the authority simply does not know what the wider consequences of the currently proposed change will be. To propose a significant change to this road network without any developed understanding of the consequences is both negligent and reckless. It is negligent to proceed without additional modelling when it is crystal clear that the original modelling is deficient, and this latest proposed change has not been modelled at all. It is reckless to make this change without any idea of what the consequences will be. The risk, to the local road network and to wider policies to do with traffic and pollution, is high, and should not be taken.

5.2 Officers Response

Thank you for your email dated 28th February 2020. You have raised an objection to the proposed Traffic Regulation Order (TRO) that looks to introduce a right turn prohibition from Welford Road into Putney Road. Having read through your comments and after speaking with colleagues, I understand that you have previously had discussions with officers over the planning applications and highway matters for this area. I would like to take this opportunity to try and resolve your concerns.

In summary, your principal concerns are about the proposed right turn ban as a solution to potential congestion, the redistribution of traffic resulting from it and the modelling of the Welford Road/Putney Road junction.

The Highway Authority had reviewed the traffic data and agreed that a TRO should be required with regards to the implementation of a right turn prohibition. When reviewing objections, consideration can only be given to the proposed restriction as advertised.

You will be aware that The University of Leicester scheme was approved at the Planning and Development Control Committee on 3rd April 2019. The committee report covered the right turn ban and included an extensive section on the modelling

of the Welford Rd/Putney Road junction. This modelling also took full account of the Putney Road improvements. Detailed discussion on these issues also took place during the committee meeting before the scheme was approved.

The right turn prohibition is intended to alleviate delay on morning inbound traffic flow and not negatively impact on the evening outbound flow. Traffic redistributed from the proposed right turn prohibition was noted as not likely to be significant and the similar distances and timing of using the alternative routes are comparable.

I hope that this has answered your concerns. If you are satisfied and you would like to withdraw your objection, could you please let me know, either at the email address listed at the top of the letter or the Council's postal address shown at the bottom of the letter. If you would like to meet relevant officers to discuss this matter further prior to the committee meeting noted below, please contact the City Highways Director, Martin Fletcher on 0116 454 4965 or by email: martin.fletcher@leicester.gov.uk

If I do not hear from you by the 20th March 2020, I will assume that you would like your objection to stand. Should this be the case, it is our intention to present an Objectors Report to the Planning and Development Control Committee on 8th April 2020, before being sent to the Director of Planning, Development and Transportation for his final decision.

OBJECTION FROM OBJECTOR 'F' – DATED 28/02/20

6.1 Objector 'F' sent in these comments:

I would like to register my objection to this proposal.

I understand some of my constituents are planning to submit much more detailed objections but my reason for objection is as follows.

The fundamental flaw in this proposal is that it is being considered apparently in complete isolation to other developments which are coming up in the area i.e. the plan to open up Putney Road to through traffic. If the right hand turn prohibition were merely to help facilitate the new development of Leicester University and the car park contained within, then there is currently probably enough capacity around the site for traffic to switch from using the right hand turn at Welford Road to using Counting House Road and Freemans Common Road as they are both not operating at capacity at the moment. What this proposal does not acknowledge is that the opening up of Putney Road, combined with this proposal, combined with the Leicester University development has potential impacts which have not been properly modelled and are, therefore, not fully understood.

The best analogy is this right hand turn prohibition is putting a sticking plaster on a deep wound (but the wound hasn't happened yet). This is largely due to the fact that there is no understanding of the traffic volume effects of opening up Putney Road. If it doesn't attract traffic then it is a huge waste of money, if it does attract traffic volumes then the unintended consequences are not understood and this right hand turn prohibition could just lead to drivers making up their own routes to spin around and rat run including coming through residential streets in Clarendon Park and Knighton Fields.

For these reasons I wish to submit my objections and be registered as an objector to this traffic regulation order.

6.2 Officers Response

Thank you for your email dated 28th February 2020. You have raised an objection to the proposed Traffic Regulation Order (TRO) that looks to introduce a right turn prohibition from Welford Road into Putney Road. Having read through your comments and after speaking with colleagues, I understand that you have previously had discussions with officers over the planning applications and highway matters for this area. I would like to take this opportunity to try and resolve your concerns.

In summary your objection concerns the proposed right turn ban which you consider is being proposed as a solution to traffic problems that could result from the Putney Road scheme and that you think it is being considered in isolation to that scheme.

The Highway Authority had reviewed the traffic data and agreed that a TRO should be required with regards to the implementation of a right turn prohibition. When reviewing objections, consideration can only be given to the proposed restriction as advertised.

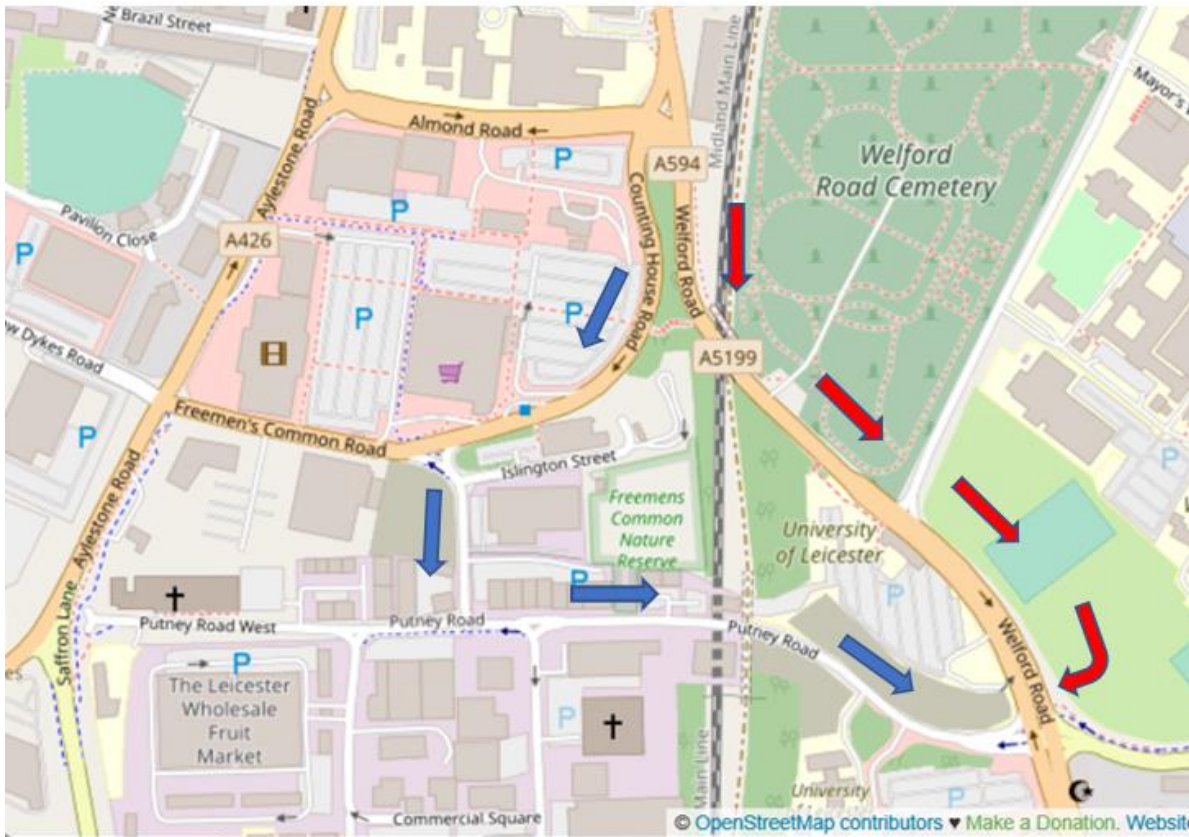
You will be aware that The University of Leicester scheme was approved at the Planning and Development Control Committee on 3rd April 2019. The committee report covered the right turn ban and included an extensive section on the modelling of the Welford Rd/Putney Road junction. This modelling also took full account of the Putney Road improvements. Detailed discussion on these issues also took place during the committee meeting before the scheme was approved.

The right turn prohibition is intended to alleviate delay on morning inbound traffic flow. Traffic redistributed from the proposed right turn prohibition was noted as not likely to be significant and the similar distances and timing of using the alternative routes are comparable.



I hope that this has answered your concerns. If you are satisfied and you would like to withdraw your objection, could you please let me know, either at the email address listed at the top of the letter or the Council's postal address shown at the bottom of the letter. If you would like to meet relevant officers to discuss this matter further prior to the committee meeting noted below, please contact the City Highways Director, Martin Fletcher on 0116 454 4965 or by email: martin.fletcher@leicester.gov.uk

If I do not hear from you by the 20th March 2020, I will assume that you would like your objection to stand. Should this be the case, it is our intention to present an Objectors Report to the Planning and Development Control Committee on 8th April 2020, before being sent to the Director of Planning, Development and Transportation for his final decision.

APPENDIX D – ALTERNATIVE ROUTE PLAN & RESULTS SUMMARY



KEY:

 - right-turn route;  - alternative route

Junction	Junction Reserve Capacity (%)				Notes
	AM		PM		
	Before	After	Before	After	
Welford Rd / Counting House Rd	+2.0	- 4.1*	+7.9	+8.6	* queue length increased. by approx. 4 vehicles
Counting House Rd / Freemens Common Rd	+60.2	+33.6	+58.8	+32.5	Significant reserve capacity in junction

In summary, the results demonstrate the alternative route can accommodate the displaced right turn traffic with minimal impact on existing network performance.

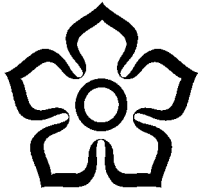
Extract from Highway Authority Comments on Planning Application.

The extract below makes specific reference to the alternative route using Counting House Rd:

Proposal to Prohibit the Right Turn From Welford Road to Putney Road

The wider implications of the proposed Welford Road – Putney Road right-turn ban are considered below:

- i) The restriction impacts on a relatively small number of existing trips (60 pcu AM / 106 pcu PM)
- ii) an alternative route is available via Welford Road & Counting House Road
- iii) the travel time and distance for the alternative Counting House route are comparable to the Welford Road – Putney Road option (Via Putney Road: 3 mins / 800m; via Counting House Road: 3 mins / 900m)



Leicester
City Council

Wards:
See individual reports.

Planning & Development Control Committee

Date: 13th May 2020

REPORTS ON APPLICATIONS AND CONTRAVENTIONS

Report of the Director, Planning and Transportation

1 Introduction

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

2 Planning policy and guidance

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

3 Sustainability and environmental impact

- 3.1 The policies of the Local Plan and the LDF Core Strategy were the subject of a Sustainability Appraisal that contained the requirements of the Strategic Environmental Assessment (SEA) Directive 2001. Other Local Development Documents will be screened for their environmental impact at the start of preparation to determine whether an SEA is required. The sustainability implications material to each recommendation, including any Environmental Statement submitted with a planning application are examined in each report.
- 3.2 All applications for development falling within the remit of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 are screened to determine whether an environmental impact assessment is required.

