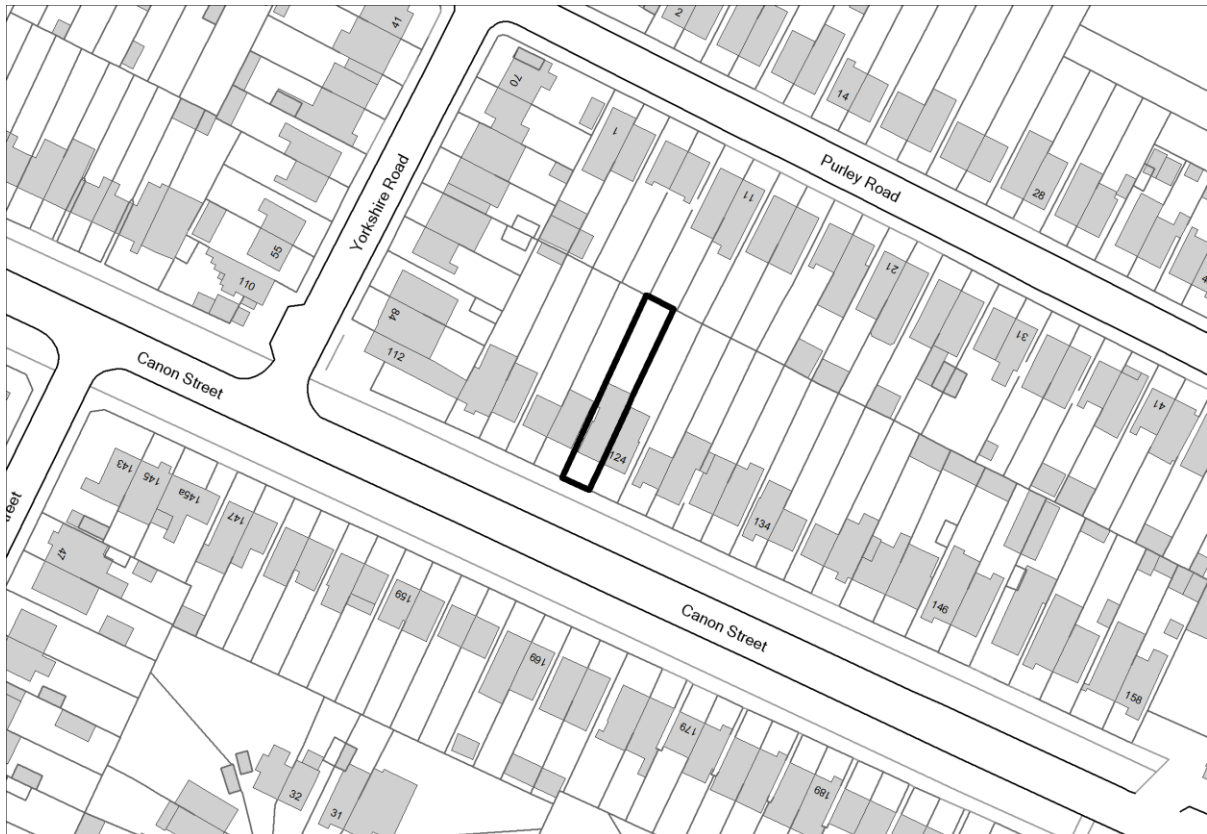


Recommendation: Refusal	
20201461	122 Canon Street
Proposal:	Construction of single storey temporary building at front of surgery (Class D1)
Applicant:	Dr B Modi
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20201461
Expiry Date:	28 September 2020
AVB	WARD: Rushey Mead



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Summary

- The application is brought to the committee at the request of Councillor Willmott
- The main issues are residential amenity and character and appearance of the surrounding area.
- The application is recommended for refusal.

The Site

The application site comprises a former semi-detached house and garden located within a primarily residential area.

The site is surrounded by the residential properties and the adjoining semi is in family occupation.

Background

19870005: Change of use from house to doctors surgery was approved and implemented.

19871072: Alterations including the erection of a single storey rear extension to provide accommodation for doctor's surgery was approved.

20150665: Single storey outbuilding at rear of surgery (Class D1) was approved.

The Proposal

The proposal is for an installation of a single storey relocatable building on the forecourt of the surgery. The building would be installed at the front adjacent to the common boundary with the neighbouring property No. 124 Canon Street.

The proposed single storey relocatable building would be 3.6m long and 3m wide which forms a waiting area for the existing surgery. The height of the relocatable building would be 3m. The proposed building would be a plastisol unit finished in light grey with blue trims.

The application seeks a temporary permission and says that the facility is needed in the context of the COVID outbreak and will be used specifically to facilitate winter influenza vaccinations; no period of time has been specified.

The applicant has submitted correspondence suggesting support from the NHS Clinical Commissioning Group and from the surgery's Patient Participant Group.