- 3.3 The sustainability and environmental implications material to each recommendation, including any Environmental Statement submitted with a planning application are examined and detailed within each report.
- 3.4 Core Strategy Policy 2, addressing climate change and flood risk, sets out the planning approach to dealing with climate change. Saved Local Plan policies and adopted supplementary planning documents address specific aspects of climate change. These are included in individual reports where relevant.

4 Equalities and personal circumstances

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

5 Crime and disorder

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

6 Finance

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

7 Planning Obligations

- 7.1 Where impacts arise from proposed development the City Council can require developers to meet the cost of dealing with those impacts, such as increased demand for school places, through planning obligations. These must arise from the council's adopted planning policies, fairly and reasonably relate to the development and its impact and cannot be used to remedy existing inadequacies in services or facilities. The council must be able to produce evidence to justify the need for the contribution and its plans to invest them in the relevant infrastructure or service, and must have regard to the Community Infrastructure Levy Regulations 2010.
- 7.2 Planning obligations cannot make an otherwise unacceptable planning application acceptable.
- 7.3 Recommendations to secure planning obligations are included in relevant individual reports, however it should be noted however that the viability of a development can lead to obligations being waived. This will be reported upon within the report where relevant.

8 Legal

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

9 Background Papers

Individual planning applications are available for inspection on 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

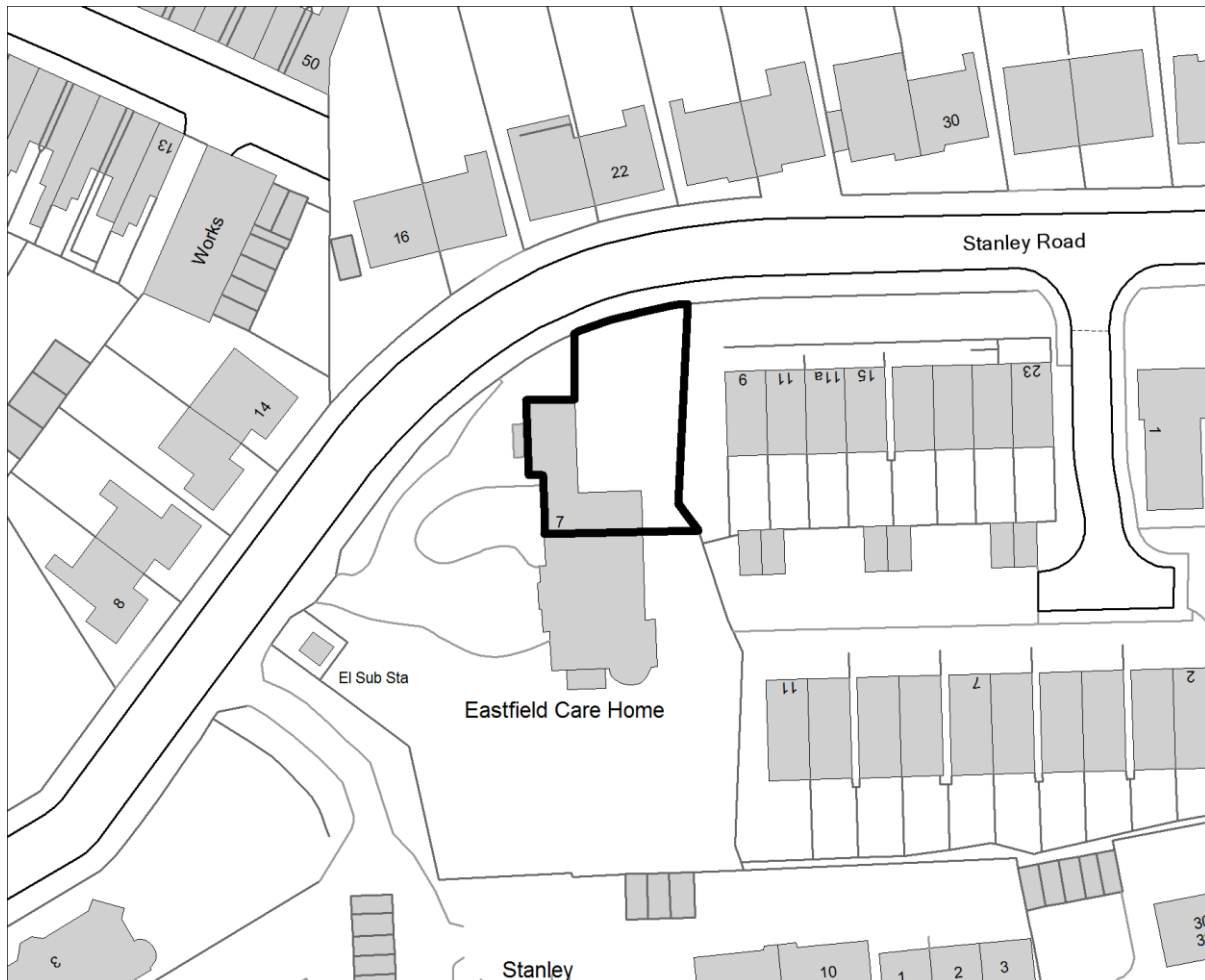
Consultations with other services and external organisations are referred to in individual reports.

11 Report Author

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

Appendix C1

Recommendation: Conditional approval	
20192435	7A Stanley Road
Proposal:	Change of use from care home (Class C2) to seven flats (5 x 1 bed, 2 x studio) (Class C3); Installation of boundary fence; Vehicular access (Amended plans received 23/4/2020)
Applicant:	Mr L Patel
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20192435
Expiry Date:	29 May 2020
ACB	WARD: Stoneygate



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Summary

- The application is being reported to committee due to the number of objections received
- 8 objections have been received on the grounds of the impact on the highway and they type of accommodation proposed.
- The main issues in this case are the principle of the proposed development; the integrity of the listed building; the character and appearance of the area; the

amenity and privacy of neighbouring occupiers; residential quality; the impact upon trees and sustainable drainage.

- The application is recommended for approval

The Site

The property was originally built as Eastfield Hall. It is a two and three storey grade II listed building. The building has been separated into two separate addresses. The original building, dating from 1844, has been attributed the address 7 Stanley Road, whilst a later wing on the north side of the original building has been attributed the address 7A Stanley Road. This application relates to the part now known as 7A Stanley Road.

The building was listed in March 2004. The listing describes the building as a large suburban house dating from 1844 with additions dating from 1876, 1888 and 1904. The listing concludes that *"This is a good quality suburban villa which has an interesting evolution from 1844 to 1904. It was built in 4 stages and 3 have left characteristic features both inside and out. The result is a large house of quality and character with many internal features surviving. It has been in institutional use since the war and the large wing added in the 1950s is not of special architectural interest"*.

There is a cast iron lamp standard with hexagonal lantern and ornamental domed cresting to the left of the front door of the part of the building which now forms 7 Stanley Road. This is also part of the listing.

The 1950s wing referred-to has since been demolished, and residential development now known as Barradale Court has been constructed in its place. Eastfield Hall was most recently used as a residential nursing home (Class C2). 7 Stanley Road is now in use as a private dwellinghouse whilst the application site was converted into 12 self-contained flats without planning permission. These are currently vacant.

The site is within the Stoneygate Conservation Area. There are a line of trees facing Stanley Road that are covered by a Tree Preservation Order.

The Stoneygate Conservation Area is subject to an Article 4 Direction that controls development that would otherwise be permitted under Classes A-H of Part 1 and Classes A & C of Part 2, as well as development under other Parts, of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, but only where the development would front a highway, waterway or open space. The order does not apply to the site because of its listing.

The site is surrounded by residential uses being a mix of houses and flats.

Background

In 1951 planning permission was granted for the erection of a three storey extension to Eastfield to provide additional hostel accommodation (76184).

In 1963 planning permission was granted for the provision of a fire escape to Eastfield Domestic Science College Hostel (001920).

In 2005 listed building consent was granted for the demolition of the 1951 accommodation block subject to a condition requiring the demolition not to be implemented until a planning application for the redevelopment of the affected part of the site had been approved (20041870).

Also in 2005, listed building consent was granted for the demolition of a part of the 1951 development linking the historic building to the accommodation block, subject to a condition requiring details of the reinstatement of the affected parts of the historic building and the accommodation block to be approved (20051869).

In 2006 planning permission was granted for a three storey block of seven self-contained flats (7 x 2 Bed) and seventeen houses (17 x 3 Bed) with associated parking and landscaping, and works to and removal of 2 TPO trees (20061565). This scheme was superseded by that the subject of application 20080217 (*see below*).

In 2007 conservation area consent was granted for the demolition of the 1951 accommodation block subject to a condition requiring the demolition not to be implemented until contracts were in place for the construction of the development approved by planning permission 20061565 (20071146).

In 2008 planning permission was granted for eighteen townhouses (18 x 3 Bed), six flats (6 x 2 Bed), a new vehicular access, parking and landscaping (20080217). This is the Barradale Court development.

There were subsequent applications for a non-material amendment to (20100477) and discharge conditions of (20100930) planning permission 20080217. These were approved.

In 2013 planning permission was granted for a change of use from halls of residence (no use class) to a residential nursing home (9 beds) (Class C2) (20130909).

Applications 20171649 and 20171650 for the change of use from a care home (Class C2) to a house (Class C3) (1 x 4 bedroom house) were approved for 7 Stanley Road (the latter reference relates to the listed building consent).

In 2017 planning application was refused for retrospective application for change of use from care home (Class C2) to 12 flats (9 x studio flats and 3 x 1 bedroom flats) (Class C3) (20171973) and the associated listed buildings consent for retrospective application for works to listed building to facilitate change of use from care home (Class C2) to 12 flats (9 x studio flats and 3 x 1 bedroom flats) (Class C3) (20171974) was also refused.

Planning applications 20180252 and 2018253 for the construction of a garage at rear of 7 Stanley Road were withdrawn (the latter application being the listed building consent).

In April 2019 planning application 20190270 and listed building consent application 20190721 for the change of use from a care home (Class C2) to 8 flats (5 x studio flats and 3 x one bedroom flats) (Class C3) were refused for the following reasons;

1. *The proposal would, by reason of (i) its harmful sub-division of space within the listed building, (ii) harmful removal of historic fabric from within the listed building and, (iii) introduction of harmful fabric into the listed building, would fail to retain its distinctive characteristics, and would not preserve the special interest, of this grade II listed building, contrary to paragraph 195 of the NPPF 2019, Policies CS08 and CS18 of the Leicester Core Strategy (2014).*

2. *The proposal, by reason of a cramped and over-intensive conversion of the available space and inadequate outlook from Flat 3, would not secure a satisfactorily living environment for all occupiers of the development, contrary to paragraph 127 of the NPPF 2019, Policy CS03 of the Leicester Core Strategy (2014) and saved Policy H07 of the Local Plan (2006).*
3. *The proposed cycle parking, by reason of its location, would have a detrimental impact on trees subject to a tree preservation order resulting in harm to the amenity value of the landscape character of the site contrary to paragraph 127 of the NPPF 2019, Core Strategy policy CS03 and saved policy UD06 of the City of Leicester Local Plan.*

Following refusal of these applications the site was sold to new owners who have been in pre application discussions with the Council over what could be done with the property. The application is a result of these discussions.