Policy Considerations

National Planning Policy Framework (NPPF) 2019

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

Paragraphs 108 and 109 (Highways)

Paragraphs 124, 127 and 130 (Good Design)

Development Plan policies

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

Appendix 1 of the Local Plan – Vehicle Parking Standards

Supplementary Planning Documents (SPD)

Residential Amenity

Consultations

Pollution Control (Noise) Team – No objections to the temporary structure.

Representations

None received from neighbours; however, the applicant has submitted letters apparently signed by the neighbours to say that they do not object.

Councillor Wilmott in asking for the application to be considered has commented:

I believe there are special circumstances in this case that mean a temporary permission should be granted, these are inextricably linked to the Covid 19 pandemic and the requirements of social distancing to undertake flu vaccinations of the local population. The current space in Dr Modi's surgery does not allow for the numbers of people that will attend and to maintain social distancing. Clearly the health impact as we approach winter of people not having their flu vaccinations could be serious. We know from the the DPH that winter death rates rise and this could be compounded by a second and anticipated Covid outbreak. Making the need for vaccinations even more important. Ironically whilst Dr Modi's premises are not ideal, they are located at the heart of the communities of Rushey Mead and Belgrave which is a perfect location.

In normal circumstances I would not support such an application, however in the circumstances of the wider health issues and the fact that it is a temporary application I would like the Committee to consider it.

Consideration

Principle of development

The site is located within an area which is predominantly residential in nature; however, the use as a surgery is long established and reasonable extension or adaptation of the surgery would be acceptable in principle.

The main considerations are the impact of the proposed development on the residential amenity of the neighbouring properties and the character and appearance of the surrounding area.

Residential Amenity

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

The proposed relocatable building would be installed adjacent to an existing low boundary fence on common boundary with the adjoining semi at 124 Canon Street.

124 Canon Street has an existing bay window to the front of the house. The proposed building would be 3.6m long and 3m high and it would intersect 45 degree

line taken from the principal room window at No. 124. I consider that the proposed building due to its size, height and location will have a significantly detrimental impact on the residential amenity of No. 124 in terms of loss of light and outlook.

I therefore consider that the proposal will have unacceptable impact on the residential amenity of neighbouring property and is contrary to policy PS10 of the City of Leicester Local Plan and CS03 of the Core Strategy.

Design/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 urban form and high quality architecture.

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

The site is within a residential area where there are row of semi-detached houses with small forecourts or front gardens. The proposed container would be sited to the front of the property which would readily visible from the street scene. The proposed building due to its size would dominate the front of the property. Furthermore the proposed materials i.e. plastisol would not be keeping with the existing property and surrounding red bricks neighbouring properties.

I acknowledge that the proposed building would be used for an additional patient waiting area in order to adhere with the social distancing and that the intention is that it would only be needed for a temporary period.

Notwithstanding that I do not consider that the proposed unit in this position presents an appropriate design and materials – whether on a temporary or permanent basis

I consider that the proposal due to its size, design, materials and location would be an obtrusive feature within the street scene resulting in significant detrimental impact on the visual amenity and quality of the area.

The proposal is therefore contrary to policy CS3 of the Leicester Core Strategy and paragraph 124, 127 and 130 of the National Planning Policy Framework 2019.

Parking

There is an existing driveway at the front of the site. However it appears that there is no off-street parking provision on the site. The proposal would not alter the existing arrangement on site. Furthermore, the proposed building would be used for additional waiting space rather than an increased number of patients or staff.

I therefore consider that the proposal will not have an adverse impact on highway safety and parking.

Conclusion

Although the proposal would provide additional medical and community benefits it would have an immediate detrimental impact on the residential amenity of the neighbouring property and on the appearance and character of the surrounding area contrary to Policy PS10 of Local Plan and CS03 of the Core Strategy.

On balance, I recommend REFUSAL for the following reasons:

REASONS FOR REFUSAL

1. The proposal, by reason of its size, siting, design, location and materials will have a significantly detrimental impact on the principal room window at the front of 124 Canon Street in terms of loss of light and outlook contrary to the City of Leicester Local Plan policy PS10, Core Strategy policy CS03 and the Residential Amenity SPD.
2. The proposed building due to its size, design, materials and location would be an obtrusive feature in the street scene and will not contribute positively to the character and appearance of the local built environment and would be detrimental to the visual quality of the area. As such, it would conflict with Policy CS03 of the Core Strategy (2014), saved Policy PS10 of the Local Plan (2006), and is contrary to paragraphs 124, 127 and 130 of NPPF 2019.

NOTES FOR APPLICANT

1. For the avoidance of doubt this application is refused on the basis of application form and plan nos. 2020/07/191 page 1 and 2020/07/191 page 2 and supporting information received by the City Council as local planning authority on 3rd August 2020.
2. The City Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application no pre-application advice was sought before the application was submitted and no negotiations have taken place during the course of the application. The City Council has determined this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. As the proposal is clearly unacceptable, it was considered that further discussions would be unnecessary and costly for all parties.

Policies relating to this recommendation

- 2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local

natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.

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

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.