An accompanying application for listed building consent (20192436) for the works required to the building is also under consideration.

The Proposal

The application is for the change of use of 7a Stanley Road from a care home (Class C2) to 7 self-contained flats (5 x 1 bed, 2 x studio) (Class C3).

Flats 1, 2 and 3 would be on the ground floor. Flats 4 and 5 would be on the first floor and flats 6 and 7 would be on the second floor.

Amended plans have been received that show that the hardstanding to the rear would be replaced with gravel and that a parking area for 4 cars would be provided. Further a wall that has been constructed along the side of the building without consent would be demolished. The existing boundary fencing would be removed and replaced with metal fencing that would match the existing gates to number 7. A new metal gate would be installed to create a vehicle access to 7a and the gate would be set back 5 metres from the pavement. A wooden bin and cycle store would be provided on the boundary between 7 and 7a.

Policy Considerations

National Planning Policy Framework (NPPF) 2019

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

Paragraph 11 contains a presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with the development plan without delay. Paragraph 11 goes on to say that 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 have a five-year housing land supply and therefore the housing policies are out of date.

Paragraph 108 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.

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 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 163 of the NPPF advises that when determining planning applications local planning authorities should, inter alia, give priority to sustainable drainage systems unless there is clear evidence that this would be inappropriate.

Section 16 places and emphasis on the desirability to sustain and enhance significance of Heritage Assets. Paragraph 184 states that 'these assets (heritage assets) are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations'

Paragraph 192 requires local planning authorities to take into account the following:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 196 states that where development proposals of less than substantial harm to the significance of a designated Heritage Asset, this should be weighed against the wider public benefits of the proposal.

Paragraph 200 requires local planning authorities to look for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Development Plan policies

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

Most relevant Core strategy policies are CS3, CS8 and CS18 and Local plan policies are H07 and PS10.

Supplementary Planning Documents (SPD)

Residential Amenity SPD
Stoneygate Conservation Area Character Appraisal

Consultations

Waste Management – Details of the bin storage arrangements appear to be acceptable. No objections.

Private Sector Housing – Raised concerns with the layout of some of the flats.

Trees and Woodlands – No objections subject to conditions requiring no digging in root protection areas and these areas to be protected.

Highways – The proposed vehicle access is not wide enough to allow two cars to pass each other. The proposed 4 spaces would not meet the vehicle parking standards and no details of the cycle storage were provided. Following the amended plans being received highways have confirmed that they have no objections to the application.

Noise and Pollution Control – No objections subject to the provision of an insulation scheme to protect the flats and the adjoining dwelling from noise which can be secured by condition.

Local Lead Flood Authority – Requested measures to reduce the level of hardstanding and its replacement with permeable surfaces to reduce surface water runoff.

Representations

8 objections have been received. The grounds of objection are:

- The vehicle access is on a bend which would restrict visibility of oncoming cars especially considering the level of on street parking in the area.
- Four parking spaces would be inadequate for the 7 flats.
- Concerns over who will deal with bins.
- Concerns over the future users of the property given the recent unauthorised use for short term lets.
- Proposal does not fit with the historic nature of the building.
- Future maintenance of the building.

- Wall was built without consent which does not inspire confidence in the owners understanding of the building.
- Proposed access is too small for emergency vehicles.
- Impact on pedestrians due to lack of visibility.

Stoneygate Conservation Area Society raised concerns as to a lack of information as to how the lost internal features from the unauthorised conversion will be reinstated but were broadly supportive of the proposal.

Consideration

The main issues in this case are the principle of the proposed development; the integrity of the listed building; the character & appearance of the conservation area; the amenity and privacy of neighbouring occupiers; residential quality; access and parking; the impact upon trees; and sustainable drainage.

Principle of development

Policy CS06 of the Leicester Core Strategy sets out the housing policies for the city. Whilst seeking to meet the needs of specific groups including elderly people the policy does not resist the loss of care home facilities. The policy further seeks to meet the city's housing requirements through small housing infill and conversion schemes to support the development of sustainable communities and seeks to secure an appropriate mix of housing to meet the city's requirements.

Policy CS08 of the Leicester Core Strategy seeks to deliver 3,350 dwellings in the City's suburbs over the plan period. It goes on to state that in areas of high architectural quality or significant local distinctiveness, such as in Stoneygate Conservation Area, the Council will seek to ensure that the distinctive characteristics of existing properties are retained and that any new development is sympathetic to its specific location.

Given these policies I consider that there is no objection to the loss of the care home and that a sensitive conversion of the building to flats within the existing suburban neighbourhood would be in accordance with policies CS06 and CS08 of the Leicester Core Strategy.

Impact on listed building

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest. Policy CS18 of the Leicester Core Strategy (2014) commits the Council to protect and seek opportunities to enhance the historic environment including the character and setting of designated heritage assets.

The unauthorised conversion of the building to 12 flats has resulted in significant loss of a number of historic features within the building. The proposed conversion to 7 flats seeks to rectify much of the loss. The proposed flat 1 would be located in the former garage to the property and its design as a studio flat would recreate the

singular space that this area once was. Flat 2 would result in two original doors no longer being in use however these would remain in place and be locked shut. Flat 3 does not have any impact on historic features and a wall that is proposed to be removed is not an original feature. Flat 4 would be located in the former billiards room on the first floor. This area has suffered from the loss of distinctive radiator covers and columns and screens. The submitted plans show that these would be reinstated, however no details have been submitted as to how this would be achieved. The applicants have advised that they are seeking to establish the principle of the layout at this stage and I therefore consider that the finer detail of how the historic features would be reinstated can be dealt with through a condition. Flat 4 would also bring a fireplace that is currently in a corridor back into a habitable room. Flat 5 would result in a new opening being created through an original wall, however this could be reversed in the future if necessary. Flat 6 would be on the second floor and would remove an unauthorised opening from the corridor. Flat 7 would also be on the second floor and would alter a quirky bathroom layout created through the unauthorised flat.

In all of the flats any secondary UPVC glazing that was installed through the unauthorised conversion would also be removed. On the outside of the building redundant pipework would be removed, whilst it is also proposed to replace unauthorised plastic pipework with cast iron pipework to match the originals. Again, full details of how this will be achieved and any resulting damage repaired have not been provided, however I consider that this can be secured by condition.

I consider that the proposal will enable a sensitive re-use of the high quality building and would reinstate the features lost in the unauthorised conversion. I therefore consider that the proposal is in accordance with policy CS18 of the Leicester Core Strategy.

Impact on the conservation area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. As noted above, Policy CS18 of the Leicester Core Strategy commits the Council to protect and seek opportunities to enhance the historic environment, and to support the sensitive reuse of high-quality buildings and spaces.

The Stoneygate Conservation Area Character Appraisal acknowledges the pressure for change generated by the sale of former student halls of residence (of which the site is one) and other large buildings (paragraphs 4.67 and 4.68). At Appendix 3, the document sets out some management proposals for the area including the use of [planning] powers to encourage good design.

The proposal would involve the removal of some plastic pipes that were installed with the unauthorised flats and would therefore have some positive impact on the appearance of the conservation area.

The proposal also involves the removal of an unauthorised set of gates and a wall and the installation of replacement boundary treatment in the form of metal fencing which would match the boundary treatment currently in place at 7 Stanley Road. The

proposed bin and cycle store would be located to the rear of the site and would be constructed from timber. I therefore consider that the proposal would enhance the character and appearance of the Stoneygate Conservation Area and be in accordance with policy CS18 of the Leicester Core Strategy.

Living conditions (The proposal)

Policy CS03 of the Leicester Core Strategy (2014) requires proposals to create buildings and spaces that are fit for purpose and meet the highest standards of accessibility and inclusion. Policy CS06 seeks to ensure that all new housing units are, where feasible, designed to 'Lifetime Homes' standards. The amenity factors set out at saved Policy PS10 of the Local Plan (2006) apply to the future occupiers of proposed development as well as to the occupiers of existing neighbouring property. Saved Policy H07 states that planning permission for the conversion of existing buildings to flats will be granted provided that the proposal is satisfactory in respect of, *inter alia*, the creation of a satisfactory living environment and the provision where practicable of garden or communal open space.

Appendix E of the Council's Residential Amenity SPD (2008) recommends amenity space provision of 1.5 square metres per flat for one-bedroom flats.

The City Council has recently adopted informal guidance on achieving well designed homes. Page 9 of the guidance states the following;

Although there are other material considerations, it is **unlikely that planning permission would be given for housing that does not provide a good quality of accommodation**. This is in line with the existing planning policy context set out in Appendix 4.

Whilst we move towards the adoption of new local plan policies, **the importance of good quality accommodation proposed in planning applications will be measured against the following criteria**. They combine to give an indication of the level of quality and residential amenity of the scheme:

1. The number of small units proposed as a proportion of the development
2. The nature of the mix and nature of units e.g. numbers of bedrooms, tenure (social, affordable, intermediate), type (ownership, rent, co-operative), occupancy (student, family, old persons)
3. Whether or not a unit layout provides enough space for day to day living for the proposed occupants resulting in an unacceptable impact on residential amenity
 - the degree to which some or all of the units are particularly small bearing in mind the context of the NDSS
 - The overall layout, in terms of the access to the property
 - Circulation inside dwellings, including the extent of compliance with national accessibility standards
 - Access to both internal and external shared amenity areas, this will be particularly important in larger schemes and those with significant communal areas
 - Adequate provision of and access to both bin stores and bike stores
 - The availability and functionality of on-site communal space and provision of balconies or other available external space which might mitigate the amenity impacts
4. The quality of proposed privacy, light and outlook of each unit

5. The proposed management arrangements
6. The availability of nearby amenities such as parks/other public spaces and day to day facilities
7. Sustainability of location in terms of transport (promote the use of public transport, cycling and walking and to secure provision of adequate parking)

A schedule of the proposed accommodation was provided in the Design and Access statement and is reproduced below;

Unit No	Level	Type	No of Persons	Accommodation	Area sq. m.
1	Ground	Studio	1 person	Combined bedroom/kitchen/living area En- suite bathroom	30.89
2	Ground	Flat	1 person	1X single bedroom Kitchen/Living, Room; Bathroom	30.50
3	Ground	Studio	1 person	Combined bedroom/kitchen/living area En- suite bathroom	21.88
4	First	Flat	2 persons	1 X double bedroom Kitchen/Living, Room; Bathroom	82.30
5	First	Flat	2 persons	1X double bedroom; kitchen; lounge; Bathroom	42.40
6	Second	Flat	1 person	1X single bedroom Kitchen/Living, Room; Bathroom	43.58
7	Second	Flat	1 person	1X single bedroom Kitchen/Living, Room; Bathroom	32.65

Of the flats proposed the only significantly small flat is Flat 3. This is located in a wing of the building that is separated by the rest of it by changes in levels and could not be increased in size without the provision of an extension which would compromise other elements of the building.

In terms of the mix of units it would be difficult given the constraints of the building to provide anything other than one bedroom or studio flats. I note the objections from residents relating to the previous unauthorised use for short term lettings and the applicants have indicated that this will not be the case. I consider that a scheme for the management of the flats would be required given the lack of detail on this element in the application.

In terms of day to day living space, I consider that all of the units have enough space for the occupant requirements in the context of the scheme and informal guidance.

Furniture layouts have not been provided however, there appears to be enough space for a reasonable amount of furniture to be placed even in the studio units.

In terms of amenity areas, the site has an outside space of 450 square metres which although it would also be used for car parking and the cycle and bin store would significantly exceed the requirement of 10.5 square metres. I therefore consider that the site does have sufficient outdoor amenity space for the number of units proposed.

Details of a bin and bike store have been provided that appear to be sufficient for the needs of the residents. I attach a condition to require them to be installed and retained.

In terms of light and outlook Flat 1 would have high level windows to the front and rear. This flat was proposed to have 2 new windows to the side elevation, however it was considered that these would have involved too much intrusion into the historic fabric of the building and amended plans have been received showing that these will not be installed. Whilst the outlook for occupiers of this unit will not be ideal, I consider that the benefits of reuse of the building outweigh any harm to future occupiers of this flat. The rest of the flats all provide a good level of light and outlook.

No details of the management arrangements for the building have been submitted and I attach a condition to require a scheme to be submitted.

The Noise and Pollution Control Team have raised concern about noise transfer between the existing house at 7 Stanley Road as there appears to be some overlap between the house and the proposed flats and they recommend a sound insulation scheme. I therefore attach a condition to require this.

I therefore consider that subject to conditions the development would provide a good standard of residential amenity for the future occupiers and would not be contrary to saved policies H07 and PS10 of the City of Leicester Local Plan.

Residential amenity (neighbouring properties)

Policy CS03 of the Leicester Core Strategy 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 the visual quality of the area, privacy, and the ability of the area to assimilate development.

Section 3 of the Council's Residential Amenity SPD (2008) includes privacy and outlook standards. These standards call for 15 metres between a principal room window and a blank wall and 21 metres between facing principal room windows.

The nearest residential properties are to the east of the site on Barradale Court and opposite on Stanley Road. The proposal does not involve the construction of any new buildings or the installation of new windows and I therefore do not consider that there would be any adverse impact in terms of loss of privacy or loss of light and outlook to these properties.

Some objectors have raised concerns over the potential short term let use of the property as it was used for in the unauthorised conversion. The application is for residential flats and although they are unlikely to be able to be sold to individuals the applicant has indicated that they will be rented on a longer term basis. Details of the rental arrangements could be included in the management plan for the building.

I therefore consider that the proposal is in accordance with policy CS03 of the Leicester Core Strategy and would not be contrary to policy PS10 of the City of Leicester Local Plan.

Highways and Parking

Policy CS15 of the Leicester Core Strategy (2014) seeks high quality cycle parking to encourage a modal shift away from the car. Saved Policies AM01 and AM02 of the Local Plan (2006) state that planning permission for development will only be granted where the needs of pedestrians, people with disabilities and cyclists have been successfully incorporated into the design. Policy AM12 gives effect to the Council's published parking standards which are in Appendix 1 of the City of Leicester Local Plan.

Stanley Road does not have any parking restrictions and is within walking distance of the city centre. As such it is used for commuter parking in the daytime. The site is on a bend in the road and objectors have raised concerns that vehicles leaving the site will not be able to see oncoming vehicles or pedestrians. The proposed plans show that the existing unauthorised access gates would be removed and replaced with a metal gate which would be set back from the footpath by 5 metres, this would also have metal fencing around it with visibility through the posts. At present there is no dropped kerb to the proposed access. The plans show that a dropped kerb would be installed and I therefore attach a condition in relation to the street works being satisfactory.

The parking standards in Appendix 1 of the Local Plan require 1 parking space per flat. The proposal provides 4 parking spaces so there is a shortfall of three spaces. In this case, I consider that the site is within walking distance of London Road which is a well-served bus route and the site is therefore in a sustainable location where a reduced level of parking is considered to be acceptable.

A cycle store for 8 bicycles would be located to the rear of the site. The details of this appear to be acceptable and I attach a condition to require it to be installed before occupation.

A travel pack for the occupiers of the development has been provided and is considered to be acceptable. I therefore recommend a condition to require it to be provided to the new occupiers.

I therefore consider that subject to the conditions above the proposal would not result in significant harm to highway safety to justify refusal and that the proposal is in accordance with policy CS15 of the Leicester Core Strategy and is not contrary to saved policy AM12 of the City of Leicester Local Plan.

Drainage

Policy CS02 of the Leicester Core Strategy (2014) states that development should aim to limit surface water run-off by attenuation within the site.

The site is within a critical drainage area. The LLFA suggested a number of measures that could be included to reduce surface water runoff and the amended plans include a proposal to remove the impermeable tarmac from the rear yard and install permeable pea gravel. I therefore consider that this will meet the requirement to reduce water runoff and that subject to a condition requiring the installation the proposal it is in accordance with policy CS2 of the Leicester Core Strategy.

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 trees on the boundary of the site with Stanley Road, which are a mix of lime, Scots pine, Yew and Sycamore trees, are covered by a Tree Preservation Order. An arboricultural impact assessment has been submitted with the application which states that the proposal will not require any trees to be felled. The assessment further states that the excavations to install the fence posts will require little intervention and as these areas are already covered by hard standing further work is unlikely to damage the trees. The assessment does state that this work should be carried out using hand tools only. The same recommendations apply to the necessary works to improve the vehicle access.

The Trees and Woodlands officer has advised that the findings of the assessment are acceptable and I therefore consider that subject to conditions relating to the use of no dig methods and protecting root protection areas, the proposal would not harm the protected trees and would not be contrary to saved policy UD06 of the City of Leicester Local Plan.

Conclusion

In conclusion I consider that the proposal has overcome the reasons for the refusal of the previous application and would provide a sensitive reuse of the Grade II listed building while providing a good standard of accommodation. I therefore consider that the proposal is in accordance with planning policy.

I recommend that this application is APPROVED subject to the following conditions.

CONDITIONS

1. START WITHIN THREE YEARS

2. Prior to the first occupation of any flat, an insulation scheme to prevent the transmission of noise to, between the flats and adjoining property 7 Stanley Road shall be carried out in accordance with the written details which shall first have been submitted to and approved by the City Council as local planning authority. (In the interests of the future occupiers of the development and in accordance with saved policies PS10 and PS11 of the City of Leicester Local Plan)
3. No flat shall be occupied until a Management Plan for all residents (to include the control of future maintenance of the building and the external amenity areas and details of the rental arrangements for the building) has been implemented in accordance with details first submitted to and approved in writing by the local planning authority. (In the interests of the amenity of neighbouring residents, the wellbeing of residents of this scheme and the protection of the heritage asset and in accordance with policy CS18 of the Leicester Core Strategy.)
4. No part of the development shall be occupied until secure and covered cycle parking has been provided and retained thereafter, in accordance with written show on drawing number KMC-1508-12 rev PP-2 received by the City Council as local planning authority on 27 March 2020. (In the interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan).
5. Prior to the first occupation of each unit, the occupiers of each of the dwellings shall be provided with the 'Residents Travel Pack' as submitted to the City Council as local planning authority on 11 March 2020. (In the interest of promoting sustainable development, and in accordance with policy AM02 of the City of Leicester Local Plan and policy CS14 of the Core Strategy)
6. Before the occupation of any part of the development, all parking areas shall be surfaced and marked out in accordance with details shown on approved plan KMC-1508-10 rev PP2, and shall be retained for parking and not used for any other purpose. (To ensure that parking can take place in a satisfactory manner, and in accordance with saved policy AM12 of the City of Leicester Local Plan and Core Strategy policy CS3.)
7. No part of the development shall be occupied until the sight lines on each side of each vehicular access have been provided as shown on approved plan KMC-1508-10 rev PP2, 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 CS3.)
8. No part of the development shall be occupied until the Sustainable Drainage System (SuDS) involving the removal of the tarmac in the rear yard and installation of pea gravel for the site has been completed in accordance with the approved details and the development shall be retained as such. (To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy.)

9. All trees on the site subject to a Tree Preservation Order shall be protected from damage during building operations, in accordance with the written details which shall first have been submitted to and approved by the City Council as local planning authority. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)
10. Works required to construct the access to the parking area for the site shall be carried out with the use of hand tools only (In the interests of amenity of the protected trees, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)
11. This consent shall relate solely to the amended plans ref. no. KMC-1508-1-11 rev PP2 received by the City Council as local planning authority on 23 April 2020 (For the avoidance of doubt.)

NOTES FOR APPLICANT

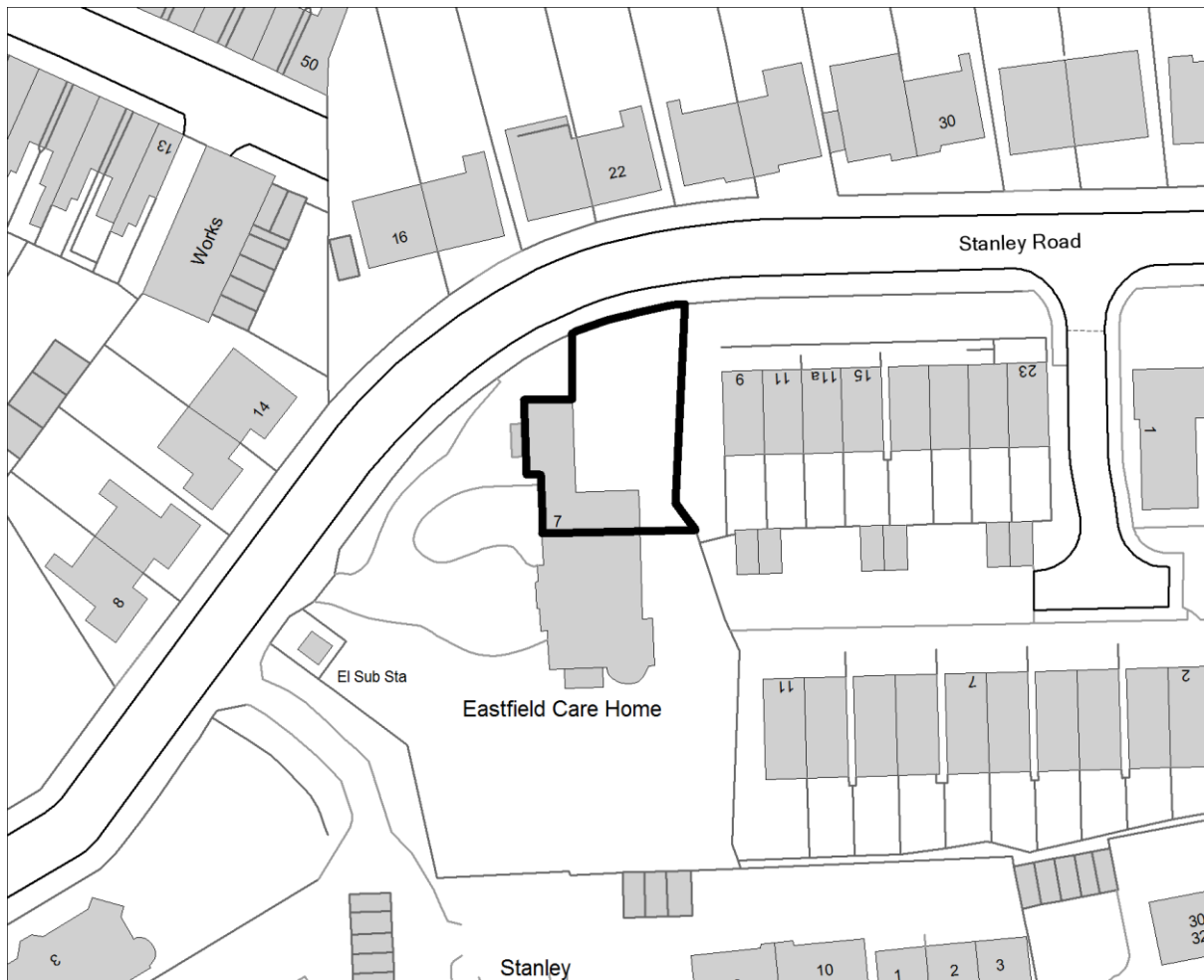
1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process (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.
2. You are advised that this planning permission cannot be implemented unless and until you have received the necessary corresponding Listed Building Consent.

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_H07	Criteria for the development of new flats and the conversion of existing buildings to self-contained flats.
2006_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
2014_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_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_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.

Recommendation: Conditional approval	
20192436	7A Stanley Road
Proposal:	Internal alterations to Grade II listed building to facilitate change of use from care home to 7 flats
Applicant:	Mr L Patel
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20192436
Expiry Date:	29 May 2020
ACB	WARD: Stoneygate



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Summary

- The application is being reported to committee due to the number of objections received to this and the accompanying development application.
- 3 objections to this application have been received, 8 have been received to the development application which is also being reported to your committee.
- The issue is the impact on the listed building.
- The application is recommended for approval.

The Site

The property was originally built as Eastfield Hall. It is a two and three storey grade II listed building. The building has been separated into two separate addresses. The original building, dating from 1844, has been attributed the address 7 Stanley Road, whilst a later wing on the north side of the original building has been attributed the address 7A Stanley Road. This application relates to the part now known as 7A Stanley Road.

The building was listed in March 2004. The listing describes the building as a large suburban house dating from 1844 with additions dating from 1876, 1888 and 1904. The listing concludes that "This is a good quality suburban villa which has an interesting evolution from 1844 to 1904. It was built in 4 stages and 3 have left characteristic features both inside and out. The result is a large house of quality and character with many internal features surviving. It has been in institutional use since the war and the large wing added in the 1950s is not of special architectural interest".

There is a cast iron lamp standard with hexagonal lantern and ornamental domed cresting to the left of the front door of the part of the building which now forms 7 Stanley Road. This is also part of the listing.

The 1950s wing referred-to has since been demolished, and residential development now known as Barradale Court has been constructed in its place. Eastfield Hall was most recently used as a residential nursing home (Class C2). 7 Stanley Road is now in use as a private dwellinghouse whilst the application site was converted into 12 self-contained flats without planning permission. These are currently vacant.

The site is within the Stoneygate Conservation Area. There are a line of trees facing Stanley Road that are covered by a Tree Preservation Order.

The Stoneygate Conservation Area is subject to an Article 4 Direction that controls development that would otherwise be permitted under Classes A-H of Part 1 and Classes A & C of Part 2, as well as development under other Parts, of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, but only where the development would front a highway, waterway or open space. The order does not apply to the site because of its listing.

The site is surrounded by residential uses being a mix of houses and flats.

Background

In 1951 planning permission was granted for the erection of a three storey extension to Eastfield to provide additional hostel accommodation (76184).

In 1963 planning permission was granted for the provision of a fire escape to Eastfield Domestic Science College Hostel (001920).

In 2005 listed building consent was granted for the demolition of the 1951 accommodation block subject to a condition requiring the demolition not to be

implemented until a planning application for the redevelopment of the affected part of the site had been approved (20041870).

Also in 2005, listed building consent was granted for the demolition of a part of the 1951 development linking the historic building to the accommodation block, subject to a condition requiring details of the reinstatement of the affected parts of the historic building and the accommodation block to be approved (20051869).

In 2006 planning permission was granted for a three storey block of seven self-contained flats (7 x 2 Bed) and seventeen houses (17 x 3 Bed) with associated parking and landscaping, and works to and removal of 2 TPO trees (20061565). This scheme was superseded by that the subject of application 20080217 (see below).

In 2007 conservation area consent was granted for the demolition of the 1951 accommodation block subject to a condition requiring the demolition not to be implemented until contracts were in place for the construction of the development approved by planning permission 20061565 (20071146).

In 2008 planning permission was granted for eighteen townhouses (18 x 3 Bed), six flats (6 x 2 Bed), a new vehicular access, parking and landscaping (20080217). This is the Barradale Court development.

There were subsequent applications for a non-material amendment to (20100477) and discharge conditions of (20100930) planning permission 20080217. These were approved.

In 2013 planning permission was granted for a change of use from halls of residence (no use class) to a residential nursing home (9 beds) (Class C2) (20130909).

Applications 20171649 and 20171650 for the change of use from a care home (Class C2) to a house (Class C3) (1 x 4 bedroom house) were approved for 7 Stanley Road (the latter reference relates to the listed building consent).

In 2017 planning application was refused for retrospective application for change of use from care home (Class C2) to 12 flats (9 x studio flats and 3 x 1 bedroom flats) (Class C3) (amended plans received 01/11/2017) (20171973) and the associated listed buildings consent for retrospective application for works to listed building to facilitate change of use from care home (Class C2) to 12 flats (9 x studio flats and 3 x 1 bedroom flats) (Class C3) (amended plans received 01/11/2017) (20171974) was also refused.

Planning applications 20180252 and 2018253 for the construction of a garage at rear of 7 Stanley Road were withdrawn (the latter application being the listed building consent).

In April 2019 planning application 20190270 and listed building consent application 20190721 for the change of use from a care home (Class C2) to 8 flats (5 x studio flats and 3 x one bedroom flats) (Class C3) were refused for the following reasons;

1. The proposal would, by reason of (i) its harmful sub-division of space within the listed building, (ii) harmful removal of historic fabric from within the listed building and, (iii) introduction of harmful fabric into the listed building, would fail to retain its distinctive characteristics, and would not preserve the special interest, of this grade II listed building, contrary to paragraph 195 of the NPPF 2019, Policies CS08 and CS18 of the Leicester Core Strategy (2014).
2. The proposal, by reason of a cramped and over-intensive conversion of the available space and inadequate outlook from Flat 3, would not secure a satisfactorily living environment for all occupiers of the development, contrary to paragraph 127 of the NPPF 2019, Policy CS03 of the Leicester Core Strategy (2014) and saved Policy H07 of the Local Plan (2006).
3. The proposed cycle parking, by reason of its location, would have a detrimental impact on trees subject to a tree preservation order resulting in harm to the amenity value of the landscape character of the site contrary to paragraph 127 of the NPPF 2019, Core Strategy policy CS03 and saved policy UD06 of the City of Leicester Local Plan.

Following refusal of these applications the site was sold to new owners who have been in pre application discussions with the Council over what could be done with the property. The application is a result of these discussions.

An accompanying application (20192435) for the change of use of the building from a care home to 7 flats is also under consideration.

The Proposal

The application is for listed building consent to allow for internal and external works to change the use of the building from a care home (Class C2) to 7 self-contained flats. The internal alterations would involve some sub-division of rooms and the external alterations would involve the installation of some pipework.

A Design and Access and Heritage Statement has been submitted with the application. This has been amended during the course of the application and gives a broad description of the works that would be carried out but does not give specific details of them.

Policy Considerations

National Planning Policy Framework (NPPF)

Section 16 places and emphasis on the desirability to sustain and enhance significance of Heritage Assets. Paragraph 184 states that 'these assets (heritage assets) are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations'

Paragraph 192 requires local planning authorities to take into account the following:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 196 states that where development proposals of less than substantial harm to the significance of a designated Heritage Asset, this should be weighed against the wider public benefits of the proposal

Paragraph 200 requires local planning authorities to look for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Development Plan policies

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

Most relevant Core strategy policy is CS18

Representations

3 objections have been received that specifically refer to this application. The grounds of objection are;

- Dividing the property into individual residential units will not fit with the historical nature of the building and is not appropriate for it.
- The divided units could not be sold to new owners and there are no details about the future management of the building.
- Owner has already carried out works to build a wall without consent.
- Concerns over the future use of the building.

Consideration

As a listed building consent application, the only consideration in this case is the impact of the works upon the special architectural and historic interest of the listed building.

Listed Building

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest. Policy CS18 of the Leicester Core Strategy (2014) commits the Council to protect and seek opportunities to enhance the historic environment including the character and setting of designated heritage assets.

The existing plans that have been submitted show the building in its current state which is the result of works that have been carried out without planning permission or listed building consent. The authorised layout is that approved in 2013 under application 20130909 to allow the building to be used as a care home.

Flat 1 would be located in the former garage and would be open plan to reflect the open nature of the garage, the garage doors would be retained and the windows in the top of these would be utilised to provide light. The proposal as originally submitted included windows in the side elevation, but these have been removed. The high-level windows to the rear of the garage would be retained. I consider that this flat would retain the character and layout of the building.

Flat 2 would be within a previously divided part of the garage and the former laundry room and kitchen. Due to ground level differences a set of stairs would need to be installed between the kitchen and bedroom with a new opening created. Whilst this would result in the loss of part of an original wall I consider that this would cause less than substantial harm to the listed building.

Flat 3 would be within a former bathroom. The bathroom features were not of any historical significance and the layout is open plan to reflect the former layout. I consider that this would not cause less than substantial harm to the listed building.

Flat 4 would be on the first floor in the former activity and billiards room and also a former storage room. This area suffered the most damage from the unauthorised works and the plans show that it would be reinstated to its open layout with the storage room providing the bedroom. The plans also show that columns and radiators and their covers that were lost in the flat conversion would be reinstated, however the plans do not provide any details as to how this would be achieved. The agent has advised that the details are not yet available as this has not been fully investigated. I consider that these details are important and recommend a condition to require them to be submitted before commencement of the development. Subject to this I consider that the proposal would reinstate these important features of the building and rectify some of the harm caused.

Flat 5 would be to the rear of the first floor and would be in two former bedrooms. These would be connected by forming an opening in the original wall that separated the two rooms, however a previous non original opening would be blocked off and I consider that the proposal would result in less than substantial harm to the listed building.

Flat 6 would be located in part of the former staff accommodation on the second floor. This part of the proposal would not disturb any of the historic fabric of the building and given that the second floor was already used as accommodation I do not consider that this will result in substantial harm to the listed building.

Flat 7 would be located in the other part of the former staff accommodation on the second floor. A stud wall which was installed as part of the unauthorised works would be retained in the area to be used as the kitchen, however this could be removed in future if required. I therefore consider that this part of the proposal would not result in substantial harm to the listed building to justify refusal.

The external works to the building involve the removal of pipework that was installed as part of the unauthorised works and the replacement of some plastic pipework that was also installed as part of the unauthorised works with cast iron pipework to match the rest of the building. The full details of how this will be carried out have not been

submitted and I therefore recommend a condition to require these to be submitted before commencement of the work.

The existing boundary fencing is in a poor condition and is proposed to be replaced with railings to match the boundary treatment on 7 Stanley Road. I consider that this would be appropriate and would enhance the setting of the listed building.

The bin and cycle stores are proposed to be constructed from timber and would be located to the rear of the building where their impact is considered to be acceptable.

Other matters

With regard to the wall that has been constructed, this was carried out by the current applicant to divide the land surrounding the two buildings. The plans and statements confirm that this will be demolished.

The property was previously used as short term accommodation which did result in concerns from local residents. This was done by a previous owner and the applicant has advised that it is their intention to rent the flats on a longer term basis. Details of the management of this have not been submitted, however a condition is recommended on the change of use application to require one to be submitted.

In relation to the objection about the sub-division of the building being not in accordance with the buildings history I consider that its last authorised use was as a care home which had multiple residents and the proposal to convert it to flats would continue the later history of the building.

Conclusion

In conclusion I consider that the proposal would not cause substantial harm to the listed building to justify refusal and would go some way to rectifying the damage caused by the unauthorised works.

I recommend that this application is APPROVED subject to the following conditions.

CONDITIONS

1. START WITHIN THREE YEARS - LB CONSENT OR CA CONSENT
2. Prior to the commencement of the development, a full internal schedule of works shall be submitted to and approved in writing by the City Council as local planning authority. This shall include:
 - i) a room-by-room schedule confirming the extent of repair and alteration works to all walls, floors, ceilings and historic features
 - ii) floorplans confirming the location and method of installation of all new plumbing, pipework and electrical wiring
 - iii) detailed drawings of reinstated joinery
 - iv) details of the location and methodology of any fire protection and acoustic separation works
 - v) type of construction and method of installation of all new stud partition walls.

(To ensure the details of the internal works are satisfactory and in accordance with policy CS18 of the Leicester Core Strategy and paragraphs 194 and 200 of the National Planning Policy Framework 2019 To ensure that the details

are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition)

3. Prior to the commencement of development, further details confirming the extent of external repair / alteration works shall be submitted to and approved in writing by the City Council as local planning authority. This shall include:
 - i) Sample of new cast iron rainwater goods
 - ii) methodology of repair to reinstated masonry/mortar where rainwater goods are to be removed.(To ensure that the details are satisfactory and in the interests of the protection of the listed building, in accordance with policy CS18 of the Leicester Core Strategy and paragraphs 194 and 200 of the National Planning Policy Framework 2019 To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition)
4. This consent shall relate solely to the amended plans ref. no. KMC-1508 1-11 rev PP2 received by the City Council as local planning authority on 23 April 2020. (For the avoidance of doubt.)

NOTES FOR APPLICANT

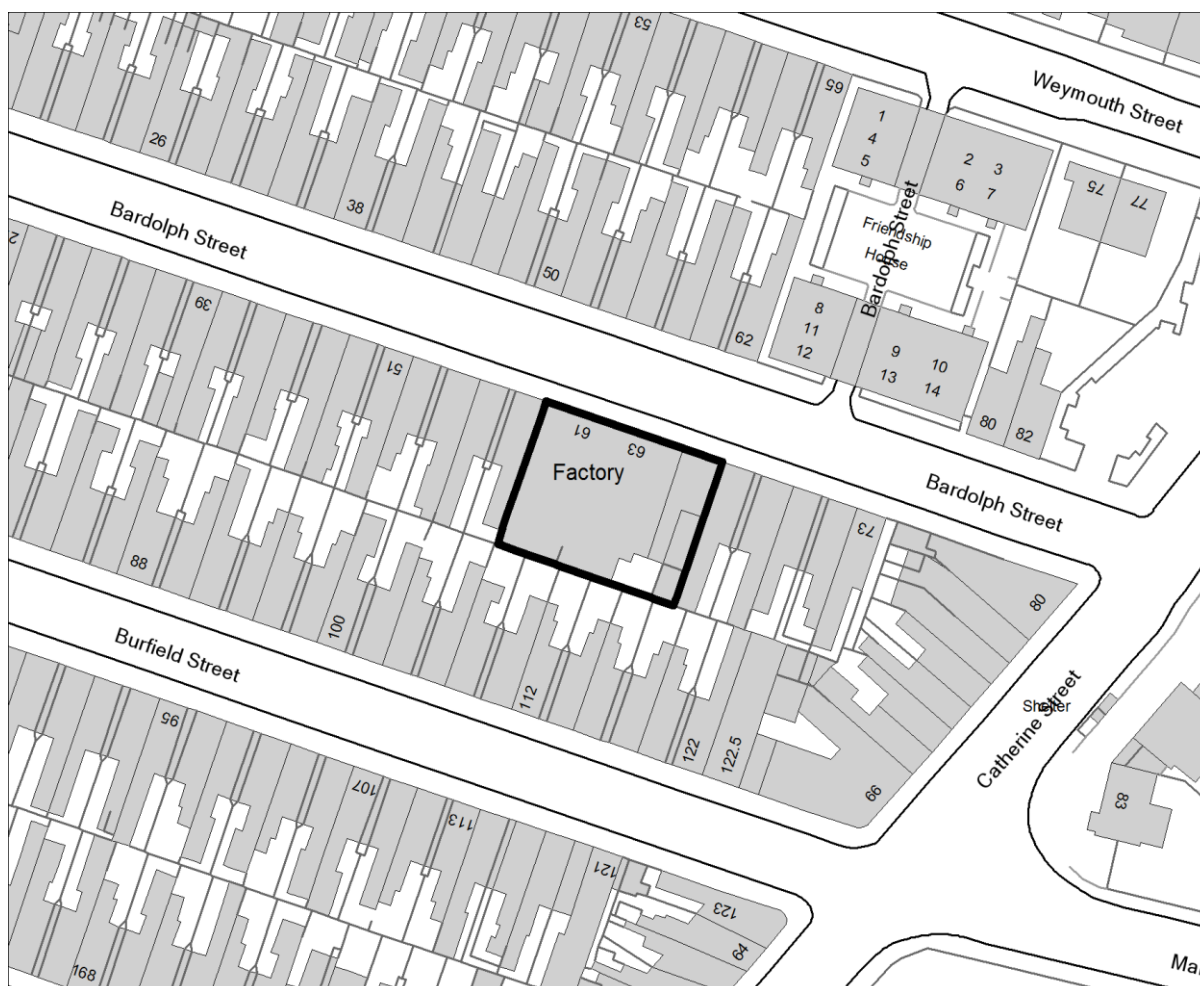
1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the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

- 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.

Appendix C3

Recommendation: Conditional approval	
20200047	61-63 Bardolph Street
Proposal:	Demolition of factory building (Class B1); Construction of five dwellinghouses (5x2 bed) (Class C3) (Amended plans received 04/03/2020)
Applicant:	Mr Veejay Patel
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20200047
Expiry Date:	5 March 2020
AVB	WARD: Belgrave



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Summary

- Brought to committee because objections have been received from more than 5 City addresses;
- 4 objections and 1 petition with 46 signatures were received raising concerns about loss of employment, residential amenity, character of area, highways and parking;
- Councillor Padmini Chamund, Cllr Nita Solanki and Cllr Mahendra Valand have raised concerns on behalf of their constituents.
- The main issues are residential amenity, character and design, parking and highways, trees and sustainable drainage;
- Recommended for approval.

The Site

The site relates to a 2/3 storey factory building located between the terraced housing within the area characterised as residential. The site is surrounded by residential properties.

The site is located within Flood Zone 2 and 3a, Critical Drainage Area, Final Hotspot and IPC buffer.

Background

20130381 - Change of use from factory (class B1) to place of worship & education centre (class D1); alterations was refused.

20080211 - Five terraced houses (5 x 2 bed) (Class C3) was approved and implemented.

20051995 - Change of use of factory to eleven self contained flats (Class C3) was refused.

19931429 - First floor extension to rear of industrial premises to provide additional storage facilities was approved.

19882111 - Single storey extension to rear of industrial premises was approved.

The Proposal

The application is for the demolition of the existing factory and construction of five dwellings. The proposal as submitted would have five dwellings with two storey outrigger to mimic the surrounding terraced properties.

The proposal as amended have redesigned the proposed ground floor and removed first floor outrigger from the proposal. The proposed five dwellings would have dormer windows to the front and rear of the properties. The proposed dwellings would have footprint measuring 10.3 metres in depth at the ground floor and the footprint of the proposed first floor measures 8.8m in depth. The proposed house no. 1 measures 3.5 metres wide and the rest four houses (2,3,4 and 5) would have width of 3.8 metres. The properties would have a pitched roof with an eaves height of 6.2 metres and ridge height of 9.4 metres in line with the adjoining terraced properties.

The proposed houses would have pitched roof front dormers and flat roof rear dormers. The proposed houses nos. 1, 3 and 5 would have rear dormers measuring 1.5m high and 1.7m wide and the houses nos. 2 and 4 would have rear dormers measuring 1.5m high and 1.2m wide.

The dwellings would have traditional terraced design with shared alleyway between the dwellings into their respective rear gardens apart from the house no. 1 which would have a separate alleyway. Each site would be divided by a 1.8 metre high fence.

The distance from the rear elevation of the proposed ground floor up to the rear boundary would be ranging from 7.1 – 7.3 metres and that from the first floor would be ranging from 8.6 - 8.8 metres. The ground floor consists of living room and kitchen/diner, first floor consist of one bedroom and two bathrooms and the second floor (roof space) consist of another bedroom with dormer windows to the front and rear.

The applicant has submitted Flood Risk Assessment to support the application. In terms of Sustainable Urban Drainage the applicant has provided water butts to the rear of the properties.

Policy Considerations

National Planning Policy Framework (NPPF) 2019

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

Paragraph 68 of the NPPF states that small and medium sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. The policy goes stating that local authorities are required to support the development of windfall sites through decisions- giving great weight to the benefits of using sustainable sites within existing settlements for homes.

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 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. The policy includes a set of criteria for both plan making and decision taking, for the latter it advises local planning authorities to refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

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.

Paragraph 163 of the NPPF advises that when determining planning applications local planning authorities should, inter alia, give priority to sustainable drainage systems unless there is clear evidence that this would be inappropriate.

Development Plan policies

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

Supplementary Planning Documents (SPD)

Residential Amenity SPD

Appendix 01 – City of Leicester Local Plan

Consultations

Environment Agency – No objection subject to the condition

Lead Local Flood Authority: No objection subject to conditions requiring the submission of a Drainage Strategy and SuDS scheme

Local Highway Authority (LHA): No objection subject to conditions

Pollution (Noise): No objection subject to a condition controlling hours of demolition/construction

Pollution (Land): No objection subject to a condition regarding land contamination.

Representations

The Local ward Councillors: Cllr Chamund, Cllr Solanki and Cllr Valand has raised concerns on behalf of their constituents.

A total of 4 objections and 1 petition with 46 signatures received from City addresses raising the following concerns:

- Loss of jobs and employment for local community
- Issues during demolition and construction
- Environment issues – demolition of sound building would add to landfill waste
- Noise and air pollution will cause disruption to the local area
- No need of more houses but need to control the inflated rents in the area
- The proposal would exacerbate the existing parking problems in the area.

Consideration

Principle

The application site is located within an area characterised as residential. The applicant submitted a Sequential and Exception test as the site is located within Flood Zone 3a, which has a risk of fluvial flooding between 1 in 30 year and 1 in 100 years. The applicant identified alternative sites within the search area. However they cannot accommodate the development and are not owned by the applicant. I therefore consider that it passes the Sequential Test.

Policy CS06 of the Leicester Core Strategy (2014) undertakes to meet the City's housing requirements over the plan period through, inter alia, limited housing growth within established residential areas and small housing infill to support the development of sustainable communities. It goes on to require new housing developments to provide an appropriate mix of housing and in particular larger family housing. Policy CS08 seeks to ensure that suburban areas continue to thrive and recognises that small scale infill sites can play a key role in the provision of new housing, but states that backland development should be compatible with the locality and any neighbourhood buildings and spaces in terms of design, layout, scale and mass.

The site is not located in an area which is designated for employment use. Therefore, it is not included in the 'Employment Land Study' from 2017. Therefore, the change of use from a former factory to residential homes is suitable within an area characterised as residential and there are no constraints to indicate that a residential development would be inappropriate or inherently harmful. In the above policy context and having particular regard to the City's current housing supply position.

I conclude that the development of the site for residential dwellings is acceptable in principle, subject to the foregoing consideration of the impacts on amenity, design, privacy, highways and parking, and representations.

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.

Section 3 of the Council's *Residential Amenity SPD* (2008) ("the SPD") sets out more detailed design guidance for development in outer areas of the City. In particular, it recommends separation distances of 15 metres between a blank wall and principal room windows and of 21 metres between facing principal room windows. It also recommends the provision of a minimum of 75 square metres' amenity space for 2 bedroom dwellings. The SPD goes on to say a separation distance of 11 metres is recommended between principal room windows and the boundary with any undeveloped land, including neighbouring gardens; that the separation distance between principal room windows may be reduced to 18 metres where direct overlooking is avoided by the positioning of windows, and that a two storey rear extension should not project beyond a 45 degree line from the nearest point of any ground floor principal room window at an adjacent property.

65 Bardolph Street

There is an existing single storey rear extension which appears to cover the entire length of the garden. The proposed house no. 1 would have an alleyway which abuts the boundary with No. 65 and would have 1.8m high fence on the common boundary with No. 65. I consider that the proposed dwelling no. 1 will not intersect 45 degree line taken from the nearest principal room window at No. 65. The proposal would demolish 2/3 storey building and replacing with two storey properties which would allow more light to rear garden and improved outlook to the rear principal room windows.

59 Bardolph Street

There is an existing single storey rear extension which appears to cover the entire length of the garden. The proposed house no. 5 abuts the boundary with No. 59 and further to that would be 1.8m high fence on the common boundary with No. 59. I consider that the proposed dwelling no. 1 will not intersect 45 degree line taken from the nearest principal room window at No. 59. The proposal would demolish 2/3 storey building and replacing with two storey properties which would allow more light to rear garden and improved outlook to the rear principal room windows.

Burfield Street:

The terraced properties 108 to 118 Burfield Street abuts the rear boundary with the application site. The properties on Burfield Street are traditional terraced housing with two storey outriggers with small garden area. The existing factory is a two/three storey building with a little yard area to the rear does not meet separation distances under SPD.

The SPD states that a separation distance of 11 metres is recommended between principal room windows and the boundary with any undeveloped land, including neighbouring gardens; separation distances of 15 metres between a blank wall and principal room windows, 21 metres between facing principal room windows and the separation distance between principal room windows may be reduced to 18 metres where direct overlooking is avoided by the positioning of windows. It also recommends the provision of a minimum of 75 square metres' amenity space for 2 bedroom dwellings.

The proposed houses would have rear separation distance from the ground floor to the rear boundary ranging from 7.1 – 7.3 metres and the first floor ranging from 8.6-8.8 metres which is less than 11 metres.

However, the proposal as amended removed the proposed outrigger at the first floor level. The separation distance from the first floor (rear elevation) to the two storey outriggers of the properties on Burfield Street would be 15 metres. Furthermore, the proposed rear windows at the first floor level to the dwellings would be obscure glazed windows serving non principal rooms i.e. bathrooms. Hence, I consider that it meets 15 metres separation requirements under SPD and would not result in significant loss of privacy for the properties on Burfield Street.

The proposed rear dormer would be facing the properties on Burfield Street. The proposed windows to the rear dormers would be serving bedrooms. Although a distance of 11 metre to the rear boundary is not met, I consider that the proposed distances are an improvement to the relationship of the existing houses currently facing a 2/3 storey building which is closer than the proposed dwellings. In addition, the proposal would be residential development that would take out a non-conforming use. I therefore consider that an exception to the guidance in the 'Residential Amenity' SPD could be made.

I consider that the proposed development would not have unacceptable impact on the residential amenity of the neighbouring properties in terms of loss of light, outlook and privacy.

General Amenity

The proposed development would remove the existing non-conforming use and would replace this with dwelling houses. The immediate area is an established residential area. It is recognised that there would be a degree of noise from comings

and goings; however noise and disturbance from domestic properties is likely to be less than the existing industrial unit. I therefore consider that the proposal would not result in an unreasonable amount of noise and disturbance for adjacent occupants.

Concerns regarding the impacts of noise and disturbance during construction have been raised by objectors. Environmental Health Officers have suggested a condition restricting hours of use for demolition and construction. I consider it reasonable to attach a condition to minimise harm during the demolition/construction phase of the development.

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 amenity of the neighbouring occupiers.

Character and Appearance

Policy CS03 of the Leicester Core Strategy (2014) states that high quality, well designed developments that contribute positively to the character and appearance of the local built environment are expected. It goes on to require development to respond positively to the surroundings and to be appropriate to the local setting and context and, at paragraph 1 (first bullet point), to contribute positively to an area's character and appearance in terms of *inter alia* urban form and high quality architecture. Policy CS08 states that the Council will not permit development that does not respect the scale, location, character, form and function of the local area. 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 local area comprises largely of terraced houses with two storey outriggers to the rear. The proposed dwellings would mimic the design and proportions of adjoining terraced houses at the front with exception of front dormers. The height of the proposed dwellings would be in line with the existing terraced houses on Bardolph Street. The applicant proposes five pitched roof front dormers which would be in line with the existing ground and first floor windows of the proposed dwellings. I consider that the proposed front dormers due to their size and design would not dominate the roof and would be in keeping with the surrounding area. I consider the proposed dwellings by reason of their size, scale, massing and design would not detract from the existing terraced houses or the street scene.

The amended proposal removed the two storey outriggers from the rear elevations. I therefore consider that the proposal as revised would provide improved living conditions compared to original scheme as this would increase the separation distances to the rear of the properties on Burfield Street. The proposed dwellings would not have overbearing and dominating impact on the properties on Burfield Street.

The proposed dwellings would have flat roof rear dormers. The proposed dormers would be set back from the eaves and the ridge and would not dominate the roof. I therefore consider that the proposed dwellings due to its size, design, and separation distances will have minimum impact on the character and appearance of the surrounding area.

The boundary treatment around the development site would comprise 1.8 metre high timber fences which is acceptable.

The plans submitted indicate the external finishes for the proposed dwellings. The walls and roofs are proposed to be built to match the existing terraced properties on the street. I have recommended a condition to approve materials.

I conclude that the proposal would comply with Core Strategy Policies CS03 and CS08, and would not conflict with saved Local Plan Policy PS10 and is acceptable in terms of the character and appearance of the area.

Living conditions

Policy CS03 of the Leicester Core Strategy (2014) states that new development should, *inter alia*, create buildings and spaces that are fit for purpose and achieve the highest standards of accessibility and inclusion. Policy CS06 states that new housing developments will be required to provide an appropriate mix of housing types, sizes and tenures to meet the needs of existing and future households in the City and seeks to ensure that new housing units are designed to meet 'Lifetime Homes' standards. The amenity factors set out at saved Policy PS10 of the Local Plan (2006) apply to the future occupiers of proposed development as well as to the occupiers of existing neighbouring property. Saved Policy AM01 of the Local Plan (2006) states that planning permission will only be granted where the needs of people with disabilities have been successfully incorporated into the design.

Section 3 of the Council's *Residential Amenity* SPD (2008) ("the SPD") sets out more detailed design guidance for development in the outer areas (which would include the application site) of the City.

The proposed dwellings would provide good-sized accommodation suitable for family occupation. All of the principal rooms within the dwellings would have at least one window providing a source of daylight and outlook, and I consider that individual room sizes would be sufficient to accommodate the reasonable furniture requirements of future occupiers whilst maintaining satisfactory circulation space.

I consider the properties would not result in any unreasonable impacts of overlooking, daylight, outlook and overbearing on each other.

The applicant has proposed bin and cycle stores at the rear of the properties and for bins to be brought to the street side on waste collection days. I do not consider a condition in this respect to be necessary.

The Lifetime Homes Standards have now been replaced by the requirements of the optional Building Regulations Standard M4(2) (accessible and adaptable dwellings). I consider that it is reasonable and necessary to secure compliance with Building Regulations Standard M4(2) as a condition of planning permission.

Section 3 of the Council's *Residential Amenity* SPD (2008) sets out more detailed design guidance for development in outer areas of the City. It advises that 2 bedroom properties should provide approximately 75 square metres of garden area. The rear garden areas are smaller than the areas suggested by the SPD; however, the proposed gardens would be rectangular and not overshadowed. They would sufficiently accommodate typical garden activities and would be useable. Furthermore, it is proportionate to the existing dwellings in the surrounding area. Hence, I consider it to be acceptable.

Under permitted development, extensions to the rear of the proposed dwellings could be constructed as well as outbuildings. I consider it reasonable and necessary to remove permitted development for extensions to the rear and the construction of outbuildings to ensure that the rear garden would remain of a useable size.

Having regard to the SPD and the site context, I consider that the proposal would provide satisfactory living conditions for the future occupiers and would be consistent with Core Strategy Policies CS03 and CS06 and saved Local Plan Policies AM01, and PS10.

Highways and Parking

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

Appendix 01 of the Local Plan (2006) sets out guideline standards for car parking in new developments. For dwellings, a maximum of 2 spaces for 2 bedroom dwellings is recommended

A number of comments from objectors have raised concerns regarding parking within the surrounding area. Bradolph Street is made up predominantly of terraced housing typical of many inner suburbs of the City. Most homes on the street have no off-street parking leading to heavy demand for on-street parking. The factory currently occupying the site has a vehicle access for loading and unloading but does not appear to have any off-street parking spaces as such.

The proposal does not include any off-street car parking spaces. However, the former/existing use is likely to generate as much if not more demand for parking than the proposed dwellings. Cycle parking is shown in the private amenity spaces of each dwelling on the layout drawing which is acceptable.

Paragraph 109 of the NPPF 2019 advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. It cannot be demonstrated that the proposed five dwellings would result in a severe cumulative impact on the local highway network. Furthermore, I consider that the net change in traffic generation resulting from the new dwellings is unlikely to be substantial and may even be less than the factory that currently occupies the site. It would be unreasonable to expect the proposed development to deal with existing problems of parking and congestion in the immediate area.

The Local Highways Authority have suggested conditions to ensure the vehicle access is reinstated. Other suggested amendments include the alterations to the footway crossing and any necessary street works to be first approved. I consider it reasonable and necessary to attach such conditions.

The site is within a sustainable location in terms of its proximity and access to other modes of transport. I consider it would not result in severe residual cumulative impacts to warrant refusal. I consider the development would accord with Core strategy policies CS14 and CS15.

Flooding and Drainage

Policy CS02 of the Leicester Core Strategy (2014) states that development should be directed to locations with the least impact upon flooding or water resources. It goes on to state that all development should aim to limit surface water run-off by

attenuation within the site, giving priority to the use of sustainable drainage techniques.

The proposed development is located within Flood Zone 3a, which has a risk of fluvial flooding associated with storm events with return periods between 1 in 30 years and 1 in 100 years. Therefore, the site is considered high risk to fluvial flooding.

The site is within a Critical Drainage Area (CDA) and Final Hotspots, meaning measures to limit surface water discharge rate and volume must be considered. The applicant has submitted a Flood Risk Assessment which includes a number of flood resilience measures.

The Environment Agency raises no objection to the proposed development and has recommended a condition that the proposed mitigation measures suggested within the Flood Risk Assessment shall be implemented. I consider it reasonable and necessary to attach such condition.

SuDS measures such as permeable paving, water butts and soakaway within the rear garden area could be considered to reduce surface water runoff, whilst also providing amenity and water quality benefits. The Lead Local Flood Authority have suggested a condition in regards with SuDS which I consider is reasonable.

On the basis of the above and subject to conditions I consider the proposal would appropriately mitigate any harm in terms of flood risk. As such I consider the proposal would be acceptable on these grounds and would comply with policy CS02 of the Core Strategy.

Other Matters

The existing site is an industrial building and therefore I have attached a condition in regards with land contamination.

Other matters (not otherwise addressed above) raised by objectors like house prices or rental prices are not directly material planning considerations; however the provision of additional housing is generally positive

Conclusion

The proposed development would not result in significant harm to the residential amenities of adjacent neighbours nor would it harmfully impact the character of the area. The proposed development will not have adverse impact in terms of flooding and highways issues.

The Council cannot currently demonstrate a supply of specific, deliverable sites sufficient to provide five years' worth of housing against objectively assessed housing requirements and the NPPF establishes a presumption in favour of sustainable development.

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

CONDITIONS

1. START WITHIN THREE YEARS
2. Before the development is begun, the materials to be used on all external elevations and roofs shall be submitted to and approved by the City Council as local planning authority. The development shall be carried out in

accordance with the approved materials. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

3. Prior to the commencement of development full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system shall be submitted to and approved by the 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, this is a PRE-COMMENCEMENT condition.)
4. Prior to the commencement of the development hereby approved 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. (To achieve a satisfactory form of development, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3. This is a PRE-COMMENCEMENT condition).
5. The development shall be carried out in accordance with the submitted flood risk assessment (ref Flood Risk Assessment for 61-63 Bardolph Street, Leicester, LE4 6EH BY Blue Chip Projects dated 08/01/2020 rev.0)) and the mitigation measures it details in Section 5.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development. (To reduce the risk of flooding to the proposed development and future occupants. To minimise the risk of damage in times of flooding, and in accordance with policy CS02 of the Core Strategy).

6. No construction or demolition work, other than unforeseen emergency work, shall be undertaken outside of the hours of 0730 to 1800 Monday to Friday, 0730 to 1300 Saturday or at any time on Sundays or Bank Holidays, unless a methodology has been submitted to the City Council as local planning authority at least 10 days in advance and agreed. (In the interests of residential amenity and in accordance with Policy PS 10 of the City of Leicester Local Plan).
7. The dwellings and their 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)

8. No part of the houses shall be occupied until the footway crossing has been altered in accordance with guidance in the Leicester City Council and Leicestershire County Council document "6Cs Design Guide". (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.)
9. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no extension to the rear of the properties or outbuildings within the curtilage of the properties shall be carried out without express planning permission having previously been obtained. (Given the nature of the site, the form of development is such that work of these types may lead to an unacceptable loss of amenity to occupiers of the application properties or of neighbouring properties; and in accordance with saved City of Leicester Local Plan policy PS10.)
10. This consent shall relate solely to the amended plans nos. 2020/01/09/A pages 5, 6, 7, 8, 9 and 10 received by the City Council as local planning authority on 04/03/2020. (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
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_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_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.

Appendix C4

Recommendation: Conditional approval	
20200115	41 Dulverton Road
Proposal:	Retrospective application for change of use from HMO (3-6 Persons) (Class C4) to HMO for more than six persons (Sui Generis); Dormer to front, alterations.
Applicant:	Kalra Property Services Ltd
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20200115
Expiry Date:	19 May 2020
GB1	WARD: Westcotes



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Summary

- Reported to committee as more than 5 objection letters have been received.
- There are 13 objections on various grounds
- The main issues relate to the use of the house as HMO, design, highways and the standard of accommodation
- The recommendation is for conditional approval

Introduction

The site is a mid-terraced property located within a predominately residential area.

The property has been recently occupied as a shared house on the basis that change of use from Class C3 (dwellinghouse) to Class C4 is permitted development. The property is outside the area covered by the Article 4 direction restricting such changes without planning permission.

Background

Planning application 20191055 for a similar change to an HMO for more than 6 persons was refused on the grounds of an over-concentration of HMO uses in the area and the standard of living accommodation.

The decision was appealed and dismissed on the grounds of the poor quality accommodation that would be created but not on over-concentration of HMO uses.

The Inspector did not think that there was evidence of this. He also considered it significant that the property was outside the area that the City Council had identified as having such a concentration sufficient to justify the Article 4 direction (restricting changes from houses to Class C4 (small HMO)).

The Inspector's concerns were the lack of outlook and the restricted space for the loft bedroom and the limited outlook and light for the rear ground floor bedroom.

The Proposal

The application is an amended submission for change of use of a house in multiple occupation (3-6 persons) (Class C4) to house in multiple occupation for more than 6 persons (SuiGeneris).

The accommodation comprises:

Ground floor: two bedrooms, dining/living room, kitchen and bathroom

First floor: four bedrooms and bathroom

Loft floor: one bedroom and bathroom

The property is already, at least partly, occupied

The layout has been amended to overcome the appeal Inspector's concerns.

A dormer window to the front is proposed to allow better outlook and space for the occupants of the bedroom proposed in the roof space.

An additional high level window is now proposed for the ground floor bedroom to provide additional light and some additional outlook.

Policy Considerations

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

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

Paragraph 127 states that planning should ensure that developments are visually attractive, with a high standard of amenity for existing and future users.

Representations

13 objections including from Councillor Russell have been received making the following points:

- Overdevelopment of the site
- Impacts on parking and traffic congestion.
- Bin storage and litter.
- Conditions in the proposed HMO would be overcrowded, with inadequate bedroom sizes, and excessive distances to bathrooms.
- Lack of amenity space
- Concerns for the health and safety of future occupants of the house, and of the occupants of neighbouring properties.
- Concerns about fire safety.
- it would alter the demographics of the street, increasing the adult population, and the demand on local services.
- Future occupants might include students, transient workers or transient professionals, and the Council should look to maintain a family-based neighbourhood.
- Harm to residential amenity from increased noise including through party walls
- Concerns about the potential for anti-social behaviour.
- Absentee landlords would not be interested in the welfare and quality of life of the street's more permanent residents, and HMOs tend to be left in a dilapidated state.
- Changes would harm the character of the area.

Consideration

Principle of the development

Core strategy policy CS06 outlines a number of measures that will be taken to ensure that new housing meets the needs of City residents, including giving careful consideration to further subdivisions to ensure there is no impact on the character of the area or the maintenance of mixed communities.

Core strategy policy CS08 states that in inner areas new Houses in Occupation requiring planning permission will not be permitted where they would result in a local over-concentration.

The appeal decision established that there was no case for refusal of an HMO in this location.

Visual amenity/Design

The front pitched roof dormer is well designed and whilst there are not many of these types of roof extensions in the local area, it presents a well-proportioned feature in the street scene and therefore the development accords with policy CS3 of the Core Strategy.

Living accommodation

I consider that the bedrooms in the proposed HMO would be of an adequate size. Most of the bedrooms would receive adequate amounts of natural light and would have an acceptable outlook. The previous proposal was refused as two bedrooms were considered to provide inadequate quality of living accommodation.

The Private Sector housing team had indicated that the previous plans would be able to meet the requirements for an HMO license.

I consider that the dormer window proposed for the loft bedroom would now provide adequate amounts of natural light and outlook as well as providing additional above head height space.

Similarly I consider that providing the additional window now provides reasonable light and outlook for the ground floor rear bedroom.

A small area of outdoor amenity space is available at the rear of the property and I consider that the proposal is also acceptable in this respect. The appeal inspector considered the amenity space adequate for a shared house of this size.

Waste storage and collection

Adequate space for the storage of bins is available at the rear of the property; this is accessible via an alley at the side of the house. I consider this is reasonable provision for a shared house of this size.

Highways and Parking

Although the proposal would result in an increase in the number of people occupying the property, given that rates of car ownership are generally lower in people occupying HMOs, this would not automatically result in an equivalent increase in the number of cars attempting to park on the street. Furthermore, the site is located within cycling and walking distance of the city centre. and public transport is available on Hinckley Road.

I do not consider that the impact on the highway would be severe.

Others matters raised by objectors

- Harmful impacts through excessive noise and anti-social behaviour are dealt with by other controls, including environmental health legislation and police action.
- health and safety and fire safety issues are dealt with by Building Control, and by the Council's housing licensing regime rather than being a planning matter.
- The issue as to whether a property is owner-occupied or rented out to tenants is not directly a planning matter.
- Noise and nuisance resulting from building works is an environmental health matter rather than a planning matter in this case.
- Failure to comply with the requirements of the Party Wall Act is a civil matter.

Conclusion

I consider that the change from Class C4 to a larger House in Multiple Occupation is acceptable and that the accommodation proposed is of an acceptable standard

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

CONDITIONS

1. The proposed alterations shown on the approved plans shall be implemented within six months of the date of the decision unless approved otherwise in writing by the local planning authority. (In order to ensure the works are carried to a suitable timeframe)
2. This consent shall relate to the amended plans as amended by plan ref. no. 19001-P-003 REV G received by the City Council as local planning authority on 8th April 2020. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material 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

None

